

RIGHTS OF GIG WORKERS IN INDIA: EVOLVING LAW, EMERGING PROTECTIONS, AND POLICY PATHWAYS

AUTHOR – SIVDARSH KS, STUDENT (LAW) AT CHRIST (DEEMED TO BE) UNIVERSITY

BEST CITATION – SIVDARSH KS, CUSTODIAL DEATHS IN INDIA: POLICE ACCOUNTABILITY AND THE EMERGING FRAMEWORK UNDER BNS, BNSS AND BSA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (2) OF 2026, PG. 626-634, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

India's digital platform economy has expanded rapidly in recent years, transforming the nature of employment across several sectors such as transportation, food delivery, logistics, home services, and freelance digital work. Platforms such as Uber, Ola, Swiggy, and Zomato have created flexible income opportunities for millions of workers who perform services through mobile applications. These workers, commonly referred to as gig workers or platform workers, typically operate outside the traditional employer–employee relationship that forms the foundation of labour law.¹⁵⁵⁹

While gig work offers flexibility, it also exposes workers to serious vulnerabilities. Many gig workers lack access to basic labour protections such as minimum wages, social security benefits, health insurance, paid leave, and retirement savings. Their earnings are often unpredictable and dependent on algorithmic systems controlled by digital platforms.¹⁵⁶⁰

Recognising these challenges, policymakers in India have begun to address the legal and regulatory gaps affecting gig workers. The Code on Social Security, 2020 introduced formal legal recognition of gig and platform workers for the first time at the national level. In addition, constitutional litigation before the Supreme Court of India has raised important questions about the labour rights of gig workers and whether they should be treated as unorganised workers entitled to social security protections. Several state governments have also initiated policy experiments, including the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 and emerging legislative initiatives in Karnataka.¹⁵⁶¹

This paper examines the evolving legal framework governing gig workers in India. It analyses national labour legislation, state-level regulatory innovations, and administrative initiatives such as the e-Shram portal. The paper also evaluates key challenges including employment classification, social security gaps, algorithmic management, and limited bargaining power. By situating Indian developments within broader global regulatory trends, the paper proposes policy pathways that could strengthen labour protections while preserving the flexibility that characterises gig work.¹⁵⁶²

Keywords: gig work, platform economy, labour rights, social security, unorganised sector, algorithmic management, India

¹⁵⁵⁹ NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (Government of India, 2022).

¹⁵⁶⁰ International Labour Organization, World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work (ILO, Geneva, 2021).

¹⁵⁶¹ Supreme Court of India, *Indian Federation of App-Based Transport Workers (IFAT) v. Union of India*, Writ Petition (Civil) No. 1068 of 2021 (seeking recognition of gig workers as unorganised workers entitled to social security protection).

¹⁵⁶² Ministry of Labour and Employment, Government of India, e-Shram Portal (national database for registration of unorganised sector workers).

1. Introduction

Digital technology has fundamentally reshaped the structure of labour markets across the world. In India, the rapid expansion of smartphones, digital payments, and app-based services has created a large and dynamic platform economy. Companies such as Uber and Ola provide ride-hailing services, while platforms such as Swiggy and Zomato connect restaurants with customers through delivery workers. Similarly, digital platforms facilitate home maintenance services, freelance work, logistics operations, and e-commerce delivery. These services are coordinated through sophisticated digital systems that match customers with available workers in real time, enabling platforms to deliver services quickly and efficiently.¹⁵⁶³

The growth of the platform economy has been supported by several structural changes in India's economy. Increasing internet penetration, the widespread use of affordable smartphones, and the rapid adoption of digital payment systems have made app-based services accessible to millions of people. Urbanisation has also contributed to the demand for convenient, on-demand services such as food delivery, ride-hailing, and home maintenance. As a result, digital platforms have become an important part of India's service sector, creating new forms of employment and transforming traditional business models.

These platforms rely heavily on gig workers who perform tasks on demand rather than through long-term employment contracts. Gig workers typically register on digital platforms, accept assignments through mobile applications, and receive payments based on the number of tasks completed. This system allows platforms to operate with a flexible workforce while avoiding many responsibilities traditionally associated with employers. The use of digital

algorithms to manage workers enables platforms to allocate tasks efficiently, track performance through ratings and reviews, and adjust pricing dynamically based on supply and demand.¹⁵⁶⁴

For many workers, gig work provides an accessible source of income. Individuals can often join platforms with minimal formal education or prior work experience. The flexibility to choose working hours also attracts workers who may need to combine employment with other responsibilities, such as students, part-time workers, or individuals seeking supplementary income. Migrant workers who move to cities in search of employment often rely on gig platforms as a relatively easy entry point into the urban labour market.

However, the advantages of gig work are accompanied by several structural risks. Unlike traditional employees, gig workers generally do not receive benefits such as minimum wage guarantees, paid leave, provident fund contributions, or pension schemes. Earnings fluctuate depending on market demand, platform policies, and algorithmic allocation of tasks. Workers must often bear their own operational expenses, including fuel, vehicle maintenance, and insurance, which can significantly reduce their actual earnings. In many cases, workers must also purchase or maintain vehicles, smartphones, and internet connections in order to remain active on the platform.¹⁵⁶⁵

Another major concern is the absence of job security. Platforms can deactivate worker accounts for reasons such as low customer

¹⁵⁶³ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

¹⁵⁶⁴ International Labour Organisation, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021)

¹⁵⁶⁵ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022). International Labour Organisation, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

Fair work India Team, *Fair work India Ratings 2023: Labour Standards in the Platform Economy* (Fair work Foundation, Oxford Internet Institute).

De Stefano, Valerio, "The Rise of the Just-in-Time Workforce: On-Demand Work, Crowd Work and Labour Protection in the Gig Economy," *Comparative Labor Law & Policy Journal* (2016).

ratings, alleged policy violations, or changes in platform policies. Because gig workers are usually classified as independent contractors rather than employees, they often lack legal protections against unfair termination or disciplinary actions. In addition, the heavy reliance on algorithmic management means that workers may not fully understand how decisions about job allocation, incentives, or ratings are made.

In response to these challenges, legal and policy discussions regarding gig workers have intensified in India. The enactment of the Code on Social Security, 2020 marked the first attempt to recognise gig workers within the national labour framework. At the same time, worker organisations have approached the Supreme Court of India seeking recognition of gig workers' constitutional rights and stronger labour protections. These legal debates highlight the growing tension between the flexibility offered by platform-based employment and the need to ensure fair working conditions.¹⁵⁶⁶

The rise of state-level legislation and administrative initiatives further demonstrates that India is gradually developing a regulatory framework for platform labour. Understanding these developments is essential for assessing the future of labour protection in the digital economy and for designing policies that balance innovation with the rights and welfare of workers.

2. Defining Gig and Platform Workers in Indian Law

A key challenge in regulating the platform economy is determining how gig workers should be legally classified. Traditional labour law is based on the distinction between

employees and independent contractors. Employees typically enjoy a wide range of legal protections, such as minimum wages, social security benefits, paid leave, and protection against unfair dismissal. Independent contractors, on the other hand, operate with greater autonomy and flexibility but usually receive fewer legal protections. This traditional classification has become increasingly difficult to apply in the context of the digital platform economy, where the nature of work does not always fit neatly into either category.¹⁵⁶⁷

The Code on Social Security, 2020 introduced formal definitions for gig workers and platform workers in India. A gig worker is defined as an individual who performs work outside the traditional employer-employee relationship and earns income from short-term tasks or assignments. A platform worker refers to a person who accesses work through an online platform that connects service providers with customers. These definitions recognise that digital platforms play an important role in organising and facilitating work opportunities through technology.¹⁵⁶⁸

These definitions are significant because they legally recognise a category of workers that had previously remained outside most labour regulations. Before the introduction of this law, gig workers were generally treated as independent contractors and therefore excluded from many labour protections available to regular employees. By formally acknowledging gig workers within the legal framework, the legislation provides a foundation for the development of welfare schemes and

¹⁵⁶⁶ Code on Social Security, 2020, §§ 2(35) & 2(61) (definitions of "gig worker" and "platform worker") and §§ 109–114 (provisions relating to social security schemes).

Supreme Court of India, *Indian Federation of App-Based Transport Workers (IFAT) v. Union of India*, Writ Petition (Civil) No. 1068 of 2021.

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

¹⁵⁶⁷ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

1. De Stefano, Valerio, "The Rise of the Just-in-Time Workforce: On-Demand Work, Crowd Work and Labour Protection in the Gig Economy," *Comparative Labor Law & Policy Journal* (2016).

2. NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

3. Cherry, Miriam A., "Beyond Misclassification: The Digital Transformation of Work," *Comparative Labor Law & Policy Journal* (2016).

¹⁵⁶⁸ Code on Social Security, 2020, § 2(35) (definition of "gig worker").

Code on Social Security, 2020, § 2(61) (definition of "platform worker").

regulatory policies aimed at protecting their interests.¹⁵⁶⁹

The law also empowers the central government to design welfare schemes for gig workers covering areas such as life insurance, disability benefits, maternity support, and old-age protection. These schemes are expected to be funded through contributions from governments, digital platforms (referred to as aggregators), and potentially the workers themselves. The intention behind this framework is to create a system of social security that addresses the unique nature of gig work while maintaining the flexibility that attracts both workers and platforms.

However, the legislation deliberately avoids classifying gig workers as employees. Instead, it creates a separate category of workers within the broader labour ecosystem. This approach reflects the government's attempt to balance two competing objectives: promoting innovation and digital entrepreneurship while providing basic social protection to workers. Policymakers have expressed concern that treating gig workers as full employees could impose significant regulatory burdens on digital platforms and potentially slow the growth of the platform economy.¹⁵⁷⁰

Critics, however, argue that this framework may leave gig workers with weaker protections than those enjoyed by traditional employees. Since gig workers are not formally recognised as employees, they may remain excluded from laws governing minimum wages, industrial disputes, collective bargaining, and workplace safety. As a result, many scholars and labour

activists have called for a more comprehensive approach that would extend stronger labour rights to gig workers while still recognising the flexible nature of platform-based work. These debates highlight the ongoing challenge of adapting labour law to new forms of employment created by technological change.¹⁵⁷¹

3. Growth and Socio-economic Profile of Gig Work

The expansion of the gig economy in India has been remarkable over the past decade. According to a report published by NITI Aayog, India had approximately 7.7 million gig workers in 2020–21. The report further projects that this number could increase to nearly 23.5 million by 2029–30, representing a significant share of the country's non-agricultural workforce. This rapid growth indicates that platform-based work is becoming an increasingly important component of India's labour market and service economy.¹⁵⁷²

Several factors contribute to this rapid expansion. The widespread availability of affordable smartphones and the growth of high-speed internet connectivity have made digital platforms accessible to millions of people across urban and semi-urban areas. The expansion of digital payment systems has also enabled quick and efficient transactions between customers, platforms, and workers. At the same time, urbanisation and busy lifestyles have increased consumer demand for convenient, on-demand services such as food delivery, ride-hailing, and home maintenance services.¹⁵⁷³

¹⁵⁶⁹ Code on Social Security, 2020, §§ 2(35) & 2(61) (legal recognition of “gig worker” and “platform worker”).

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*(Government of India, 2022).

¹⁵⁷⁰ Code on Social Security, 2020, §§ 2(35) & 2(61) (creating separate categories for “gig workers” and “platform workers” without classifying them as employees).

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*(Government of India, 2022).

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

Prassl, Jeremias, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* (Oxford University Press, 2018).

¹⁵⁷¹ Fairwork India Team, *Fairwork India Ratings 2023: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

¹⁵⁷² NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*(Government of India, 2022) 17–19.

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*(Government of India, 2022) 21 (projecting gig workers to reach about 23.5 million by 2029–30).

¹⁵⁷³ Reserve Bank of India, *Report on Trends and Progress of Banking in India* (discussing the growth of digital payment systems).

Gig work often attracts young workers, migrants from rural areas, and individuals with limited formal education or technical skills. For many of these workers, platform labour provides an entry point into the urban labour market and offers an opportunity to earn income without going through lengthy recruitment processes. During the COVID-19 pandemic, gig work also served as an important safety net for many individuals who lost traditional employment due to lockdowns and economic disruptions.¹⁵⁷⁴

¹⁵⁷⁵Furthermore, the absence of formal employment contracts means that gig workers often lack access to grievance-redressal mechanisms and legal remedies. Workers may find it difficult to challenge unfair treatment, sudden changes in payment structures, or arbitrary suspension of their accounts. These factors highlight the need for stronger legal protections and welfare measures to address the economic insecurity faced by gig workers in India.

4. Constitutional Litigation and the Employee Status Debate

The legal status of gig workers has become a major subject of constitutional litigation in India. A public-interest petition filed by the Indian Federation of App-based Transport Workers before the Supreme Court of India seeks recognition of gig workers as unorganised workers entitled to social security benefits. The petition represents one of the first major attempts to address the legal and constitutional rights of gig workers through judicial intervention. It reflects the growing concern among labour organisations and worker unions that existing labour laws do not

adequately protect individuals working through digital platforms.¹⁵⁷⁶

The petition argues that excluding gig workers from labour protections violates several fundamental rights under the Constitution of India, including:

- **Article 14**, which guarantees equality before the law and equal protection of the laws.
- **Article 21**, which protects the right to life and livelihood and has been interpreted broadly by courts to include the right to live with dignity.
- **Article 23**, which prohibits forced labour and exploitative working conditions.

According to the petitioners, gig workers perform labour that is essential to the functioning of digital platforms, yet they are denied basic social-security protections that other categories of workers receive. The petition therefore argues that such exclusion amounts to discriminatory treatment and undermines the constitutional promise of social and economic justice.

The petitioners also contend that platform companies exercise significant control over workers through algorithmic management systems that determine task allocation, wages, performance ratings, and incentives. Although gig workers are formally classified as independent contractors, platforms often impose strict performance requirements and monitor workers through digital tracking systems. Workers must comply with platform guidelines, maintain high customer ratings, and accept tasks assigned through algorithms. According to the petitioners, this level of control closely resembles the authority exercised by traditional employers over employees.¹⁵⁷⁷

Telecom Regulatory Authority of India, *The Indian Telecom Services Performance Indicators Report* (highlighting the expansion of internet connectivity and smartphone usage).

¹⁵⁷⁴ Fairwork India Team, *Fairwork India Ratings 2022: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).
World Bank, *The Global Economic Prospects and the Impact of COVID-19 on Labour Markets* (2021).

¹⁵⁷⁵ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).
Fairwork India Team, *Fairwork India Ratings 2023: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).

¹⁵⁷⁶ Unorganised Workers' Social Security Act, 2008 (repealed and subsumed under the Code on Social Security, 2020).

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

¹⁵⁷⁷ Indian Federation of App-Based Transport Workers v. Union of India, Writ Petition (Civil) No. 1068 of 2021, pending before the Supreme Court of India.

If the Court recognises gig workers as unorganised workers under existing welfare legislation, it could significantly expand the scope of labour protections available to them. Such recognition could make gig workers eligible for benefits under social-security schemes intended for workers in the informal sector, including accident insurance, health benefits, and other welfare programmes. A favourable ruling could also influence future labour-law reforms by encouraging policymakers to reconsider the legal classification of gig workers.¹⁵⁷⁸

The government has responded by highlighting initiatives such as the e-Shram portal and labour-code reforms designed to extend welfare benefits to gig workers. Through the e-Shram portal, the government aims to create a national database of unorganised workers and link them to social-security schemes. However, critics argue that these measures are still in early stages and may not fully address issues such as fair wages, job security, and platform accountability. The outcome of this litigation may therefore play a crucial role in shaping the future legal framework governing gig work in India.¹⁵⁷⁹

5. National Legal Framework: Code on Social Security, 2020

The Code on Social Security, 2020 represents the central government's primary legislative response to the rise of gig work. The Code consolidates several existing labour laws and

introduces provisions addressing the needs of workers in the informal and gig economy.

Key features of the Code include:

- formal recognition of gig workers and platform workers
- creation of welfare schemes covering health insurance, disability benefits, and old-age protection
- establishment of funding mechanisms involving government contributions and platform aggregators

The Code allows digital platforms to contribute a percentage of their turnover toward social-security funds for gig workers. This model reflects an attempt to create a shared financing structure involving platforms, governments, and workers.¹⁵⁸⁰

However, the Code does not automatically guarantee labour rights such as minimum wages or collective bargaining protections. Much depends on how future welfare schemes are designed and implemented.

6. State-Level Innovations

India's federal system allows state governments to experiment with new labour policies. In recent years, several states have introduced initiatives aimed at improving protections for gig workers.

Rajasthan's 2023 Law

The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 is the first Indian law specifically designed to regulate gig work. The legislation establishes a Gig Workers Welfare Board responsible for registering workers and administering welfare schemes.

A key feature of the Act is the creation of a welfare fund financed through a small fee

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

Rosenblat, Alex, *Uberland: How Algorithms Are Rewriting the Rules of Work* (University of California Press, 2018).

¹⁵⁷⁸ Indian Federation of App-Based Transport Workers v. Union of India, Writ Petition (Civil) No. 1068 of 2021, pending before the Supreme Court of India.

Code on Social Security, 2020, §§ 109–114 (empowering the government to frame social security schemes for gig and platform workers).

e-Shram Portal, Ministry of Labour and Employment, Government of India (national database and welfare framework for unorganised sector workers).

¹⁵⁷⁹ e-Shram Portal, Ministry of Labour and Employment, Government of India (national database for unorganised sector workers).

Code on Social Security, 2020, §§ 109–114 (providing for social security schemes for gig workers and platform workers).

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

¹⁵⁸⁰ Code on Social Security, 2020, Preamble and § 2 (consolidating several labour laws relating to social security).

Code on Social Security, 2020, §§ 2(35) & 2(61) (definitions of "gig worker" and "platform worker").

Code on Social Security, 2020, §§ 109–114 (empowering the government to frame social security schemes for gig and platform workers).

Code on Social Security, 2020, § 114 (providing for contributions by aggregators towards social security funds for gig and platform workers).

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

charged on each platform transaction. This fund supports benefits such as insurance coverage, health assistance, and other welfare measures.¹⁵⁸¹

Karnataka's Legislative Initiative

The state of Karnataka has also taken steps toward regulating platform labour. Proposed legislation aims to establish a welfare fund supported by contributions from digital platforms. It also emphasises occupational safety standards and grievance-redressal mechanisms for workers.

These initiatives demonstrate how state-level experimentation can help develop new regulatory models for gig work.¹⁵⁸²

7. Administrative Measures: e-Shram

The central government has introduced administrative initiatives to improve data collection and welfare delivery for unorganised workers. One important measure is the e-Shram portal launched by the Ministry of Labour and Employment.

The portal creates a national database of unorganised workers, including gig workers. Registered workers receive a unique identification number that can be linked to various welfare schemes.

Although millions of workers have registered on the portal, the long-term impact of the initiative depends on whether meaningful benefits are delivered through it.¹⁵⁸³

¹⁵⁸¹ Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023.

Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, provisions establishing the Gig Workers Welfare Board and worker registration mechanism.

Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, provisions relating to the Platform-Based Gig Workers Welfare Fund financed through a transaction-based fee.

¹⁵⁸² Government of Karnataka, *Draft Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill* (proposed legislation regulating platform labour and creating a welfare framework).

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

Fairwork India Team, *Fairwork India Ratings 2023: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).

¹⁵⁸³ e-Shram Portal, Ministry of Labour and Employment, Government of India (national database for unorganised workers).

Ministry of Labour and Employment, Government of India, *e-Shram Portal Operational Guidelines*.

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

8. Key Rights and Existing Gaps

Despite recent policy developments, gig workers in India continue to face several structural challenges.

Social Security

Access to pensions, health insurance, and accident benefits remains limited. While legislative frameworks exist, nationwide implementation of welfare schemes is still evolving.

Fair Pay

Gig workers are typically paid on a per-task basis. After deducting operational costs such as fuel and maintenance, their effective earnings may fall below statutory minimum wage levels.

Occupational Safety

Delivery workers and drivers face substantial risks from traffic accidents, long working hours, and extreme weather conditions.

Job Security

Digital platforms can deactivate worker accounts without providing clear reasons or procedural safeguards. This practice can abruptly eliminate a worker's income.

Algorithmic Management

Platform algorithms determine many aspects of gig work, including task allocation, dynamic pricing, and performance ratings. Workers often lack transparency regarding how these systems operate.

Collective Representation

Although gig worker unions and associations have begun to emerge, legal recognition of collective bargaining rights remains uncertain.

9. Financing Social Security

Providing welfare benefits for gig workers requires sustainable financing mechanisms. Policymakers have proposed several models.

One approach involves transaction-based welfare fees collected from digital platforms. Another model relies on tripartite contributions

from governments, platforms, and workers. A third approach emphasises targeted public subsidies for specific welfare schemes.

Balancing these funding mechanisms is essential to ensure worker protection while maintaining the economic viability of digital platforms.¹⁵⁸⁴

10. Implementation Challenges

Even when legal frameworks exist, several practical obstacles may hinder effective implementation.

Labour departments often lack sufficient enforcement capacity to monitor large numbers of digital platforms. Reliable data on gig workers is still limited, making policy planning difficult. Data-sharing requirements may also raise privacy concerns.

Furthermore, differences between state laws could create regulatory inconsistencies across the country. There is also a risk that platforms might shift the cost of welfare contributions onto workers by reducing payments.¹⁵⁸⁵

11. Policy Recommendations

To strengthen labour protections for gig workers, policymakers could consider several reforms.

First, nationwide minimum standards for accident insurance and health coverage should be established. Second, procedural safeguards should be introduced to protect workers from arbitrary account deactivation. Third, greater transparency in platform algorithms is necessary to ensure fairness in task allocation and wage determination.

Policymakers should also recognise the right of gig workers to organise and engage in

collective bargaining. Finally, portable benefit systems could allow workers to accumulate social-security benefits across multiple platforms.

These measures would help balance the flexibility of gig work with the need for basic labour protections.¹⁵⁸⁶

Conclusion

The rapid expansion of digital platforms has transformed employment patterns in India. Gig work has created new economic opportunities for millions of workers, particularly in urban areas and among younger populations. However, the platform economy has also exposed workers to significant risks, including unstable income, limited social security, and weak legal protections.¹⁵⁸⁷

Recent legal developments demonstrate growing recognition of these challenges. The Code on Social Security, 2020 represents an important step toward acknowledging gig workers within the labour law framework. State initiatives such as the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 further illustrate the potential for innovative policy solutions.¹⁵⁸⁸

Nevertheless, recognition alone is insufficient. Effective implementation, sustainable financing mechanisms, and stronger procedural protections will be necessary to ensure that gig workers enjoy fair wages, social security, and dignity at work.

¹⁵⁸⁴ NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (Government of India, 2022). Code on Social Security, 2020, § 114 (providing for contributions by platform aggregators toward social security funds for gig and platform workers).

¹⁵⁸⁵ Fairwork India Team, Fairwork India Ratings 2023: Labour Standards in the Platform Economy (Fairwork Foundation, Oxford Internet Institute).

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

Prassl, Jeremias, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* (Oxford University Press, 2018).

¹⁵⁸⁶ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

Fairwork India Team, *Fairwork India Ratings 2023: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).

¹⁵⁸⁷ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).

International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).

Fairwork India Team, *Fairwork India Ratings 2023: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).

¹⁵⁸⁸ Code on Social Security, 2020, §§ 2(35) & 2(61) (recognising "gig workers" and "platform workers") and §§ 109–114 (providing for social security schemes for such workers).

Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023.

NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India, 2022).



India's regulatory approach to gig work remains in a formative stage. With thoughtful policymaking and coordination between central and state governments, the country has an opportunity to develop a balanced model that supports technological innovation while safeguarding the rights and welfare of workers.¹⁵⁸⁹



¹⁵⁸⁹ NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (Government of India, 2022).
International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO, Geneva, 2021).
Fairwork India Team, *Fairwork India Ratings 2023: Labour Standards in the Platform Economy* (Fairwork Foundation, Oxford Internet Institute).