
ALGORITHMIC DEACTIVATION OF GIG WORKERS IN INDIA: DUE PROCESS, TRANSPARENCY AND THE RIGHT TO HUMAN REVIEW

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ABSTRACT

The increasing use of algorithmic systems in platform work has transformed how workers are monitored, evaluated, assigned work and granted continued access to digital platforms. While such systems may improve efficiency, consistency and fraud detection, algorithmic deactivation raises significant procedural concerns when automated or algorithm-supported decisions suspend or terminate a worker's access to work and livelihood. This article examines algorithmic deactivation in India through the principles of natural justice, procedural fairness, proportionality, transparency and meaningful human review. It considers the recognition of gig and platform workers under the Code on Social Security, 2020 and identifies the absence of a specific procedural framework governing consequential automated decisions affecting continued platform access. The article distinguishes between source-code transparency and decision-level transparency, arguing that workers should receive sufficient information to understand and challenge an adverse decision without requiring disclosure of proprietary algorithms or source code. Drawing upon Directive (EU) 2024/2831 as a comparative reference, the article proposes a severity-based procedural model under which safeguards correspond to the seriousness, duration and economic impact of the decision. Minor restrictions may require basic notice and an opportunity for correction, while extended suspension and permanent deactivation should ordinarily require reasoned notice, relevant information, an opportunity to respond and meaningful human review. Human review must be substantive rather than merely formal and should involve a reviewer with sufficient competence, information and authority to reconsider the automated outcome. The article further argues for systemic accountability through evaluation of recurring errors and high-consequence automated decision-making. It does not propose a prohibition on algorithmic management but advocates proportionate procedural safeguards that preserve technological efficiency while preventing serious decisions from becoming effectively unreviewable. It concludes that India should develop a framework ensuring that consequential automated decisions affecting

platform workers remain transparent, explainable, reviewable and accountable.

Keywords: Gig Workers, Platform Workers, Algorithmic Management, Algorithmic Deactivation, Natural Justice, Procedural Fairness, Transparency, Human Review, Labour Rights.

I. INTRODUCTION

Digital labour platforms have transformed the organisation of work by connecting workers and consumers through technology. In sectors such as transportation, delivery and other on-demand services, workers increasingly depend upon digital applications to obtain assignments and generate income. Platforms simultaneously rely upon automated systems to allocate work, assess performance, process ratings and identify potential violations.

The use of algorithms is not, by itself, legally problematic. Automated systems can assist platforms in managing large numbers of workers efficiently and applying operational standards consistently. The legal concern arises when algorithmic systems influence decisions that substantially affect a worker's continued access to work.

Among such decisions, deactivation is particularly consequential. A worker may be temporarily restricted, suspended for an extended period or permanently removed from a platform because of alleged misconduct, customer complaints, ratings, cancellation patterns, identity verification issues or suspected fraud. Where such decisions are generated or substantially influenced by automated systems, the worker may not know which information triggered the decision or whether that information was accurate.

The issue is therefore not simply whether an algorithm can make a decision. It is whether a serious decision affecting access to work should become effectively final merely because it was produced or supported by an automated system.

Indian administrative law has long recognised the importance of fairness in decision-making. In *A.K. Kraipak v. Union of India*, the Supreme Court emphasised the role of natural justice in preventing unfair decision-making.¹ However, the constitutional principles applicable to State action cannot automatically be extended to every decision of a privately operated digital

¹ *A.K. Kraipak v. Union of India*, (1969) 2 SCC 262, 272–73.

platform.

This article consequently adopts a narrower approach. It examines how principles of procedural fairness can inform the regulation of consequential algorithmic deactivation and proposes a severity-based procedural model under which stronger procedural safeguards apply as the impact of the decision increases.

II. ALGORITHMIC DEACTIVATION AS A PROCEDURAL PROBLEM

Algorithmic management involves the use of automated systems to organise, monitor and evaluate work. In platform environments, algorithms may determine assignment allocation, calculate incentives, process ratings, identify unusual activity and flag potential violations.

The legal significance of algorithmic management changes when the system moves from assisting administrative functions to influencing a worker's continued access to the platform.

Deactivation is particularly different from ordinary performance management. A warning or low rating may affect future opportunities, whereas deactivation can prevent a worker from accepting assignments altogether. For a worker substantially dependent upon platform income, the practical consequence may be immediate loss of earnings.

The difficulty is compounded by the possibility of inaccurate or incomplete data. A customer complaint may be mistaken, location information may be incorrect, or an automated fraud indicator may misinterpret legitimate conduct. The worker may nevertheless receive a notification stating that the account has been suspended or deactivated without sufficient information to identify and challenge the underlying error.

This creates what may be described as a procedural accountability gap. The platform possesses significant decision-making capacity, while the affected worker may possess limited information about how the decision was reached.

The issue is therefore one of balancing two legitimate interests. Platforms require sufficient autonomy to protect users, prevent fraud and enforce operational standards. Workers, however, require an effective mechanism to challenge serious decisions that may deprive them of access to work.

The appropriate response is not to prohibit automated decision-making. It is to ensure that the seriousness of the consequence is matched by an appropriate level of procedural protection.

III. NATURAL JUSTICE AND THE LIMITS OF ITS DIRECT APPLICATION

Natural justice provides an important conceptual basis for evaluating procedural fairness. Its requirements are flexible and depend upon the nature of the decision and its consequences.

In *A.K. Kraipak v. Union of India*, the Supreme Court recognised the importance of natural justice in administrative decision-making and rejected an excessively rigid distinction between administrative and quasi-judicial functions.² The decision reflects a broader principle that power affecting an individual's interests should be exercised fairly.

The opportunity to be heard is another central component of procedural fairness. In *Swadeshi Cotton Mills Co. v. Union of India*, the Supreme Court recognised the importance of providing an affected party an opportunity to make representations before an adverse decision, subject to recognised exceptions.³

These principles have obvious relevance where an automated system relies upon information that may be incomplete or disputed. A worker may possess an explanation that is unavailable to the algorithm. A meaningful opportunity to respond can therefore operate as an error-correction mechanism.

However, natural justice cannot simply be treated as directly applicable to every private platform. A private platform is not automatically a State authority, and an economically significant contractual relationship does not by itself establish the constitutional conditions necessary for direct application of public-law guarantees.

The appropriate proposition is therefore more limited but practically significant: natural justice should inform the design of minimum procedural safeguards for consequential platform decisions. Where constitutional or statutory obligations apply, those principles may have direct legal force; in other cases, they can guide legislative and regulatory intervention.

² *Id.* at 272–73.

³ *Swadeshi Cotton Mills Co. v. Union of India*, (1981) 1 SCC 664, 687–88.

IV. LIVELIHOOD, PROPORTIONALITY AND PLATFORM ACCESS

The significance of deactivation is heightened by its potential impact on livelihood. For many platform workers, continued access to the application is closely connected to the ability to obtain assignments and earn income.

In *Olga Tellis v. Bombay Municipal Corp.*, the Supreme Court recognised the constitutional significance of livelihood in the context of the right to life.⁴ The judgment does not establish an absolute right to remain on a particular platform or to continue in a particular occupation. Its relevance lies in recognising livelihood as an important constitutional value when governmental action has serious economic consequences.

The principle must therefore be applied carefully to private platforms. A platform has legitimate interests in preventing fraud, protecting customers and responding to safety risks. Those interests cannot be displaced merely because a worker depends upon the platform.

At the same time, the economic consequence of deactivation justifies a proportional approach. A brief restriction for a minor violation is qualitatively different from permanent exclusion. The latter warrants substantially greater procedural protection because the consequence is more serious and potentially more difficult to reverse.

The resulting principle is one of proportional procedural protection: as the effect of the decision on access to work becomes more serious, the justification for stronger procedural safeguards correspondingly increases.

V. THE CODE ON SOCIAL SECURITY, 2020 AND THE UNADDRESSED PROCEDURAL GAP

The Code on Social Security, 2020 represents an important development in India's recognition of platform-based work. Section 2(35) defines a "gig worker", while section 2(61) defines a "platform worker".⁵ The Code was enforced on 21 November 2025 and provides a statutory framework for social-security measures concerning gig and platform workers.⁶

⁴*Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 SCC 545, 572–73.

⁵ Code on Social Security, No. 36 of 2020, §§ 2(35), 2(61).

⁶ Ministry of Labour & Employment, Government of India, *Key Provisions Under the Code on Social Security, 2020* (Jan. 29, 2026).

Section 114 provides for schemes relating to gig workers and platform workers, including measures concerning life and disability cover, accident insurance, health and maternity benefits, old-age protection and other prescribed benefits.⁷

This statutory recognition is significant because it acknowledges that workers operating through digital platforms may require legal protection even where their relationship does not fit neatly within the traditional employer-employee model.

Nevertheless, the social-security framework does not provide a detailed procedural framework specifically governing consequential algorithmic deactivation. The Code does not establish a specific procedure requiring platforms to provide notice of an automated decision, communicate its material basis, permit a worker to respond or provide meaningful human reconsideration.

The gap is therefore not one of recognition but of procedural accountability.

A worker may be recognised as a platform worker for social-security purposes while remaining vulnerable to an opaque automated decision that abruptly removes access to the platform.

Future regulation should consequently supplement social-security protection with minimum procedural requirements for consequential algorithmic decisions.

VI. DECISION-LEVEL TRANSPARENCY

Transparency is essential if algorithmic decisions are to be meaningfully challenged. However, transparency should not be equated with compulsory disclosure of source code.

Requiring platforms to disclose proprietary algorithms in their entirety may create legitimate concerns concerning trade secrets, cybersecurity and manipulation of automated systems. More importantly, technical disclosure may not provide an ordinary worker with a useful explanation of why a particular decision was made.

A more suitable approach is decision-level transparency.

Where an automated decision produces a serious adverse consequence, the worker should

⁷ Code on Social Security, No. 36 of 2020, § 114 (India).

ordinarily be informed of:

1. the conduct or violation alleged;
2. the relevant platform rule;
3. the principal factual information relied upon;
4. the effective date and duration of the restriction;
5. the procedure available to challenge the decision; and
6. whether automated processing materially contributed to the decision.

This does not require disclosure of the complete algorithm. It requires sufficient information to make the decision contestable.

The European Union's Directive (EU) 2024/2831 provides a useful comparative reference. Its provisions concerning automated management require transparency regarding automated monitoring and decision-making systems and establish specific explanation and human-review mechanisms for consequential decisions affecting persons performing platform work.⁸

The European framework is not directly applicable in India. Its value lies instead in demonstrating that transparency can be designed around the consequences and reasons of a decision, rather than around unrestricted disclosure of technological architecture.

VII. MEANINGFUL HUMAN REVIEW

Transparency alone is insufficient if the worker cannot obtain effective reconsideration. An appeal mechanism that merely confirms the automated outcome provides little substantive protection.

Meaningful human review should contain three elements: access to relevant information, an opportunity for the worker to provide an explanation or correction, and genuine authority on the part of the reviewer to reconsider the outcome.

⁸ Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on Improving Working Conditions in Platform Work, 2024 O.J. (L 2831) 1, arts. 10–11.

The European Union's platform-work framework provides an instructive comparative model. Article 10 of Directive (EU) 2024/2831 requires digital labour platforms to ensure human oversight of automated monitoring and decision-making systems. The persons responsible for oversight must possess appropriate competence, training and authority, including authority to override automated decisions.⁹ Article 10(5) further requires decisions to restrict, suspend or terminate the account or contractual relationship, or decisions of equivalent detriment, to be taken by a human being.¹⁰

Article 11 complements this framework by providing platform workers with a right to obtain an explanation of decisions taken or supported by automated decision-making systems. It also provides access to a designated contact person and a right to request review of specified decisions.¹¹

The significance of this approach lies in distinguishing human presence from meaningful human control.

For India, the requirement should not necessarily be that every decision involving an algorithm must be manually determined. Rather, serious or permanent decisions should remain capable of being reconsidered by a human decision-maker with sufficient authority to depart from the automated outcome.

Human review should therefore function as a substantive safeguard against erroneous data, contextual misunderstanding and disproportionate enforcement.

VIII. A SEVERITY-BASED PROCEDURAL MODEL FOR INDIA

A single procedure for every automated platform decision would be neither necessary nor efficient. India should instead adopt a severity-based procedural model.

A. Minor or Temporary Restrictions

Where the alleged violation is minor and the restriction is temporary, basic procedural safeguards should apply. The worker should receive notice identifying the alleged violation, the relevant platform rule and, where appropriate, the steps necessary for correction.

⁹ *Id.* art. 10(2).

¹⁰ *Id.* art. 10(5).

¹¹ *Id.* art. 11(1)–(2).

Where inaccurate information is capable of being corrected, the worker should have a reasonable opportunity to do so.

B. Extended Suspension

Where suspension continues for a substantial period or materially affects the worker's income, stronger safeguards should apply.

The worker should receive a clear explanation of the basis of the suspension and an opportunity to respond. The platform should provide an accessible mechanism for challenging factual errors in complaints, ratings, location records, identity information or other relevant data.

C. Permanent or Serious Deactivation

Permanent deactivation or an equivalent decision producing substantial loss of access to work should attract the highest level of procedural protection.

Before such a decision becomes final, the worker should ordinarily receive:

- reasoned notice;
- an opportunity to respond;
- access to material information necessary to challenge the decision;
- an opportunity to correct relevant factual errors; and
- meaningful human review.

The reviewer should possess sufficient authority to reconsider and, where appropriate, override the automated outcome. The final decision should communicate the principal reasons for accepting or rejecting the worker's response.

D. Emergency Action and Subsequent Review

Platforms should retain the ability to take immediate temporary action where necessary to address an urgent safety risk, serious suspected fraud or comparable circumstances.

However, emergency action should ordinarily remain temporary and be followed by timely human review. An emergency exception should not become a route through which permanent deactivation occurs without meaningful procedural scrutiny.

The model therefore establishes a clear relationship between severity and procedure: the more serious and durable the consequence, the stronger the safeguards required.

This approach preserves platform autonomy while placing a principled limit on automated finality.

IX. CONTRACTUAL CONSENT AND THE LIMITS OF AUTOMATED FINALITY

Platforms may argue that workers accept contractual terms authorising monitoring, automated assessment and suspension when they register for platform services.

Contractual acceptance, however, should not automatically be interpreted as consent to an unreviewable automated decision.

Platform agreements are commonly standard-form arrangements, and workers may have limited practical ability to negotiate provisions concerning algorithmic management. More importantly, accepting platform rules does not establish that every subsequent automated assessment is accurate or proportionate.

This does not eliminate contractual autonomy. Platforms retain legitimate interests in establishing standards, preventing fraud, protecting customers and ensuring safety.

The appropriate approach is therefore to preserve contractual autonomy while imposing minimum procedural safeguards where automated enforcement produces serious consequences.

Such safeguards would not prevent platforms from enforcing legitimate rules. They would require only that serious enforcement decisions remain capable of explanation, challenge and review.

X. SYSTEMIC ACCOUNTABILITY OF ALGORITHMIC DECISION-MAKING

Individual review is necessary but may not be sufficient where the underlying system

repeatedly generates erroneous outcomes.

If a particular rating mechanism, data source or fraud-detection tool repeatedly causes wrongful deactivation, correcting individual accounts does not address the underlying systemic problem.

Algorithmic accountability should therefore operate at two levels.

Individual accountability requires notice, explanation, correction and meaningful human review.

Systemic accountability requires periodic evaluation of high-consequence automated systems, identification of recurring errors and corrective measures where necessary.

The European Union's platform-work framework recognises the importance of oversight and periodic evaluation of the impact of individual decisions taken or supported by automated monitoring and decision-making systems.¹² India could adopt a proportionate approach by requiring platforms to maintain appropriate records of serious automated deactivation decisions and periodically assess recurring patterns of error.

Such regulation need not require disclosure of proprietary source code. The focus should remain on the reliability, impact and accountability of consequential automated decision-making.

This approach would shift regulatory attention from merely asking whether one worker was wrongly deactivated to also asking whether the platform's system is systematically producing unfair outcomes.

XI. CONCLUSION

The increasing use of algorithmic management in platform work presents a new challenge for labour regulation. Automated systems can improve efficiency and assist platforms in enforcing legitimate standards, but the consequences become significantly more serious when such systems influence decisions concerning continued access to work.

¹² *Id.* art. 10(1)–(3).

Algorithmic deactivation is therefore not merely a technological issue. It is a question of procedural accountability.

The Code on Social Security, 2020 has taken an important step by recognising gig and platform workers and establishing a framework for social-security measures. Yet statutory recognition does not by itself provide an adequate response to the procedural risks associated with automated deactivation.

A future Indian framework should combine four principles: proportional procedural protection, decision-level transparency, meaningful human review and systemic accountability.

The severity-based model proposed in this article provides a practical method of achieving that balance. Minor restrictions may require basic notice and correction mechanisms. Extended suspensions should receive stronger explanation and response mechanisms. Permanent or serious deactivation should ordinarily require reasoned notice, an opportunity to respond, access to relevant information and meaningful human review by a person capable of reconsidering the automated outcome.

The objective is not to replace algorithms with humans in every aspect of platform management. Rather, it is to establish a boundary between algorithmic assistance and algorithmic finality.

An algorithm may identify a potential violation, but where the consequence is substantial or permanent exclusion from work, the decision should remain open to meaningful human scrutiny. Technological efficiency should not eliminate procedural fairness. A sound legal framework can accommodate both by ensuring that consequential automated decisions remain transparent, proportionate and accountable.