
RIGHTS OF WORKERS IN THE GIG ECONOMY: A DESCRIPTIVE STUDY OF EXISTING LEGAL PROTECTIONS IN INDIA

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ABSTRACT

The gig economy has emerged as a significant source of employment in India, particularly in sectors such as ride-hailing, food delivery, logistics, and digital services. While gig and platform workers contribute substantially to economic growth and service delivery, they largely operate outside traditional employer–employee relationships, resulting in limited access to established labour rights and social security protections. Indian labour laws were originally designed for conventional employment structures, creating ambiguity regarding the legal status and entitlements of gig workers.

This paper descriptively examines the existing legal and policy framework governing gig economy workers in India, with a focus on labour rights and social security protections. It analyses the recognition of gig and platform workers under the Code on Social Security, 2020, which for the first time provides statutory definitions and a framework for welfare-oriented social security schemes, including insurance, health, and old-age protection. However, the study highlights that the Code does not extend core employment rights such as minimum wages, job security, regulated working hours, or collective bargaining, leaving gig workers outside the mainstream labour-law regime.

The paper also reviews state-level initiatives, particularly the Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023, and emerging policy proposals in other states, which attempt to strengthen registration, welfare funding, and grievance redressal mechanisms. Judicial developments and ongoing litigation are examined to understand how courts are responding to the contested and hybrid legal status of gig workers.

The study finds that India’s current approach is largely welfare-oriented rather than rights-based, offering partial and uneven protection dependent on registration, scheme notification, and implementation. It concludes that while recent reforms mark an important shift toward legal recognition, significant gaps remain in ensuring comprehensive labour rights and dignified working conditions for gig economy workers in India.

Keywords: Gig workers, platform worker, CSS 2020, gig economy, independent contractors.

INTRODUCTION

The gig economy has become an important source of employment in India, especially in areas such as ride-hailing, food delivery, logistics, and digital services. Gig workers contribute significantly to the economy but often work outside traditional employer–employee relationships. Due to this, they frequently lack access to basic labour rights and social security protections available to formal workers. Gig work in India ranges from app-based driving and delivery to online freelancing and professional services, combining flexibility with significant insecurity in income, social security and worker protections.¹

India now recognises gig and platform workers in law, but their protection is still partial and uneven, with core employment rights (like minimum wages and job security) largely missing from the current framework. Existing protections focus mainly on **social** security, with some promising but early state-level experiments and pending litigation pushing for wider labour rights.²

Indian labour laws were mainly designed for conventional employment structures, creating uncertainty regarding the legal status and rights of gig workers. Although the Code on Social Security, 2020 recognises gig and platform workers, the scope and effectiveness of the protections provided remain limited and unclear. Issues related to minimum wages, social security benefits, job security, and working conditions continue to affect gig workers.

The problem lies in understanding whether existing labour laws and policies adequately protect gig workers in India. This study seeks to descriptively examine the current legal framework governing the labour rights of gig economy workers.

OBJECTIVE OF THE STUDY:

1. To explain the concept of the gig economy and the nature of gig work in India.

¹ <https://www.drishtias.com/daily-updates/daily-news-editorials/rise-of-the-gig-economy-in-india>.

² <https://www.juscorpus.com/the-invisible-workforce-legal-recognition-of-gig-workers-in-indias-labour-framework/>.

2. To study the legal status of gig workers under existing Indian labour laws.
3. To describe the labour rights and social security provisions available to gig workers in India.
4. To examine the role of the Code on Social Security, 2020 in providing protection to gig and platform workers.
5. To analyse judicial decisions and government policies related to the rights of gig economy workers in India.

RESEARCH METHODOLOGY:

The present study adopts a descriptive research approach and is based on secondary data collected from published articles, academic journals, and relevant websites.

REVIEW OF LITERATURE

A unified framework integrating platform-based labor within India's formal labor architecture can address income volatility, algorithmic opacity, legal ambiguity, fragmented protections, and institutional inertia, leading to a more inclusive and future-ready gig economy said by *Karumathil, P. (2025)*.

Warghade, K., Slatewala, T., & Gupta, R. (2025) finds that the gig economy in Maharashtra, India, has significantly altered labor markets, posing challenges and highlighting the need for reforms to protect gig workers while fostering economic growth.

Varankar, K., & Bhosale, P. (2025) explores that Gig economy growth in Mumbai has complicated corporate practice management due to confined legal and regulatory frameworks, highlighting the need for legal frameworks to ensure employment standards and balance business interests.

By studying Effectiveness of welfare initiatives for gig workers ; *Dubey, U., & Kalla, N. (2025)* finds that the Code on Social Security, 2020 mandates social security for gig workers but faces poor implementation and low registration.

Hb, C., Chandrappa, U., & R, B. (2023) observes that Gig workers in India face limited

protection under labor laws, with potential for improvement through a separate gig economy section in the Code on Social Security (2020).

Rane, V. (2024) said that Gig workers in India face precarious working conditions and lack legal protections due to ambiguity in employment status, highlighting the need for comprehensive legislation to reclassify them as workers and grant them fundamental rights for dignified livelihoods.

P, K. (2024) finds that Gig workers in India face challenges in identifying and distinguishing them from other workers, requiring legal recognition and protection against sexual harassment.

Y. (2023) observed that India's labor laws need revisions to address the challenges of teleworking and flexible working arrangements, while considering the gig economy and incorporating social security for gig workers.

Choudhary, V., & Shireshi, S. (2022) explores that Effective regulation can reduce the sufferings of gig workers in India by addressing seven key features and implementing novel methods.

The gig economy in India offers flexibility and autonomy, but raises concerns about job security, proper wages, and social benefits observed by *Oman, Z., Bhati, K., & Ahmed, A. (2025)*.

Gill, J., & Gupta, S. (2024) finds that the gig economy has significantly impacted contract labor laws, highlighting the need for regulatory adjustments to protect gig workers and adapt existing laws to their unique needs.

Singh¹, R., & Awasthi², S. (2025) said that Unorganized workers in India's gig economy face job instability, lack of social security, and exploitation, with gender, age, and regional disparities affecting benefits access.

Chitranshi, S., & Dhruvi, H. (2024) finds that the Gig workers in India face challenges in gaining recognition and social security benefits due to their status as "second-class workers" under existing labor laws.

Rajeshwari, M., & , A. (2025) while studying the Challenges and opportunities in gig and

contract employment, regulatory advantages, and worker preferences in India's gig economy, finds that Gig employment in India is rapidly growing, offering flexibility but lacking traditional job benefits.

R., R., Vasudevan, S., & Srinivasan, D. (2025) observed that Digital platforms and policies should consider policy, social, and environmental sustainability to advance the gig economy towards sustainability.

Gig workers in Delhi-NCR face significant job security concerns and access to skills development barriers, highlighting the need for comprehensive regulatory reforms and investment in skills development found by *Maurya, N. (2024)*.

S, T., & , A. (2023) explores that Gig workers in India face challenges and need better regulation to prevent exploitation, with the gig economy benefiting during the COVID-19 pandemic.

Singh, R., & Bhushan, V. (2023) observed that the gig economy in India offers flexible work arrangements, but challenges exist due to lack of formal employment relationships and social security issues.

DISCUSSION ON THE TOPIC:

Concept of the gig economy and the nature of gig work in India:

The gig economy is a **free-market** system in which organisations engage independent workers for temporary, on-demand tasks rather than long-term jobs³. A gig worker is typically paid per task, ride, delivery or project, and earns outside the conventional employer-employee relationship, often through online or app-based platforms.⁴

Gig work is characterised by high **flexibility** in choosing when and how much to work, but also by irregular hours, piece-rate payment and strong algorithmic or rating-based management by platforms.⁵ Workers usually bear their own costs (vehicles, fuel, maintenance, devices, social security contributions) and face variable earnings, with peak-time incentives but also intense

³ <https://www.assochem.org/uploads/files/1628143386.pdf>.

⁴ <https://www.investindia.gov.in/team-india-blogs/gig-economy-shaping-future-work>.

⁵ <https://www.techtarget.com/whatis/definition/gig-economy>.

competition and income volatility.⁶

In India, prominent gig sectors include app-based transport/drivers (Uber, Ola), food and grocery delivery partners (Swiggy, Zomato, Blinkit), other on-demand workers engaged through digital platforms like e-commerce logistics, and a growing pool of digital freelancers in IT, content, design and professional services.^{7 8} These workers usually have a “non-traditional” relationship with platforms, treated as independent contractors rather than employees, which excludes them from classic labour statutes on wages, hours and dispute resolution.⁹

Policy and industry reports note that India already has millions of gig workers, with estimates of around 7.7 million in 2020-21 and projections of about 23.5 million by 2029-30 in gig and platform work combined.¹⁰

Rapid smartphone and internet penetration, the expansion of e-commerce and platform startups, and consumer demand for on-demand services have strongly boosted gig work.¹¹ On the supply side, a large pool of young, semi-skilled or unemployed workers, including in Tier-II and Tier-III cities, see gig work as a flexible income source or side job.¹²

Benefits and challenges for workers: For many workers, especially youth and women, gig work offers easier entry into the labour market, supplemental income, and more control over time compared to rigid 9-to-5 jobs.¹³

At the same time, key concerns include lack of job security, absence of traditional employment benefits (paid leave, provident fund, insurance), weak bargaining power, and vulnerability to sudden “deactivation” or changes in platform algorithms and pay structures.¹⁴

⁶ <https://www.drishtiiias.com/daily-updates/daily-news-editorials/rise-of-the-gig-economy-in-india>.

⁷ <https://www.drishtiiias.com/daily-updates/daily-news-analysis/rise-and-challenges-of-india-s-gig-economy>.

⁸ <https://www.juscorpus.com/the-invisible-workforce-legal-recognition-of-gig-workers-in-indias-labour-framework/>,

⁹ Ibid

¹⁰ https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf.

¹¹ <https://www.drishtiiias.com/daily-updates/daily-news-analysis/rise-and-challenges-of-india-s-gig-economy>.

¹² <https://www.pockethrms.com/blog/gig-economy-in-india/>.

¹³ <https://www.investindia.gov.in/team-india-blogs/gig-economy-shaping-future-work>.

¹⁴ <https://www.pockethrms.com/blog/gig-economy-in-india/>.

Legal status of gig workers under existing Indian labour laws:

Code on Social Security, 2020 (CoSS):

The Code on Social Security, 2020 (CSS 2020) gives gig and platform workers formal legal recognition and a statutory basis for social-security benefits, even though it does not treat them as regular employees with full labour rights. Its role is to create dedicated schemes, funds and institutions so that this previously “invisible” workforce can access insurance, health and old-age protection through a digital, register-based system.¹⁵

This Code for the first time, legally defines “gig worker” and “platform worker” and includes them within its ambit for social security schemes¹⁶(healthcare, insurance, pensions). It legally defines “gig worker” as a person working outside a traditional employer–employee relationship and to distinguish “gig workers” and “platform workers” from standard employees.¹⁷ But it does not grant full employee-like benefits such as EPF, gratuity, or robust wage protections, and is not fully implemented¹⁸

Policy briefs and official statements describe this move as a shift from treating gig work as purely informal to recognising it as part of the formal labour landscape, with national registration (through databases like e-Shram) intended to give gig workers portable, digitally trackable benefits.¹⁹

These workers are placed together with unorganised workers in Chapter IX, which deals with social security for unorganised, gig, and platform workers. This shows that the law recognises them as a separate group entitled to specific social-security benefits.²⁰ The Chapter further authorises central and state governments to frame social security schemes (e.g., life and disability cover, accident insurance, health and maternity, old-age protection) for gig, platform and unorganised workers, giving them a formal legal category and potential welfare entitlements once notified and funded.²¹

¹⁵ <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2076946>.

¹⁶Ibid

¹⁷ https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf.

¹⁸ U. Dubey & N. Kalla, "A Study of Welfare Measures for Gig Workers in India," *EPR International Journal of Research & Development (IJRD)* (2025). <https://doi.org/10.36713/epra22084>

¹⁹ <https://www.pib.gov.in/FactsheetDetails.aspx?Id=150554®=3&lang=1>.

²⁰ <https://www.taxmann.com/post/blog/analysis-the-code-on-social-security>.

²¹ <https://corridalegal.com/platform-worker-registration-complying-with-the-social-security-code-2020/>.

The Code empowers the government to frame schemes for gig and platform workers for life and disability cover, accident insurance, health and maternity benefits, old-age protection and other welfare, financed partly through a Social Security Fund.²²

Registration and eligibility

To access Code-based benefits, a gig or platform worker must²³

1. register (usually online through a digital portal or app),
2. be above a minimum age (16 years or as notified) and
3. submit a self-declaration with required information;

On registration, each worker receives a unique identification number within a centralised electronic system, which serves both to formally recognise their status and to link them to social-security schemes, complementing platforms like e-Shram.²⁴ Only registered workers are eligible for the relevant schemes.²⁵

A National Social Security Board is envisaged to recommend and monitor schemes for unorganised, gig and platform workers and recommending, monitoring & reviewing schemes specifically for this group.²⁶ The Code permits helplines and facilitation centres to assist in registration and benefit delivery.²⁷

State governments may constitute corresponding boards or authorities, enabling decentralised implementation, grievance-redress mechanisms and better alignment with local labour-market conditions.²⁸

Power to frame social-security schemes:

The Code authorises central and state governments to frame and notify special schemes for gig and platform workers on life and disability cover, accident insurance, health and maternity

²² <https://corridalegal.com/social-security-code-provisions-for-gig-and-platform-workers/>.

²³ <https://vvgnli.gov.in/en/code-social-security-2020>.

²⁴ Ibid

²⁵ Ibid

²⁶ <https://prsindia.org/billtrack/the-code-on-social-security-2020>.

²⁷ https://dtnbwed.cbwe.gov.in/images/upload/The-Social-Security-Code_T1Z6.pdf.

²⁸ <https://www.taxmann.com/post/blog/analysis-the-code-on-social-security>.

benefits, old-age protection, crèche facilities, and other welfare measures.²⁹ These schemes may be financed by contributions from government budgets, aggregators/platforms and, where prescribed, the workers themselves, allowing flexible design of benefits such as insurance packages, pension-type schemes, and welfare grants.³⁰

Social Security Fund and aggregator contributions:

CSS 2020 mandates establishment of social security funds specifically for unorganised, gig and platform workers, changing earlier language that merely “empowered” the government to do so.³¹

Specified categories of aggregators (ride-sharing, food delivery, e-commerce, logistics, etc.) must contribute a notified percentage of their annual turnover typically between 1–2%, capped so it does not exceed 5% of the amounts paid to workers into these funds, internalising some cost of worker protection into platform business models.³²

e-Shram and central schemes:

The e-Shram portal creates a central database of unorganised workers, explicitly including gig and platform workers, and issues each a UAN-linked e-Shram card for easier access to social security schemes such as accident insurance, pensions and health coverage.³³ ³⁴ Government communications emphasise that expanding registration and integrating it with health and insurance schemes is a priority for ensuring that gig workers actually receive the benefits envisaged under the Social Security Code and budget announcements.³⁵

As of early 2025, over 30 crore unorganised workers were registered on e-Shram, with multiple government schemes (insurance, pension, welfare) integrated; official estimates suggest the initiative is expected to cover around one crore gig workers.³⁶

²⁹ <https://labour.gov.in/sites/default/files/pib2198746.pdf>.

³⁰ <https://www.ilms.academy/blog/social-security-code-2020-what-it-means-for-gig-and-platform-workers>.

³¹ <https://www.indiacode.nic.in/handle/123456789/16823>.

³² <https://www.ilms.academy/blog/social-security-code-2020-what-it-means-for-gig-and-platform-workers>.

³³ <https://cleartax.in/s/social-security-scheme>.

³⁴ <https://ddnews.gov.in/en/indias-gig-economy-expands-rapidly-government-steps-up-worker-welfare-measures/>.

³⁵ <https://www.linkedin.com/pulse/expanding-gig-workforce-india-challenges-government-response-f6hac>.

³⁶ Ibid

Limits and critical assessment:

CSS 2020 protects gig and platform workers mainly through **welfare-oriented** social-security measures; it does not itself confer minimum-wage rights, working-time limits or job-security protections associated with full employee status.³⁷

Effective protection still depends on timely notification of schemes, adequacy of aggregator contributions, robust digital registration, and coordination with state-level laws (such as Rajasthan’s welfare statute), so the Code is best seen as a foundational framework whose impact will turn on implementation.³⁸

Gig workers remain outside core statutes like the **Industrial Disputes Act, Minimum Wages Act, Trade Unions Act**, etc., limiting rights to minimum wages, collective bargaining, and unfair dismissal remedies^{39 40}

Level	Protection / Initiative	Legal Status & Limits	Citations
Union	Code on Social Security 2020	Recognition + potential schemes, but narrow benefits, weak enforcement	(Dubey & Kalla, 2025; Hb et al., 2023; -, 2023; R. et al., 2025; Singh & Bhushan, 2023)
State	Rajasthan Platform-based Gig Workers Act 2023	Registration, welfare board, platform contributions – still an early model	(Karumathil, 2025; Rane, 2024; Gill & Gupta, 2024; S & Abirami, 2023)

³⁷ <https://prsindia.org/billtrack/the-code-on-social-security-2020>.

³⁸ Ibid

³⁹ K. Warghade, T. Slatewala & R. Gupta, "The Impact of the Gig Economy on Traditional Labour Laws in Maharashtra, India," *International Journal For Multidisciplinary Research* (2025), <https://doi.org/10.36948/ijfmr.2025.v07i01.35504>

⁴⁰ S. Chitranshi & H. Dhruvi, "Determining the Status and Treatment of 'GIG-Workers' under the Industrial Disputes Act, 1947," *GLS Law Journal* (2024), <https://doi.org/10.69974/gslawjournal.v6i2.134>

Practice	Welfare schemes (Ayushman Bharat, e-Shram, state programs)	Patchy coverage, low registration, implementation gaps	(Dubey & Kalla, 2025; -, 2023; Singh ¹ & Awasthi ² , 2025; Maurya, 2024)
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Figure 1: Core national and state frameworks for gig workers

State-Level and Policy Innovations:

Rajasthan has enacted a pioneering law named Platform-Based Gig Workers (Registration and Welfare) Act 2023 on platform-based gig workers, requiring platforms to submit worker databases, automatically registering workers with the state, assigning each a unique ID and creating a welfare fund financed by platform contributions and state support.⁴¹

These laws still treat gig workers as a distinct class rather than fully assimilating them into permanent employee status, but the law also envisages a grievance-redress system and welfare board, giving registered workers enforceable entitlements and oversight of payments and platform practices, safeguards before termination and is seen as a potential model for other states.^{42 43}

The Act funds benefits through a welfare cess (about 1–2% of each platform transaction) plus state grants, and promises accident and health insurance, maternity benefits, pension-type support, scholarships and other welfare, along with grievance-redress and penalties up to several lakh rupees for non-compliant platforms.⁴⁴

Karnataka’s proposed platform-based gig-worker welfare law goes further on working conditions, envisaging a welfare board, mandatory platform contributions, transparency in algorithmic allocation, protection against arbitrary termination, and internal dispute-resolution mechanisms for gig workers.⁴⁵

Default status: independent contractors: Platforms typically classify gig workers as

⁴¹ <https://aarambhlegal.com/the-legal-status-of-gig-workers-in-india/>.

⁴² <https://www.bbc.com/news/world-asia-india-66437170>.

⁴³ <https://law.asia/india-employment-law-gig-workers/>.

⁴⁴ <https://cjp.org.in/giving-the-gig-worker-bargaining-power-rajasthans-gig-worker-law/>.

⁴⁵ <https://juriscentre.com/2024/09/10/rules-and-regulations-governing-gig-workers-in-india/>.

“independent contractors” rather than “workmen” or “employees”, keeping them outside statutes like the Industrial Disputes Act 1947 and Minimum Wages Act 1948 (and their equivalents under the new labour codes).⁴⁶ As a result, they are ordinarily not entitled to paid leave, provident fund, ESI, standard notice and retrenchment protections or participation in trade-union style collective bargaining mechanisms available to formal employees.⁴⁷

Under existing Indian labour laws, gig workers are generally treated as non-employees (independent contractors), but recent reforms have created a limited, social-security-focused legal recognition separate from regular employees. This means they fall outside most classic employment protections (wages, job security, industrial dispute mechanisms) but are now explicitly covered by certain welfare and social security provisions under new codes and state laws.⁴⁸

The labour rights and social security position available to gig workers in India:

Gig workers in India currently have emerging but still limited labour rights, with clearer progress on social security (welfare and insurance schemes) than on classic employment protections like minimum wages, hours and job security. Most rights are conditional on registration and on whether central or state governments have actually notified specific schemes.⁴⁹

Core labour rights position:

Because gig workers are not treated as regular “employees” or “workmen”, they generally do not enjoy statutory minimum wages, fixed working hours, overtime, paid leave or retrenchment protections under traditional labour laws or the new labour codes.⁵⁰ Platforms retain strong control over allocation of work, ratings and deactivation, but without a settled recognition of a full employment relationship, enforcement of collective bargaining or unfair dismissal rights remains weak and mostly contractual.⁵¹

⁴⁶ <https://www.drishtias.com/daily-updates/daily-news-editorials/gig-economy-balancing-growth-with-worker-protection>.

⁴⁷ <https://lawfullegal.in/legal-status-of-gig-workers-in-india-employee-vs-independent-contractor/>.

⁴⁸ <https://www.lawrbit.com/article/gig-workers-in-india-analyzing-the-legal-framework/>.

⁴⁹ <https://www.drishtias.com/daily-updates/daily-news-analysis/code-on-social-security-2020-and-gig-workers>.

⁵⁰ https://dtnbwed.cbwe.gov.in/images/upload/The-Social-Security-Code_T1Z6.pdf.

⁵¹ <https://www.drishtias.com/daily-updates/daily-news-editorials/gig-economy-balancing-growth-with-worker-protection>.

Practical protection available today:

In practice, gig workers can currently claim: (a) inclusion in social security databases (e-Shram); (b) eligibility for notified insurance, pension or welfare schemes under the Social Security Code; and (c) stronger, more concrete benefits where a state like Rajasthan has enacted a dedicated statute.⁵²

However, they still largely lack enforceable rights to minimum wages, regulated working time, paid leave or job security comparable to formal employees, making the present framework more welfare-oriented than rights-based in the strict labour-law sense.⁵³

The legal status remains hybrid and contested recognised for social security purposes under the Social Security Code and certain state acts, yet kept outside the mainstream “employee/workman” category that anchors most Indian labour rights.⁵⁴

Judicial decisions and government policies related to the rights of gig economy workers in India:

Judicial decisions and government policies on gig workers in India are still evolving, but there is a clear trend toward recognising them as a distinct category entitled to social security and fair-work protections, even though courts have not yet granted them full employee status across the board. Government initiatives focus on legal recognition, social-security coverage, and state-level welfare laws, while constitutional and labour-law litigation is gradually testing the boundaries of their rights.⁵⁵

Judicial and Constitutional Developments

- Petitions such as the Indian Federation of App-based Transport Workers (IFAT) v Union of India, the matter before the Supreme Court seek recognition of gig workers as “unorganised workers” entitled to social security, arguing that denial of such protection violates Article 21 (right to life with dignity) and Article 23 (prohibition of

⁵² <https://corporate.cyrilamarchandblogs.com/2023/08/rajasthan-passes-rajasthan-platform-based-gig-workers-registration-and-welfare-act-2023/>.

⁵³ Ibid

⁵⁴ <https://www.angelone.in/news/economy/gig-and-platform-workers-recognised-under-labour-law-e-shram-aadhaar-linked-id-social-security-benefits>.

⁵⁵ <https://ddnews.gov.in/en/indias-gig-economy-expands-rapidly-government-steps-up-worker-welfare-measures/>.

forced labour).^{56 57}

- These litigations, along with public policy debates, are gradually pushing the State toward formalising gig work, strengthening registration, portable benefits and accountability of platforms, though a clear declaration of full employee status has not yet been made.⁵⁸
- Courts in India use control, integration and economic dependence tests (from cases like Dharangadhara Chemical Works⁵⁹ and Ram Singh⁶⁰) to decide whether a worker is really an employee despite contractual labels, and scholars argue that platform control over pricing, allocation and deactivation resembles employer control.⁶¹
- Courts have so far applied traditional “control” and “integration” tests to decide whether workers are employees, but there is no landmark Supreme Court ruling declaring all app-based drivers or delivery partners to be regular employees, leaving their status hybrid and contested.⁶²
- Petitions such as those filed by app-based transport and delivery workers’ unions rely on Articles 14, 21 and 23, arguing that denial of basic protection amounts to inequality and economic coercion, and are pushing courts to interpret existing statutes in a more worker-protective way.⁶³

OBSTACLES AND LIMITATIONS:

1. Employment status ambiguity keeps workers classified as “independent contractors,” excluding them from minimum wage, social security, safety, bonuses, provident fund,

⁵⁶ <https://www.thegeostrata.com/post/speedy-delivery-delayed-justice-the-silent-battle-of-india-s-gig-workers>.

⁵⁷ <https://lawfullegal.in/legal-status-of-gig-workers-in-india-employee-vs-independent-contractor/>.

⁵⁸ <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2200767®=3&lang=1>.

⁵⁹ Dharangadhara Chemical Works Ltd v State of Saurashtra (AIR 1957 SC 264)

⁶⁰ Ram Singh v Chandigarh (2004) 1 SCC 126

⁶¹ <https://lawfullegal.in/legal-status-of-gig-workers-in-india-employee-vs-independent-contractor/>.

⁶² https://icrier.org/policy_bank/regulation-of-gig-worker/.

⁶³ <https://www.lawrbit.com/article/gig-workers-in-india-analyzing-the-legal-framework/>.

and collective bargaining rights^{64 65}

2. High income volatility, weak grievance redress, and algorithmic opacity undermine job security and due process^{66 67}
3. Women gig workers face additional risks, including lack of clear coverage under sexual-harassment protections and higher exploitation rates^{68 69}
4. Because gig workers are not classified as “employees” under traditional labour laws, they are typically excluded from protections under the Minimum Wages Act 1948, Employees’ State Insurance Act 1948 and Industrial Disputes Act 1947 (or their counterparts under the new labour codes).⁷⁰ This means no guaranteed minimum wage, no fixed or regulated working hours, no statutory overtime, limited or no access to employer-funded health insurance, and weak formal mechanisms for unfair termination or algorithmic “deactivation”.⁷¹
5. National policy documents (such as the NITI Aayog brief on the booming gig economy) recommend extending social security, enabling collective voice, and encouraging platforms to co-fund benefits, framing gig workers as central to India’s growth but in need of stronger protections.⁷²
6. Despite these measures, India still lacks a single, comprehensive national law on gig

⁶⁴ K. Varankar & P. Bhosale, "Legal Issues in Managing Corporate Practices in Mumbai's Gig Economy," *International Journal of Research Publication and Reviews* (2025).

<https://doi.org/10.55248/gengpi.6.0525.19122>

⁶⁵ Z. Oman, K. Bhati & A. Ahmed, "The Rise of the Gig Economy in India: Market Domination and the Need to Regulate the Future of Work," *World Journal of Advanced Research and Reviews* (2025),

<https://doi.org/10.30574/wjarr.2025.25.3.0935>

⁶⁶ P. Karumathil, "The End of Patchwork: A Unified Framework for India's Gig Economy," *SSRN Electronic Journal* (2025), <https://doi.org/10.2139/ssrn.5221787>.

⁶⁷ V. Choudhary & S. Shireshi, "Analysing the Gig Economy in India and Exploring Various Effective Regulatory Methods to Improve the Plight of the Workers," *Journal of Asian and African Studies*, 57 (2022), 1343–1356, <https://doi.org/10.1177/00219096221082581>

⁶⁸ P. K., "Gig Workers: Challenges and Legal Recognition in India," *International Journal For Multidisciplinary Research* (2024), <https://doi.org/10.36948/ijfmr.2024.v06i02.15836>

⁶⁹ R. Singh¹ & S. Awasthi², "The Status of Unorganized Workers in Digital Platforms (Gig Economy): Opportunities and Challenges," *Journal of Informatics Education and Research* (2025), <https://doi.org/10.52783/jier.v5i2.2625>

⁷⁰ <https://www.juscorpus.com/the-invisible-workforce-legal-recognition-of-gig-workers-in-indias-labour-framework/>.

⁷¹ <https://www.thegeostrata.com/post/speedy-delivery-delayed-justice-the-silent-battle-of-india-s-gig-workers>

⁷² [https://www.niti.gov.in/sites/default/files/2023-](https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf)

[06/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf).

workers' labour rights; most initiatives focus on welfare and social security rather than guaranteed minimum wages, stable hours, or collective bargaining, leaving significant gaps that ongoing litigation and future reforms will likely address.⁷³

RECOMMENDATIONS AND FUTURE DIRECTIONS:

1. Shift to a rights-based framework

Gig workers should be given basic labour rights such as minimum wages, fixed working hours, and protection from unfair termination.

2. Effective enforcement of the Social Security Code, 2020

Proper implementation, compulsory registration, and strict compliance by platforms are needed to ensure social-security benefits reach gig workers.

3. Uniform legal protection across states

State laws like the Rajasthan Gig Workers Act should be adopted uniformly to avoid unequal protection in different states.

4. Platform accountability and grievance redressal

Legal rules should ensure transparency in algorithms, fair pay systems, and accessible grievance-redress mechanisms.

5. Inclusive protection and future legal reforms

Special legal safeguards for women gig workers and continuous legal review are necessary to strengthen future labour reforms.

CONCLUSION

The gig economy has become an integral component of India's labour market, offering flexible employment opportunities across transport, delivery, logistics, and digital services. However, this flexibility has come at the cost of employment security, stable income, and access to core

⁷³ <https://www.linkedin.com/pulse/expanding-gig-workforce-india-challenges-government-response-f6hac>.

labour rights. The study reveals that gig workers in India largely operate outside traditional employer–employee relationships and are therefore excluded from most conventional labour protections relating to minimum wages, regulated working hours, job security, and collective bargaining.

The enactment of the Code on Social Security, 2020 marks a significant shift by formally recognising gig and platform workers and providing a statutory framework for welfare-oriented social security measures. Provisions relating to registration, social security funds, and mandatory platform contributions indicate a move toward shared responsibility between the State and aggregators. State-level initiatives, particularly the Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023, further demonstrate progressive attempts to institutionalise welfare mechanisms and grievance redressal systems for gig workers.

Current Indian law recognizes gig workers but stops short of giving them the full bundle of labour rights enjoyed by regular employees. Protection is evolving through the Social Security Code and pioneering state laws, yet practical rights to stable income, social security, collective bargaining, and effective remedies remain limited and uneven. Despite these developments, the existing framework remains limited in scope and effectiveness. Protection is largely conditional upon registration and notification of schemes, and implementation gaps persist due to weak enforcement, low awareness, and administrative challenges. Judicial interventions and ongoing litigation reflect growing recognition of the vulnerabilities faced by gig workers but have not yet resulted in a definitive reclassification granting full employee status.

Overall, the current legal regime adopts a welfare-based rather than rights-based approach, offering partial protection without addressing structural issues of wage security, algorithmic control, and unfair termination. The study concludes that while recent reforms represent an important first step, India requires a more comprehensive and coherent legal framework that balances flexibility with dignity, fairness, and substantive labour rights for gig economy workers.

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