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GIG WORKERS IN INDIA: BALANCING LABOUR RIGHTS AND PLATFORM ECONOMY

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ABSTRACT

The gig economy has emerged as one of the fastest-growing forms of employment in India, creating flexible work opportunities through digital platforms in sectors such as transportation, food delivery, logistics and online services. While it has contributed to employment generation and the growth of the digital economy, it has also exposed gig workers to irregular income, limited social security, occupational risks and weak bargaining power. These challenges raise important questions about whether India's existing labour laws adequately protect gig workers.

The Code on Social Security, 2020 marked the first major legislative step towards recognising gig and platform workers. However, the existing legal framework does not fully address important issues such as employment classification, social security, fair remuneration, algorithm-based management and platform accountability.

This study examines India's legal framework by analysing constitutional provisions, labour laws, judicial decisions and recent government initiatives relating to gig workers. It also compares India's approach with international labour standards and the legal frameworks of the United Kingdom, the European Union, Singapore and California (United States). The comparative analysis shows that these jurisdictions have adopted stronger regulatory measures, particularly in employment classification, social security and platform governance, offering valuable lessons for India.

The study finds that India's existing legal framework requires further reforms to effectively protect gig workers. It recommends a comprehensive Gig Workers Protection Act

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incorporating clear employment standards, stronger social security, fair platform practices and greater transparency in algorithm-based decision-making. These reforms would strengthen workersrights while supporting the sustainable growth of India's digital economy.

Keywords: Gig Workers, Platform Workers, Gig Economy, Labour Law, Code on Social Security, 2020, Social Security, Algorithmic Governance, Platform-Based Employment.

1. INTRODUCTION

The growth of the digital economy has changed the way people work by creating new forms of platform-based employment beyond the traditional employer-employee relationship. Digital platforms offering transportation, food delivery, logistics, freelancing and home-based services have generated new employment opportunities and become an important part of the modern economy. At the same time, this shift has raised several legal and regulatory issues relating to labour rights, social security and working conditions, making the regulation of gig work an increasingly important area of labour law.

India has become one of the fastest-growing gig economies, driven by rapid digitalisation, increasing smartphone usage and the expansion of platform-based businesses. According to the NITI Aayog report, *India's Booming Gig and Platform Economy* (2022)[2], the number of gig workers is expected to grow significantly over the coming years, making the sector an important part of the country's labour market. While the gig economy has created new employment opportunities and encouraged digital innovation, it has also exposed several shortcomings in the existing labour law framework, particularly in relation to social security, employment protection and workersrights.

In response to these developments, the Code on Social Security, 2020[3] became the first Central legislation to recognise gig and platform workers under Indian labour law. Although this was an important step, the law mainly provides legal recognition without clearly defining their labour rights, employment protections or working conditions. As the gig economy continues to expand, it becomes necessary to examine whether the existing legal framework is capable of addressing the legal and practical challenges faced by gig workers in India.

1.1 Research Problem

[2] NITI Aayog, India's Booming Gig and Platform Economy (NITI Aayog 2022) https://www.niti.gov.in/sites/default/files/2022-06/India's-booming-gig-and-platform-economy_website.pdf

[3] Code on Social Security 2020 (Act 36 of 2020).

Although the Code on Social Security, 2020 recognises gig and platform workers, India still does not have a comprehensive law exclusively governing platform-based employment. Several important issues, including employment status, social security, minimum earnings, algorithm-based management and effective regulation of digital platforms, remain only partially addressed under the existing legal framework. As a result, gig workers continue to face legal uncertainty and uneven protection,highlighting the need for a more comprehensive and rights-based legal framework.

1.2 Research Objectives

This study examines India's legal framework governing gig and platform workers by analysing the relevant constitutional provisions, labour laws, judicial decisions and recent government initiatives. It also compares India's approach with selected international legal frameworks to understand how other jurisdictions regulate platform-based employment and protect gig workers. Based on this analysis, the study suggests practical legal reforms that can help build a more balanced and effective framework for protecting gig workers in India.

1.3 Research Methodology

The study follows a doctrinal research methodology based on qualitative legal analysis. It examines constitutional provisions, labour laws, judicial decisions, government reports and official policy documents to analyse the legal framework governing gig and platform workers in India. The research also refers to books, journal articles and other scholarly publications to support the analysis. Moreover, an analysis of some selected international legal regimes has been made to see what measures can be adopted to enhance the legal protections for gig workers in India.

2. UNDERSTANDING GIG WORK AND PLATFORM EMPLOYMENT

2.1 Evolution of the Gig Economy

The nature of work has changed significantly with the growth of digital technology and platform-based business models. Traditional long-term employment is no longer the only form of work, as many people now engage in short-term, task-based and flexible jobs through digital platforms. This shift has changed labour markets across both developed and developing countries, making the gig economy an increasingly important part of modern employment.

In India, the growth of the gig economy has been driven by rapid digitalisation, affordable internet services and the growing use of smartphones. Digital platforms have created new employment opportunities in sectors such as transportation, food delivery, logistics, home services and professional freelancing. As platform-based work continues to expand, it is changing the traditional nature of employment and creating new challenges that require labour laws to keep pace with the changing world of work.

2.2 Concept and Nature of Gig Work

Gig work generally refers to short-term, task-based or freelance work performed outside the traditional employer-employee relationship. It may be carried out either through digital platforms or independently. Platform work, however, is a specific form of gig work in which online platforms connect workers with customers and facilitate the delivery of services. Thus, while all platform work falls within the broader concept of gig work, not all gig work is platform-based.

This distinction is also recognised under the Code on Social Security, 2020[4]. The Code defines a *gig worker* as a person engaged in work outside the traditional employer-employee relationship, while a *platform worker* is a person who provides services through an online platform. Thus, every platform worker falls within the broader category of gig workers, whereas gig work can also exist independently of digital platforms.

2.3 Categories of Gig Work

The gig economy covers a wide range of work carried out across different sectors. It includes transportation and delivery services, online freelancing, professional and skilled services, creative work, home-based services and asset-sharing activities. The nature of work varies depending on the services provided and the platform through which they are performed.

Among the various forms of gig work, ride-hailing and food delivery services account for a large share of India's gig economy. Workers engaged in these sectors often depend on digital platforms as their primary source of income, making them more vulnerable to changes in

[4] Code on Social Security 2020 (Act 36 of 2020).

platform policies and earnings. On the other hand, professionals and freelancers generally enjoy greater independence and stronger bargaining power. This difference shows that gig workers face different legal and economic challengesand therefore require a more balanced and sector-specific regulatory approach.

2.4 Characteristics of Gig Work

Gig work is generally characterised by flexible working hours, task-based payments and the use of digital platforms to connect workers with customers. Unlike traditional employment, gig workers usually have the freedom to decide when and how much they want to work. Their income depends on the number of tasks or services completed rather than a fixed monthly salary.

While this model offers greater flexibility to businesses and workers, it also places a larger share of economic risk on gig workers. Irregular income, the absence of employment benefits and uncertainty in the availability of work often affect their financial security. These features clearly distinguish gig work from traditional employment and highlight the need for a legal framework that addresses the specific challenges of platform-based work.

2.5 Growth of the Gig Economy in India

India has witnessed rapid growth in the gig economy, driven by digitalisation and the expansion of platform-based businesses. According to the NITI Aayog report, *India's Booming Gig and Platform Economy* (2022)[5], the country had nearly 7.7 million gig workers during 2020-21. The report further estimates that this number could rise to 23.5 million by 2029-30, representing about 4.1% of India's total workforce. These figures highlight the growing importance of the gig economy in the country's labour market.

The growth of platform-based employment is not limited to India. Countries such as the United States, members of the European Union and China have also witnessed a rapid expansion of the gig economy. This global trend shows that platform-based work has become an important part of modern labour markets and highlights the need for labour laws that can effectively respond to new forms of employment.

[5]NITI Aayog, India's Booming Gig and Platform Economy (NITI Aayog 2022) https://www.niti.gov.in/sites/default/files/2022-06/India's-booming-gig-and-platform-economy_website.pdf

2.6 Digital Platforms as the Foundation of the Gig Economy

Digital platforms play a central role in the gig economy by connecting workers with customers through mobile applications and online platforms. Companies such as Uber, Ola, Swiggy, Zomato, Blinkit, Urban Company, Porter and Amazon Flex enable workers to receive service requests, complete tasks and receive payments through their digital systems.

However, the role of digital platforms goes beyond simply connecting workers with customers. They decide how work is assigned, determine earnings through pricing and incentive systems, monitor workersperformance and control access to future work. As a result, digital platforms have a significant influence over the working conditions of gig workers, making their regulation an important aspect of modern labour law.

2.7 Opportunities and Challenges of Gig Work

The gig economy has created new employment opportunities and become an important source of income for millions of people in India. It has encouraged the growth of digital businesses, supported entrepreneurship and made services such as transportation, food delivery and home services more easily accessible. At the same time, it has enabled businesses to meet changing consumer demands with greater speed and flexibility.

Despite these benefits, the rapid growth of the gig economy has also created several legal and practical challenges. Many gig workers continue to face uncertainty regarding their employment status, irregular earnings, limited social security and increasing dependence on digital platforms for their livelihood. These issues are especially evident in sectors such as ride-hailing and food delivery, where workers rely heavily on platform access for regular income. As the gig economy continues to grow, India needs a legal framework that protects workersrights without affecting the flexibility and innovation that make platform-based work possible.

3. EXISTING LEGAL & REGULATORY FRAMEWORK GOVERNING GIG WORKERS IN INDIA

India's digital economy has changed the way people work by creating new employment opportunities through platforms engaged in transportation, food delivery, logistics and professional services. According to the NITI Aayog Report, *India's Booming Gig and Platform Economy* (2022), the country had nearly 7.7 million gig workers during 2020-21and this number is expected to grow significantly over the coming years. While the gig economy has become an important part of India's labour market, The existing labour laws have not fully adapted to these changes.This makes it necessary to examine whether the present legal framework provides adequate protection to gig and platform workers.

India does not have a single law that comprehensively regulates gig work. Instead, the legal framework has developed through constitutional provisions, labour codes, State-level reforms and various government policy initiatives. Together, these measures recognise the growing importance of the gig economy, but they address different aspects of platform-based work and do not provide a uniform system of protection. Therefore, it is important to examine how these laws and policies operate in practice and whether they adequately protect the rights and interests of gig workers.

3.1 Constitutional Framework

Although the Constitution of India does not specifically recognise gig or platform workers, its fundamental principles provide a strong constitutional basis for protecting their rights. The guarantees of equality, dignity, livelihood and social justice are broad enough to extend to new forms of work created by the digital economy. As platform-based work becomes an important source of employment for millions of people, these constitutional principles provide an important framework for assessing whether the existing labour laws adequately protect gig workers.

Article 14 guarantees equality before the law and equal protection of the laws. Although gig workers often perform work that is similar in nature to that of traditional employees, they are generally excluded from many labour protections and employment benefits available to regular workers. This difference in treatment raises important questions about whether workers performing comparable work should receive different levels of legal protection. Article 14 therefore supports the need for a legal framework that provides fair and reasonable protection based on the actual nature of platform work rather than the contractual classification adopted by digital platforms.

Similarly, Article 19(1)(g) guarantees every citizen the freedom to practise any profession or carry on any lawful occupation, trade or business. Digital platforms have expanded employment opportunities by allowing individuals to choose when and how they work. However, this freedom has practical value only when workers are protected against unfair contractual terms, arbitrary account suspension and unequal bargaining power. A fair legal framework is therefore necessary to ensure that the freedom guaranteed under Article 19(1)(g) remains meaningful for gig workers.

The constitutional significance of gig work is further reflected in Article 21, which guarantees the right to life and personal liberty. The Supreme Court has interpreted this provision to include the right to livelihood and the right to live with dignity. For many gig workers, digital platforms are the primary source of income. Consequently, decisions such as account suspension, deactivation or unfair payment practices can directly affect their livelihood. Article 21 therefore supports the need for fair working conditions, reasonable income security and fair procedures before workers are deprived of access to their means of earning a living.

The Directive Principles of State Policy further strengthen the constitutional foundation for protecting gig workers. Article 38 directs the State to promote social justice, while Article 39(a) seeks to ensure an adequate means of livelihood, Article 39(d) supports equal pay for equal work and Article 39(e) aims to protect workers from exploitation. Article 41 encourages public assistance in cases of unemployment and other forms of need, Article 42 provides for humane working conditions and maternity relief, and Article 43 promotes a living wage and decent conditions of work. In addition, Article 43A encourages workers participation in the management of industries. Although these principles are not enforceable by courts, they provide important constitutional guidance for developing labour laws that respond to the challenges of platform-based work and strengthen the protection of gig workers in India's digital economy.

3.2 Code on Social Security, 2020

The Code on Social Security, 2020[6] is the first Central legislation to recognise gig workers and platform workers under Indian labour law. Sections 2(35) and 2(61) define *gig workers*

[6] Code on Social Security 2020 (Act 36 of 2020).

and *platform workers*, giving legal recognition to a category of workers that had previously remained outside the labour law framework. To support their welfare, Section 6 provides for the constitution of the National Social Security Board, while Sections 109-114 empower the Central and State Governments to introduce welfare schemes covering accident insurance, health benefits, maternity benefits, old-age protection and other social security measures. These provisions mark an important step towards extending social security to gig workers in India.

The Code is significant because it recognises platform-based work under Indian labour law instead of treating it as part of the informal economy. However, most of the benefits available to gig workers depend on welfare schemes to be framed and implemented by the Central and State Governments. As a result, legal recognition has not yet translated into effective protection in practice. This highlights the need for timely implementation and a more uniform system of social security for gig workers across the country.

3.3 Code on Wages, 2019

The Code on Wages, 2019[7] aims to ensure fair wages through provisions relating to minimum wages, payment of wages, bonus and equal remuneration. While these protections are available to regular employees, they do not effectively cover most gig workers because platform earnings are determined by dynamic pricing, incentive-based payments and algorithm-driven task allocation. As a result, many gig workers do not receive guaranteed minimum earnings despite working for long hours. This highlights an important gap in the existing wage protection framework.

At present, no law guarantees minimum earnings for gig workers in India. As a result, workers performing similar work may receive different earnings because income often depends on demand, incentives, customer ratings and platform algorithms. Since many gig workers rely on platform work as their primary source of livelihood, introducing a transparent and fair earning system has become an important area for labour law reform.

3.4 Industrial Relations Code, 2020 and Occupational Safety, Health and Working Conditions Code, 2020

[7] Code on Wages 2019 (Act 29 of 2019).

The Industrial Relations Code, 2020[8] regulates trade unions, collective bargaining and the settlement of industrial disputes. However, these protections are mainly available to workers in traditional employer-employee relationships and do not effectively extend to most gig workers. As a result, platform workers have limited opportunities to collectively negotiate their earnings, incentives or working conditions. Since digital platforms largely determine these aspects through their own policies and algorithms, the absence of a formal system of collective representation places gig workers at a clear disadvantage.

The Occupational Safety, Health and Working Conditions Code, 2020[9] lays down standards for workplace safety, health and welfare. However, these protections largely apply to workers in traditional employment and do not adequately cover most gig workers. Delivery partners and ride-hailing drivers regularly face road accidents, extreme weather, long working hours and work-related stress, yet they have limited statutory protection against these occupational risks. As platform-based work continues to grow, extending workplace safety and health protections to gig workers has become an important priority for labour law reform.

3.5 Other Relevant Legislations

The Indian Contract Act, 1872 [10]governs the contractual relationship between digital platforms and gig workers. In practice, however, most platform companies use standard-form agreements that are prepared entirely by the platform, leaving workers with little or no opportunity to negotiate important terms relating to incentives, commissions, account suspension or deactivation. As a result, gig workers often have to accept these terms without meaningful bargaining, highlighting the unequal bargaining power between digital platforms and workers.

The Digital Personal Data Protection Act, 2023[11] is also relevant to the gig economy because digital platforms collect and process large amounts of workerspersonal data. This includes identity details, location data, work history and performance records that are used to manage platform operations. Although the Act provides a legal framework for the protection of personal data, it does not specifically regulate how platforms use algorithms to assign work,

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[8] Industrial Relations Code 2020 (Act 35 of 2020).
[9] Occupational Safety, Health and Working Conditions Code 2020 (Act 37 of 2020).
[10] Indian Contract Act 1872 (Act 9 of 1872).
[11] Digital Personal Data Protection Act 2023 (Act 22 of 2023).

monitor performance or suspend worker accounts. Greater transparency in these digital practices is therefore necessary to ensure fairness and protect the rights of gig workers.

3.6 Legislative and Policy Developments

India has recently taken important steps to strengthen the legal protection of gig workers through State-level reforms. The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 is the first law in India enacted specifically for gig and platform workers. It provides for the registration of gig workers and aggregators, establishes a Gig Workers Welfare Board and a Welfare Fund, requires platform companies to make welfare contributionsand creates a grievance redressal mechanism. By introducing these measures, the Act lays the foundation for a dedicated welfare framework for gig workers and serves as a model for future legislative reforms in other States.

Following Rajasthan's initiative, other States have also started developing dedicated legal frameworks for gig workers. The Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill, 2024[12] and the Draft Telangana Gig and Platform Workers (Registration, Social Security and Welfare) Bill, 2025[13] propose broader protection for platform workers through measures relating to social security, occupational welfare and greater accountability of platform companies. The Telangana Draft Bill also addresses emerging issues such as algorithm-based decisions and arbitrary account deactivation by requiring greater transparency in the functioning of digital platforms. These developments show that State Governments are moving beyond welfare measures and are beginning to address the wider legal challenges associated with platform-based work.

The Union Budget 2025-26 also recognised the growing importance of gig workers by announcing their registration on the e-Shram Portal, the issuance of identity cards and healthcare coverage under the Pradhan Mantri Jan Arogya Yojana (PM-JAY)[14]. These measures are expected to improve access to social security and welfare benefits for gig

[12] PRS Legislative Research, The Draft Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill, 2024 https://prsindia.org/bills/states/the-draft-karnataka-platform-based-gig-workers-social-security-and-welfare-bill-2024

[13] PRS Legislative Research, The Draft Telangana Gig and Platform Workers (Registration, Social Security and Welfare) Bill, 2025 https://prsindia.org/bills/states/the-draft-telangana-gig-and-platform-workers-registration-social-security-and-welfare-bill-2025

[14] Ministry of Labour and Employment, 'Ministry of Labour and Employment Urges Platform Workers to Register on e-Shram Portal for Formal Recognition and Access to AB-PMJAY Benefits' (Press Information Bureau, 8 March 2025) https://pib.gov.in/PressReleasePage.aspx?PRID=2109421

workers. Together with the recent State-level initiatives, they show that India is gradually moving towards a more structured legal and policy framework for protecting gig workers while supporting the growth of the platform economy.

3.7 Government Reports and Policy Initiatives

Government reports have also contributed to the development of policies relating to gig workers in India. The NITI Aayog Report, *India's Booming Gig and Platform Economy* (2022)[15], highlighted the rapid growth of the gig economy and emphasised the need to strengthen social security for gig workers. The Report also recommended measures such as expanding skill development, improving access to institutional credit and introducing portable social security benefits. Many of these recommendations have since influenced government policies and discussions on labour reforms for platform workers.

The Ministry of Labour and Employment has also taken important steps through the e-Shram Portal, which registers unorganised workers, including gig and platform workers, to improve their access to welfare schemes. In addition, the Department-related Parliamentary Standing Committee on Labour has recommended better implementation of the Code on Social Security, 2020[16], clearer responsibilities for platform companies and wider social security coverage for gig workers. These initiatives show that policy discussions are gradually moving beyond the recognition of gig workers towards improving their legal protection and access to welfare benefits.

3.8 Critical Regulatory Assessment

India has taken several important steps to improve the legal protection of gig workers. Constitutional principles, the Code on Social Security, 2020, recent State-level reforms and government policy initiatives together show that the legal system is gradually responding to

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[15]NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (NITI Aayog 2022) https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India%27s_Booming_Gig_and_Platform_Economy_27062022.pdf accessed 30 June 2026.

[16] Code on Social Security 2020 (Act 36 of 2020).

the growth of the gig economy. However, these measures remain spread across different laws and policiesand there is still no single legal framework governing platform-based work. This has created uncertainty about the rights of gig workers and the responsibilities of digital platforms.

Although India has introduced several legal and policy measures for gig workers, the existing framework still leaves many important issues unresolved. Key concerns such as fair earnings, collective bargaining, algorithm-based decisions, unfair contractual terms, data privacy and the absence of a uniform national framework continue to affect gig workers. The current approach focuses mainly on welfare measures rather than providing comprehensive legal protection. Therefore, future labour reforms should move beyond welfare schemes and establish a dedicated legal framework that protects workersrights while supporting the continued growth of the digital economy.

4. JUDICIAL DEVELOPMENTS SHAPING THE RIGHTS OF GIG WORKERS IN INDIA

Judicial decisions have significantly influenced the development of Indian labour law, especially in areas where legislation has not fully addressed changing forms of employment. Although most of the leading decisions were delivered before the growth of the gig economy, the legal principles laid down by the Supreme Court remain relevant in resolving issues relating to employment status, economic dependence, livelihood and digital rights. These decisions therefore provide an important legal basis for examining the rights and protection of gig workers in India.

4.1 Indian Federation of App-Based Transport Workers (IFAT) v. Union of India (2021)

The Indian Federation of App-Based Transport Workers (IFAT)[17] filed a writ petition before the Supreme Court on behalf of drivers working with app-based platforms such as Uber and Ola. The petition sought social security protection for gig and platform workers and raised

[17] The Indian Federation of App-Based Transport Workers (IFAT) and others v Union of India and others, Writ Petition (Civil) No 1068 of 2021 (Supreme Court of India, pending) https://api.sci.gov.in/officereport/2021/22576/22576_2021_2021-12-13_239.html accessed 30 June 2026.

the issue of whether workers who contribute significantly to the platform economy can continue to remain outside the protection of labour laws and social security schemes.

The case is still pending before the Supreme Court,and a final judgment has not yet been delivered. Even so, it has become one of the most important cases concerning the rights of gig and platform workers in India. The proceedings have highlighted the need for stronger social security and legal protection for gig workers and have drawn judicial attention to the challenges arising from platform-based employment.

Although the Supreme Court has not yet delivered a final judgment, the case has become an important milestone in the development of gig workersrights in India. It has brought attention to the legal gaps in regulating platform-based work, particularly in relation to social security and labour protection. The case also highlights the need for a clearer and more comprehensive legal framework to protect gig workers in the digital economy.

4.2 Dharangadhra Chemical Works Ltd. v. State of Saurashtra

In this case[18], Dharangadhra Chemical Worksargued that the workers employed in its salt manufacturing operations were independent contractors and not employees. The main issue before the Supreme Court was whether the actual nature of the working relationship, rather than the terms of the contract, should determine the existence of an employer-employee relationship.

The Supreme Court held that the actual nature of the working relationship is more important than the description given in the contract. It observed that where an employer exercises substantial control and supervision over the manner in which work is performed, the relationship is more likely to be that of an employer and employee rather than an independent contractor. This principle came to be known as the Control Test and has since become an important standard for determining employment relationships under Indian labour law.

The principles laid down in this case remain highly relevant to the gig economy. Although digital platforms describe gig workers as independent contractors, they exercise considerable control over the way work is performed. Platform companies decide how work is assigned, determine incentives, monitor performance through customer ratings andin some cases, suspend or deactivate worker accounts. This level of control raises an important legal

[18]Dharangadhra Chemical Works Ltd v State of Saurashtra AIR 1957 SC 264, 1957 SCR 152

question as to whether gig workers are truly independent or whether they function under a modern form of employer control.

4.3 Hussainbhai v. Alath Factory Thozhilali Union

In this case[19], the workers were engaged through contractors, but the principal employer claimed that they were not its employees and therefore not entitled to labour law protection. The main issue before the Supreme Court was whether an employer could avoid its legal responsibilities by using contractual arrangements that did not reflect the actual nature of the working relationship.

The Supreme Court held that the actual nature of the working relationship is more important than the terms of the contract. It observed that an employer cannot escape its responsibilities simply by describing workers as independent contractors or engaging them through intermediaries. Where workers are economically dependent on the principal employer and form an integral part of its business, they are entitled to the protection of labour laws. This principle later became known as the **Economic Reality Test**.

This judgment expands the Control Test laid down in Dharangadhra Chemical Works by focusing on the economic relationship between the parties. In the gig economy, many workers depend mainly on a single digital platform for their livelihood, even though they are described as independent contractors. The decision shows that courts should look beyond the terms of the contract and examine the actual nature of the relationship. This approach is particularly relevant in addressing the issue of worker misclassification in platform-based employment.

4.4 Olga Tellis v. Bombay Municipal Corporation

In this case[20], pavement dwellers challenged their eviction by the Bombay Municipal Corporation, arguing that losing their homes would also deprive them of their livelihood. The main issue before the Supreme Court was whether the right to livelihood forms part of the fundamental right to life guaranteed under Article 21 of the Constitution.

The Supreme Court held that the right to livelihood is an essential part of the right to life guaranteed under Article 21 of the Constitution. It observed that a person's livelihood cannot

[19] Hussainbhai, Calicut v Alath Factory Thozhilali Union, Kozhikode (1978) 4 SCC 257, AIR 1978 SC 1410
[20] Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545; AIR 1986 SC 180; 1985 Supp (2) SCR 51

be taken away except through a procedure that is just, fair and reasonable. The judgment made it clear that the right to life extends beyond mere survival and includes the right to live with dignity.

This judgment remains highly relevant to the gig economy. Many gig workers depend on digital platforms as their primary source of livelihoodand decisions such as account deactivation, suspension or ratings-based restrictions can immediately affect their ability to earn an income. In many cases, these decisions are taken without prior notice, a fair inquiry or an opportunity for workers to present their case. The principles laid down in *Olga Tellis* therefore support the need for fair procedures and greater accountability whenever platform companies take actions that may affect a worker's livelihood.

4.5 Justice K.S. Puttaswamy (Retd.) v. Union of India

In this case[21], the constitutional validity of the Aadhaar scheme was challenged before a nine-Judge Bench of the Supreme Court. The central issue was whether the right to privacy forms part of the fundamental rights guaranteed under the Constitution. The case also examined the extent to which the State could collect, store and use individualspersonal data without violating their constitutional rights.

The Supreme Court unanimously recognised the right to privacy as a fundamental right under Part III of the Constitution. It held that individuals have a constitutional right to control their personal information and that any collection or use of such data must be authorised by law, serve a legitimate purpose and remain proportionate to that purpose. This judgment established privacy as an essential safeguard in the digital age.

This judgment has particular relevance to the gig economy because digital platforms rely heavily on workerspersonal data to manage their workforce. GPS location, customer ratings, work history, acceptance rates and performance records are often used to allocate work, determine incentives and make decisions relating to account suspension or deactivation. Since these automated decisions can directly affect a worker's livelihood, they must be transparent, fair and based on lawful use of personal data. The principles laid down in

[21] Justice K.S. Puttaswamy (Retd.) and another v Union of India and others (2017) 10 SCC 1; AIR 2017 SC 4161, Writ Petition (Civil) No 494 of 2012

Puttaswamy therefore provide an important constitutional basis for protecting the privacy and digital rights of gig workers while promoting greater accountability in platform management.

4.6 Judicial Analysis

Although these decisions were delivered in different factual contexts, they continue to provide valuable guidance for addressing the legal challenges of the gig economy. Together, they establish important principles relating to employment classification, economic dependence, the right to livelihood and the protection of personal data. These principles provide a strong constitutional and legal basis for developing a modern framework that better protects gig workers while responding to the changing nature of platform-based employment.

The pending proceedings in the case of *Indian Federation of App-Based Transport Workers (IFAT) v. Union of India* show that the legal issues arising from platform-based work are now reaching the constitutional courts. However, judicial decisions alone cannot provide a complete solution to concerns relating to worker classification, social security, algorithm-based decisions and platform accountability. These developments highlight the need for a dedicated legal framework that protects the rights of gig workers while supporting innovation and the continued growth of the digital economy.

5. COMPARATIVE ANALYSIS OF INTERNATIONAL LEGAL FRAMEWORKS

5.1 International Labour Standards

The growth of the gig economy has created new challenges for labour laws across the world. As digital platforms have become an important source of employment, several international organisations have issued standards and policy recommendations to improve the protection of gig and platform workers. Although these instruments are not legally binding in every country, they provide useful guidance for developing national laws that balance technological innovation with the protection of workers rights[22].

The International Labour Organization (ILO) has played a leading role in promoting the protection of workers engaged in the gig economy. Through the ILO Centenary Declaration

[22] International Labour Organization, World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work (ILO 2021) https://www.ilo.org/publications/world-employment-and-social-outlook-2021-role-digital-labour

for the Future of Work (2019)[23] and its reports on digital labour platforms, the Organisation has emphasised that platform workers should receive fair wages, safe working conditions, social security, equal treatment and the freedom to organise and bargain collectively. The ILO has also encouraged governments to update their labour laws so that workers engaged through digital platforms receive adequate legal protection comparable to that available in traditional employment.

International human rights instruments also provide important guidance for protecting workers engaged in the gig economy. Article 23 of the Universal Declaration of Human Rights (UDHR)[24]recognises the right to work, just and favourable conditions of employment, equal remuneration and protection against unemployment. Similarly, Articles 6, 7 and 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)[25]recognise the rights to work, fair wages, safe working conditions and social security. Although these instruments were adopted before the emergence of digital labour platforms, the rights they guarantee are equally applicable to workers irrespective of the form of employment. As gig workers increasingly depend on platform-based work for their livelihood, these principles support the need for legal protection that ensures fair working conditions, social security and economic dignity.

International organisations have also recognised that platform-based work presents challenges which are not adequately addressed by traditional labour laws. Their reports highlight issues such as income insecurity, algorithm-based management, unequal bargaining power, limited social security and the lack of effective grievance redressal for gig workers. In response, they recommend greater transparency in platform operations, wider social security coverage, stronger collective representation and clear regulatory standards to ensure that technological innovation does not come at the cost of workersrights.

Taken together, these international standards show that the protection of gig workers requires more than traditional labour laws. They emphasise the need for clear rules on social security,

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[23] International Labour Organization, ILO Centenary Declaration for the Future of Work (International Labour Conference, 108th Session, Geneva, 21 June 2019).

[24] Universal Declaration of Human Rights, UNGA Res 217 A (III), UN Doc A/RES/217(III) (10 December 1948) art 23 https://www.un.org/en/about-us/universal-declaration-of-human-rights

[25] International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 arts 6, 7 and 9 https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

fair working conditions, collective representation and transparency in platform management. These principles provide valuable guidance for strengthening India's legal framework while ensuring that innovation in the platform economy is supported by effective protection of workersrights.

5.2 United Kingdom

The United Kingdom has adopted a practical approach to regulating gig and platform work by applying existing labour laws to workers engaged through digital platforms. Instead of limiting protection to traditional employees, UK law recognises an intermediate category known as a **"worker"**, allowing many platform workers to receive important statutory rights even without being classified as employees. This approach has helped extend labour protection to gig workers while preserving the flexibility associated with platform-based work.

Platform workers who qualify as "workers" under UK law receive protection under the Employment Rights Act 1996[26], the National Minimum Wage Act 1998[27] and the Working Time Regulations 1998[28]. These laws provide important rights such as minimum wage, paid annual leave, statutory rest breaks, limits on excessive working hours and protection against unlawful wage deductions. Eligible workers may also receive statutory sick pay, pension benefits and workplace health and safety protection. By recognising an intermediate worker category, the UK extends key labour protections without requiring every platform worker to be classified as a traditional employee.

The UK's legal framework is supported by specialised institutions responsible for enforcing labour rights. Employment Tribunals provide an effective forum for resolving employment disputes, while HM Revenue and Customs (HMRC) ensures compliance with minimum wage laws. The Health and Safety Executive (HSE) monitors workplace health and safety standards, including those applicable to platform-based work. The presence of these institutions ensures that statutory rights are supported by effective enforcement and accessible dispute resolution mechanisms.

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[26] Employment Rights Act 1996 https://www.legislation.gov.uk/ukpga/1996/18/contents
[27] National Minimum Wage Act 1998 https://www.legislation.gov.uk/ukpga/1998/39/contents
[28] Working Time Regulations 1998 (SI 1998/1833) https://www.legislation.gov.uk/uksi/1998/1833/contents

The UK's approach has also been shaped by judicial decisions, particularly *Uber BV v. Aslam* (2021)[29], in which the UK Supreme Court held that employment rights should be determined by the actual nature of the working relationship rather than the terms of the contract. This decision strengthened the protection available to platform workers and reinforced the principle that contractual labels cannot be used to deny statutory labour rights. Together with its legislative framework and institutional enforcement, the UK provides a useful model for balancing labour protection with the flexibility of the platform economy.

5.3 European Union

The European Union has taken a comprehensive approach to regulating platform work by introducing common legal standards for all Member States. As platform-based employment has expanded across Europe, the European Union has adopted measures to strengthen workersrights, improve working conditions and provide greater legal clarity for both workers and digital platforms. This approach seeks to protect gig workers while supporting innovation and the continued growth of the digital economy.

An important step in this direction is the Platform Work Directive (2024)[30], which establishes common rules for workers engaged through digital labour platforms across the European Union. One of its key features is the legal presumption of employment,under which platform workers may be treated as employees where the platform exercises substantial control over the way work is performed. This helps reduce worker misclassification and enables eligible workers to receive the labour rights and social security benefits available under national laws. The Directive also strengthens transparency in platform operations and provides clearer legal standards for both workers and platform companies.

The European Union has also introduced specific rules to regulate the use of algorithms in platform-based work. Under the Platform Work Directive, digital platforms must clearly inform workers about how automated systems are used for work allocation, performance evaluation, remuneration and account suspension or deactivation. The Directive also gives

[29] Uber BV and others v Aslam and others [2021] UKSC 5, [2021] ICR 657
[30] Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work [2024] OJ L, https://eur-lex.europa.eu/eli/dir/2024/2831/oj/eng

workers the right to seek human review of important automated decisions. These safeguards promote transparency, improve accountability and help protect workers from unfair decisions made through automated systems.

The European Union also strengthens the protection of platform workers through its data protection and employment transparency laws. The General Data Protection Regulation (GDPR) regulates how personal data is collected, processed and stored, helping to protect workers from the misuse of their personal information. Similarly, the Transparent and Predictable Working Conditions Directive requires employers to provide clear information about the terms of engagement, working conditions and employment rights. Together, these measures improve transparency and strengthen the legal protection available to platform workers.

The effective implementation of these measures is supported by national labour inspectorates, data protection authorities and the European Labour Authority (ELA), which oversee compliance with labour and data protection laws across Member States. These institutions ensure that the rights provided under European law are backed by effective enforcement and accessible regulatory oversight. The European Union's approach demonstrates that protecting gig workers requires not only strong legislation but also institutions capable of ensuring its effective implementation.

5.4 Singapore

Singapore has introduced a dedicated legal framework for platform workers instead of relying solely on traditional employment laws. Recognising that platform-based work differs from conventional employment, Singapore has adopted separate legislation to address the specific needs of gig workers. This approach allows workers to receive legal protection while preserving the flexibility that is central to the platform economy.

An important development in Singapore is the Platform Workers Act 2024[31], which provides a dedicated legal framework for ride-hailing and delivery platform workers. The Act requires eligible platform workers and platform companies to make Central Provident Fund (CPF) contributions, helping workers build retirement savings. It also extends employment injury compensation to workers who are injured while performing platform work. By introducing

[31] Platform Workers Act 2024 (No 27 of 2024) (Singapore) https://sso.agc.gov.sg/Act/PWA2024

these protections, the Act improves social security and reduces the financial risks faced by gig workers.

The Act also recognises Platform Work Associations, allowing platform workers to collectively represent their interests and engage with platform companies on issues relating to welfare and working conditions. In addition, platform companies are required to fulfil their legal responsibilities towards worker protection and social security contributions. These provisions strengthen collective representation while clearly defining the responsibilities of platform companies towards gig workers.

Singapore's legal framework is supported by specialised institutions responsible for implementing and enforcing these protections. The Ministry of Manpower (MOM) oversees labour standards relating to platform workers, while the Central Provident Fund (CPF) Board manages retirement contributions and social security benefits. The Workplace Safety and Health Council (WSH Council) promotes workplace safety by encouraging safer working practices for platform workers. Together, these institutions ensure that the protections provided under the law are effectively implemented in practice.

Singapore's approach shows that gig workers can receive meaningful legal protection through a dedicated law supported by strong institutional oversight. By combining social security, occupational safety and collective representation within a single framework, Singapore has addressed many of the challenges associated with platform-based work. This approach provides useful guidance for countries such as India that are considering dedicated legislation for gig workers.

5.5 California (United States)

California has adopted a unique approach to regulating platform work by introducing specific rules for determining the employment status of gig workers while also providing statutory protections through separate legislation. This approach recognises the need to protect platform workers without overlooking the operational flexibility required by app-based businesses. As a result, California has become an important reference point in the global regulation of the gig economy.

A key feature of the Californian framework is the ABC Test, which establishes objective legal criteria for determining whether a worker should be classified as an employee or an independent contractor. These principles were subsequently incorporated into Assembly Bill 5 (AB-5)[32], providing greater legal certainty and reducing the risk of worker misclassification. For app-based transportation and delivery services, Proposition 22[33] introduced a specialised framework that preserves contractual flexibility while requiring platform operators to provide specified statutory benefits.

Under Proposition 22, eligible platform workers receive minimum earnings guarantees for active working time, healthcare subsidies, occupational accident insurance and financial assistance for work-related injuries. These benefits provide a basic level of economic protection while allowing workers to continue as independent contractors. This approach shows that platform workers can receive important statutory benefits without being classified as traditional employees.

California's regulatory framework is supported by institutions responsible for implementing and enforcing labour laws. The California Labor Commissioner's Office monitors compliance with labour standards, while the Employment Development Department (EDD) administers employment-related obligations and worker benefit programmes. Together, these institutions help ensure that the legal protections available to platform workers are supported by effective enforcement and regulatory oversight.

California's approach shows that worker classification and social security can be addressed together through a balanced legal framework. By combining clear rules for determining employment status with statutory benefits for platform workers, California has attempted to protect workers while preserving the flexibility of app-based businesses. This approach offers useful guidance for countries such as India that are exploring reforms in the gig economy.

5.6 Comparative Regulatory Lessons for India

The comparative analysis shows that different countries have adopted different approaches to regulating platform work. Despite these differences, they all recognise the need to provide legal protection for gig workers while preserving the flexibility of the platform economy. Their experience demonstrates that traditional labour laws alone are often insufficient to

[32] Assembly Bill No 5, Chapter 296, California Statutes 2019 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB5

[33] California Proposition 22 (2020) https://vig.cdn.sos.ca.gov/2020/general/pdf/topl-prop22.pdf

address the challenges of platform-based employment, making legal reforms necessary to respond to the changing nature of work.

One common feature across these jurisdictions is the effort to develop clearer rules for determining the legal status of platform workers. The United Kingdom extends statutory protection through an intermediate "worker" category, while the European Union applies a rebuttable presumption of employment where platforms exercise significant control over workers. Singapore follows a different approach by regulating platform workers through dedicated legislation, whereas California combines objective employment classification rules with statutory benefits for app-based workers. Although these approaches differ, they all seek to ensure that workers receive legal protection based on the reality of their working relationship rather than the contractual label assigned to them.

Another common feature across these jurisdictions is the expansion of social security and labour welfare for platform workers. Although the scope of protection differs, each jurisdiction provides measures such as minimum earnings or wages, retirement benefits, paid leave, employment injury compensation, healthcare support and workplace safety. These measures reflect a common understanding that gig workers require basic economic and social protection even when they are not treated as traditional employees.

The comparative analysis also shows that effective implementation depends not only on legislation but also on strong institutions. Across these jurisdictions, employment tribunals, labour inspectorates, social security authorities and specialised regulatory bodies help enforce labour laws, monitor compliance and resolve disputes. Their experience demonstrates that legal rights are meaningful only when supported by institutions capable of ensuring their effective implementation.

The comparative analysis shows that protecting gig workers requires more than simply recognising them under the law. Across these jurisdictions, effective regulation combines clear rules on worker classification, social security, strong institutional enforcement and safeguards for platform-based work. These common approaches offer useful lessons for India in developing a legal framework that better protects gig workers while supporting the continued growth of the platform economy.

6. FINDINGS AND CRITICAL ANALYSIS

The findings of this study show that the Code on Social Security, 2020[34] marks the first major legislative recognition of gig and platform workers in India. While this is an important step, the existing framework largely limits itself to recognising these workers without creating a comprehensive legal framework for platform-based employment. It does not clearly define the rights and responsibilities of workers and platform companies or provide an integrated system of labour protection suited to the digital economy. As a result, gig workers receive statutory recognition but continue to lack comprehensive legal protection, with several important issues still left to future policy measures rather than enforceable legal rights.

One of the biggest gaps in the existing legal framework is the absence of a clear legal status for gig workers. Indian labour law continues to classify workers either as employees or independent contractors, even though many platform workers work with considerable flexibility while remaining economically dependent on digital platforms. This uncertainty often results in inconsistent legal protection and allows platform companies to avoid responsibilities that are generally associated with employment. As a result, the absence of a separate legal category continues to be a major obstacle to extending effective labour rights to gig workers.

The study also shows that social security for gig workers remains more of a policy objective than a legally enforceable right. Although the Code on Social Security, 2020 authorises the Central and State Governments to introduce welfare schemes, their scope, funding and implementation continue to depend largely on future government action rather than statutory guarantees. As a result, access to social security benefits is determined more by government policy than by enforceable legal rights. This limits the effectiveness of the existing framework and creates uncertainty about the long-term protection available to gig workers.

Another important gap in the existing legal framework is the absence of clear rules governing algorithm-based management. Digital platforms increasingly use automated systems to allocate work, determine earnings and incentives, assess performance and suspend or deactivate worker accounts. Since these decisions directly affect a worker's livelihood, the lack of transparency and legal safeguards places gig workers at a disadvantage. In the

[34]Code on Social Security 2020 (Act 36 of 2020)

absence of clear legal standards on algorithmic accountability, procedural fairness and data protection, workers often have limited opportunities to challenge or seek review of these decisions.

The institutional framework for protecting gig workers also remains limited. Responsibility for regulating platform-based work is currently shared among different authorities, but there is no specialised body responsible for overseeing the sector as a whole. This fragmented approach affects regulatory consistency, weakens enforcement and makes it difficult to ensure compliance with labour welfare laws. In addition, the absence of specialised dispute resolution mechanisms makes it harder for gig workers to seek timely and effective remedies, reducing the practical value of the legal protections available to them.

The comparative analysis shows that many jurisdictions have moved beyond simply recognising gig workers and have introduced legal frameworks that combine worker classification, social security, digital regulation and effective enforcement. Although India has taken an important first step through the Code on Social Security, 2020, its legal framework is still evolving and does not yet provide comprehensive protection for platform-based work. The findings of this study therefore highlight the need for a dedicated legal framework that protects the rights of gig workers while promoting innovation, legal certainty and the sustainable growth of India's digital economy.

7. RECOMMENDATIONS FOR STRENGTHENING THE LEGAL PROTECTION OF GIG WORKERS IN INDIA

The findings of this study show that, although the Code on Social Security, 2020 formally recognises gig and platform workers, it does not effectively address key issues such as employment classification,income security, social security, algorithm-based management and institutional regulation. In light of the gaps identified in the existing legal framework and the lessons drawn from the comparative analysis, the following recommendations are suggested to strengthen the legal protection of gig workers in India.

7.1 Enact a Comprehensive Gig and Platform Workers Protection Act

India should enact a dedicated Gig and Platform Workers Protection Act to regulate platform-based employment through a single, comprehensive law. The proposed legislation should clearly define the rights and responsibilities of gig workers and platform companies, while addressing issues such as social security, minimum earnings, occupational safety, algorithm-based management and grievance redressal. A dedicated law would bring these protections under one statute, reduce the existing gaps in regulation and provide greater legal clarity and stronger protection for gig workers.

7.2 Recognise a Separate Category of Dependent Platform Workers

India should recognise Dependent Platform Workers as a separate category between employees and independent contractors. Such a classification would reflect the nature of platform-based work, where workers enjoy flexibility but remain economically dependent on digital platforms for their livelihood. Recognising this category would reduce uncertainty in worker classification, help prevent disputes over misclassification and provide a stronger basis for extending statutory protection to gig workers in the digital economy.

7.3 Develop a Universal Portable Social Security Framework

India should introduce a Universal Portable Social Security Framework that allows gig workers to continue receiving social security benefits even when they work across multiple digital platforms. The framework should cover provident fund, pension, health insurance, employment injury compensation, disability benefits and maternity benefits through a common digital system funded by contributions from platform companies, workers and the Government. Such a system would ensure continuity of benefits, improve financial security and support the flexible nature of platform-based work.

7.4 Prescribe Statutory Minimum Earnings Standards

India should introduce statutory minimum earnings standards to ensure that gig workers receive fair and consistent compensation for their work. While fixing minimum earnings, factors such as active working time, waiting time, travel distance, work-related expenses and the nature of the services performed should be taken into account. Platform companies should also provide clear earnings statements showing payments, deductions and incentives. These measures would reduce income uncertainty, improve transparency and strengthen the financial security of gig workers while preserving the flexibility of platform-based work.

7.5 Regulate Algorithmic Management through Transparency Obligations

As digital platforms increasingly rely on algorithms to allocate work, determine earnings and incentivesand suspend or deactivate worker accounts, India should introduce clear legal rules governing algorithm-based management. Platform companies should explain the main factors that influence automated decisions and inform workers whenever such decisions have a significant impact on their work or livelihood. Regular independent audits of these systems should also be required to ensure transparency, fairness and accountability in the use of automated decision-making.

7.6 Guarantee Procedural Fairness in Platform Decisions

India should ensure that gig workers are treated fairly before their accounts are permanently suspended or deactivated. Platform companies should give prior notice, clearly explain the reasons for their decision, provide workers with a reasonable opportunity to present their case and establish an independent review or appeal mechanism. Since access to digital platforms is often a worker's primary source of livelihood, important decisions should not be based solely on automated systems. These safeguards would promote fairness, reduce arbitrary account deactivation and strengthen the protection of gig workers.

7.7 Constitute a Gig Worker Regulatory Authority of India

India should establish an independent Gig Worker Regulatory Authority of India (GWRAI) to oversee platform-based employment and ensure effective implementation of gig worker laws. The Authority should monitor compliance with labour and social security laws, maintain a national register of platform companies, oversee welfare fund contributions, conduct inspections and publish periodic reports on the functioning of the platform economy. It should also issue guidelines whenever necessary to promote uniform implementation of the law. A dedicated regulator would strengthen enforcement, improve coordination among government agencies and provide greater accountability in the regulation of digital labour platforms.

7.8 Create a Specialised Digital Labour Dispute Resolution Mechanism

India should establish a specialised Digital Labour Dispute Resolution Mechanism to deal with disputes arising from platform-based work. The mechanism should handle issues such as payment disputes, wrongful account suspension or deactivation, employment injury claims, social security disputes and data privacy concerns. It should provide simple procedures, online filing of complaints and time-bound resolution of cases. A specialised mechanism would improve access to justice, reduce delays and ensure that gig workers can effectively enforce their legal rights.

7.9 Promote Skill Development and Career Mobility

India should introduce a dedicated Skill Development and Career Progression Framework for gig workers through collaboration between the Government, platform companies and skill development institutions. The framework should provide training in digital literacy, financial management, entrepreneurship, customer service and emerging technologies, while also supporting reskilling and upskilling programmes. Strengthening workersskills would improve their career prospects, increase earning opportunities and help them adapt to the changing demands of the digital economy.

7.10 Mandate Independent Platform Compliance Audits

India should require independent audits of digital labour platforms at regular intervals to ensure that platform companies comply with their legal obligations. These audits should examine matters such as social security contributions, minimum earnings, worker data protection, algorithm-based management, grievance redress mechanisms and procedures relating to account suspension or deactivation. The audit reports should be submitted to the proposed Gig Worker Regulatory Authority of India (GWRAI), with important findings made publicly available. Regular audits would improve transparency, strengthen accountability and support more effective enforcement of gig worker laws.

8. CONCLUSION

The rapid growth of the gig economy has reshaped employment by creating flexible, platform-based work opportunities across a wide range of sectors. While this growth has generated new sources of income and supported India's digital economy, it has also exposed gig workers to income insecurity, limited social security and increasing economic dependence on digital platforms. These challenges highlight the limitations of the existing labour law framework and demonstrate the need for legal reforms that reflect the realities of platform-based work.

This study finds that the Code on Social Security, 2020 marks an important step by formally recognising gig and platform workers under Indian labour law. However, legal recognition alone is insufficient to protect their rights. The existing framework continues to leave important issues such as employment classification, social security, algorithm-based management and institutional accountability only partly addressed. The comparative analysis shows that jurisdictions such as the European Union and Singapore have adopted more comprehensive approaches by strengthening worker protection while preserving the flexibility of the platform economy. Their experience offers valuable guidance for developing a more effective legal framework for gig workers in India.

This study shows that protecting the rights of gig workers requires more than limited statutory recognition. India needs a legal framework that provides clear rules on worker classification, portable social security, transparent algorithm-based management and effective institutional oversight. Such reforms would strengthen legal protection, reduce worker vulnerability and ensure greater accountability among platform companies while supporting the continued growth of India's digital economy.

As the platform economy continues to grow, India has an opportunity to develop a labour law framework that balances technological innovation with social justice. A dedicated legal framework would protect the dignity, livelihood and welfare of gig workers while encouraging greater accountability among platform companies, strengthening public confidence and supporting the long-term growth of India's digital economy.