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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

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ALGORITHMIC LABOUR AND LEGAL PRECARIETY: A CRITICAL STUDY OF BLINKIT DELIVERY WORKERS IN INDIA'S GIG ECONOMY

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ABSTRACT

The gig economy, particularly in the platform delivery industry, has changed the nature of work by establishing flexible but unstable labor arrangements. Zomato's Blinkit, a fast delivery service in India, has come to represent the escalating conflict between worker rights and technology innovation. This study examines the legal standing, working conditions, and structural vulnerabilities of Blinkit delivery workers, with a particular emphasis on the widespread demonstrations that followed sudden adjustments to the payment schedule in 2023–2024. According to the study, Blinkit's designation of its employees as "independent partners" conceals the power imbalances brought about by algorithmic management and deprives them of the fundamental labor rights protected by Indian law and the constitution. This study assesses the effectiveness of the 2020 Code on Social Security and other labor codes in tackling the difficulties associated with platform work through doctrinal and comparative analysis. The absence of statutory entitlement to minimum wages, social security benefits, and collective bargaining rights is given special consideration. In order to support its claim that platform workers should be treated as employees under Indian law, the paper also examines recent international events, such as the Uber BV v. Aslam ruling in the United Kingdom and the Platform Work Directive of the European

Union in 2024. The article argues, using a constitutional perspective, that it is against Articles 14, 21, and 23 of the Indian Constitution to deny gig workers labor protections. In order to protect worker dignity in the digital economy, the research ends with legal and legislative proposals that support algorithmic transparency requirements and a hybrid employment paradigm.

Keywords: Algorithmic management, Blinkit, digital labour, gig economy, Indian Constitution, labour law, platform workers, right to livelihood, Social Security Code, Uber case.

INTRODUCTION

In modern India, the gig economy's explosive growth has drastically changed the nature of work, job relationships, and labor laws. This new type of work, which is made possible by digital platforms and mobile applications, has become more popular in industries including home services, transportation, and food delivery. It is frequently characterized by flexibility, informality, and algorithmic monitoring. Major firms such as Zomato, Swiggy, Ola, and Blinkit have surfaced, organizing work using app-based interfaces that control the where, when, and how of gig workers' operations. While encouraging innovation and consumer convenience, this shift has also sparked serious worries about the erosion of traditional labor rights, job security, and the application of current legal protections. The instance of Blinkit, a hyperlocal delivery firm currently controlled by Zomato, is especially instructive. In 2023–2024, the delivery staff protested in large numbers. Unauthorized modifications to the payment system, from a flat fee of ₹25 per delivery to a reduced rate of ₹15, without prior consultation or approval, were the catalyst for these demonstrations. Employees who were already paying for fuel and upkeep had to deal with declining pay in addition to algorithmic monitoring, performance evaluations, and opaque deactivation procedures. The demonstrations rekindled discussions on the legal classification of gig workers in India and brought dangerous working conditions common in platform-based employment to the attention of the country.¹

¹ See *Blinkit delivery partners protest against new pay structure*, *The Hindu* (April 2023) <https://www.thehindu.com/news/cities/Delhi/blinkit-riders-protest/article66715342.ece> accessed 1 August 2025.

The paper aims to critically assess whether the rights of platform workers, such as those employed by Blinkit, are sufficiently protected by the current Indian labor laws, especially the Code on Social Security, 2020.² The study also looks into whether these people should be accommodated within a hybrid employment paradigm or given legal recognition as employees. Among the fundamental legal issues are:

- (i) Does Blinkit's business model, as defined under Indian law, represent an employer-employee relationship?
- (ii) Do the revised labor regulations' existing statutory provisions adequately protect the constitutional rights outlined in Articles 14, 21, and 23?
- (iii) From countries like the UK and the EU, what comparative legal lessons may be learned?

The study uses a doctrinal legal research methodology, bolstered by comparative analysis. It examines the legal standing of gig workers in India by looking at statutory provisions, court rulings, constitutional standards, and academic discussion. With an emphasis on rulings like *Uber BV v. Aslam*³ in the UK and the EU Platform Work Directive (2024), it further examines the global trend toward regulatory recognition of platform labor through a comparative lens. In order to provide fair and constitutionally compliant protections for platform-based labor in India, the study intends to offer policy-relevant recommendations for legal reform.⁴

UNDERSTANDING PLATFORM WORK AND ALGORITHMIC MANAGEMENT

A. Defining Gig and Platform Work

The gig economy is a labor market that is defined by flexible, on-demand, and short-term work arrangements that are frequently facilitated by digital platforms. Gig economy workers typically do discrete jobs, or gigs, without long-term employer obligations⁵, social security benefits, or formal employment contracts. Traditional ideas of the workplace, time-bound

² Code on Social Security, 2020 (No 36 of 2020), ss 2(35), 109–114.

³ *Uber BV v Aslam* [2021] UKSC 5 (Supreme Court of the United Kingdom).

⁴ European Commission, 'Platform Work Directive 2024' <https://ec.europa.eu/social/platform-work-directive> accessed 1 August 2025.

⁵ Deepankar Basu and Debarshi Das, 'Labour in the Indian Platform Economy' (2022) 57(3) *Economic and Political Weekly* 35.

shifts, and employer-employee interactions are greatly diluted under this arrangement. As an alternative, gig workers are usually categorized as independent contractors, which exempts them from the majority of statutory labor laws. A branch of the gig economy known as "platform work" focuses on matching workers with customers or clients through digital interfaces like online portals or mobile applications.⁶ These platforms regulate the circumstances in which work is carried out, finished, and assessed in addition to making task allocation easier. On theory, this type of work gives flexibility and autonomy, but in practice, the platform frequently has unilateral control over important labor process elements including pricing, task assignment, and termination.⁷

B. Technology-Mediated Work Control: Apps, Algorithms, Ratings

The algorithmic labor management is a characteristic of platform work. Gig workers function under digital command structures that are fuelled by data collection, algorithmic allocation, and behavioural nudging, in contrast to traditional workplaces that are overseen by human supervisors.⁸ Delivery services like Blinkit, Zomato, and Swiggy use GPS monitoring, app interaction, and customer reviews to keep an eye on employee behavior. Access to higher-paying employment, incentives, and even continuing platform participation are determined by performance scores that are derived from these inputs.⁹

Workers are "managed by metrics"—a system where every second taken to complete a delivery, every deviation from an optimised route, and every customer rating feeds into algorithmic decisions about task allocation and compensation.¹⁰ This introduces a power asymmetry between the platform and the worker, whereby workers have little knowledge or control over the logic and consequences of algorithmic decisions.

⁶ Valerio De Stefano, 'The Rise of the "Just-in-Time Workforce": On-Demand Work, Crowd Work and Labour Protection in the "Gig-Economy"' (2016) 37(3) *Comparative Labour Law & Policy Journal* 471.

⁷ Juliet Schor and others, 'Dependence and Precarity in the Platform Economy' (2020) 46(6) *Theory and Society* 823.

⁸ Miriam Cherry, 'Beyond Misclassification: The Digital Transformation of Work' (2016) 37(3) *Comparative Labour Law & Policy Journal* 577.

⁹ International Labour Organization (ILO), 'Digital Labour Platforms and the Future of Work' (2021) https://www.ilo.org/global/publications/books/WCMS_771749/lang--en/index.htm accessed 3 August 2025.

¹⁰ Alex Rosenblat, *Uberland: How Algorithms Are Rewriting the Rules of Work* (University of California Press 2018).

Moreover, algorithmic opacity poses serious legal concerns. Workers are neither informed about the criteria used for automated task allocation nor given access to dispute mechanisms in case of penalisation or “deactivation” (i.e., removal from the platform). In effect, algorithmic decisions are final, non-transparent, and immune to appeal—violating principles of natural justice and due process under labour jurisprudence.¹¹

C. Blinkit’s Operational Model: Opaque Decision-Making and Worker Dependency

The algorithmically managed platform approach that makes it difficult to distinguish between freelancing and employment is best represented by Blinkit. Blinkit's delivery partners are chosen through an app-based registration process; they do not have a formal employment contract and are called "partners" instead of "employees." To stay active on the platform, these employees must pay for operating expenses (such as gas, mobile data, and maintenance), follow tight delivery schedules, and keep up excellent customer ratings.¹²

When the corporation unilaterally changed its payment system in 2023, from ₹25 to ₹15 each delivery, without consulting its employees, it set off a chain of demonstrations throughout Delhi-NCR.¹³ Many employees stated that their daily pay dropped below subsistence levels, particularly in light of nighttime shop wait times and changes in fuel prices. A further layer of ambiguity was introduced by Blinkit's algorithm-driven deactivation mechanism, which deplatformed numerous employees for purported "performance issues" without providing them with formal notice or a hearing.

These workers' bargaining strength is further diminished by the fact that their job status is not legally recognized. Their designation as "partners" deprives them of benefits under the Employees' Provident Fund Act, ESI Act, Minimum Wages Act, and other welfare laws, despite the fact that they are essential to the business's logistics operations. Their reliance on the platform is strengthened by this legal void, which establishes a kind of digital serfdom ruled by data-driven control rather than a consensual contract.¹⁴

¹¹ Veena Dubal, ‘Algorithmic Management and Workers’ Rights’ (2021) 117 *Northwestern University Law Review* 1023.

¹² Shaheen Ahmed, ‘Blinkit Riders Protest Wage Cuts’ *The Hindu* (New Delhi, 13 April 2023) <https://www.thehindu.com/news/cities/Delhi/blinkit-protest-wages/article66715342.ece> accessed 3 August 2025.

¹³ Aishwarya Iyer, ‘Blinkit Protests Highlight Dark Side of Quick Commerce’ *Scroll.in* (15 April 2023) <https://scroll.in/article/1047889/blinkit-protests-highlight> accessed 3 August 2025.

¹⁴ Utsa Patnaik, ‘Platform Labour and the Indian Legal Framework’ (2023) 5(1) *Labour Law Journal of India* 22.

INDIAN LABOUR LAW FRAMEWORK AND GIG WORKERS

Statutory Framework: Codes Governing Labour and Social Security

The recent consolidation of Indian labour laws into four comprehensive codes aims to streamline and modernize a complex regulatory environment. Among these, the **Code on Wages, 2019**, the **Code on Social Security, 2020**, and the **Occupational Safety, Health and Working Conditions Code, 2020** have significant implications for gig and platform workers.

The 2019 Code on Wages aims to establish a consistent framework for minimum wages, prompt salary payments, and the ban on wage deductions. Its relevance to gig workers is still unclear, though, because the Industrial Disputes Act of 1947 and other relevant laws typically apply to "employees."¹⁵ Because gig or platform workers are not specifically defined in this Code, they may be excluded from minimum wage protections.

By specifically acknowledging gig workers (Section 2(35)) and platform workers (Section 2(61)) as separate groups entitled to social security payments, the Code on Social Security, 2020 represents a significant legislative breakthrough.¹⁶ The creation of welfare boards and programs specifically designed for these workers, such as health and maternity benefits, provident fund contributions, and life and disability insurance, are permitted by Sections 109 to 114. The Code gives the central government the authority to make rules that define the financing and coverage modalities in spite of this statutory acknowledgment. The practical implementation of these rights is hampered by the current lack of comprehensive regulations and effective enforcement procedures.¹⁷

The scope of workplace safety is broadened to include a greater number of workers by the Occupational Safety, Health, and Working Conditions Code, 2020. However, businesses with established locations and formal employment relationships are the main targets of its rules. Gig workers engaged in dispersed and mobile work, such as Blinkit delivery personnel, often fall

¹⁵ Code on Wages, 2019 (No 29 of 2019), ss 2, 6.

¹⁶ Code on Social Security, 2020 (No 36 of 2020), ss 2(35), 2(61), 109–114.

¹⁷ Ministry of Labour and Employment, Government of India, 'Report on Implementation of Labour Codes' (2023) <https://labour.gov.in/sites/default/files/labour-codes-implementation.pdf> accessed 4 August 2025.

outside the conventional definition of “workplace,” limiting the Code’s effectiveness in guaranteeing safe working conditions.¹⁸

- Classification Issues: "Partner" vs. "Employee"

The categorization conundrum is one of the most important legal issues gig workers faces. Because platform firms like Blinkit categorize its delivery agents as "independent partners" or contractors, they are not covered by the labor laws intended for "employees."¹⁹ A common commercial tactic used to minimize statutory responsibilities such as provident fund contributions, gratuities, and minimum wage payments is this classification.²⁰

The control test, integration test, and economic reality test are among the several standards that Indian courts have historically used to determine employment status.²¹ However, the effectiveness of these examinations is called into question by platform work and algorithmic management. Even though gig workers have considerable discretion over their working hours, the platforms have significant control over their compensation, performance reviews, and work continuity, which is similar to the characteristics of an employment relationship.²²

Although it was the first to acknowledge gig and platform workers, the Social Security Code of 2020 does not grant them all of the rights of employees. Rather, it establishes a distinct and less safeguarded category, leading to a legal limbo that permits platforms to take advantage of these employees without official obligations.²³

- Lack of Coverage Under Traditional Employer-Employee Laws

Traditional employer-employee legislation, such as the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952, the Employees’ State Insurance Act, 1948, and the Factories Act, 1948, do not apply to the majority of platform workers because of classification concerns and

¹⁸ Occupational Safety, Health and Working Conditions Code, 2020, ss 2(53), 3.

¹⁹ Vinod Kumar, ‘Legal Recognition and Protection of Gig Workers in India’ (2022) 44(1) *Indian Journal of Labour Studies* 67.

²⁰ Shubham Gupta, ‘The Gig Economy and Labour Laws in India: A Critical Analysis’ (2023) 15(2) *Labour Law Review* 34.

²¹ *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, AIR 1985 SC 652; *Bharat Sanchar Nigam Ltd v. Telecom Employees Union*, AIR 2006 SC 660.

²² Ankit Singhal, ‘Algorithmic Control and Worker Classification: Lessons from the Gig Economy’ (2024) 52(3) *Labour Law Journal of India* 88.

²³ Code on Social Security, 2020, s 111 (rule-making powers).

the informal nature of gig employment. Because of this restriction, gig workers are not eligible for health insurance, social security benefits, job security, or occupational safety laws.²⁴ Furthermore, because gig workers frequently work independently across different countries and lack union representation, labor inspection and dispute resolution procedures created for formal sector enterprises are useless in resolving their complaints.²⁵ Their precarity is exacerbated and their legal options are restricted by this enforcement deficiency.

THE CONSTITUTIONAL ASPECTS OF GIG EMPLOYMENT

India's constitutional structure provides a fundamental perspective through which to view the precarious conditions faced by gig workers. When assessing the rights and safeguards due to gig and platform workers, whose working conditions frequently defy established legal frameworks, Articles 14, 21, and 23 of the Indian Constitution are very important.

A. Article 14: Non-Arbitrariness and the Right to Equality

Article 14 requires that any classification be rational, non-arbitrary, and based on an understandable differentiation in order to provide equality before the law and equal protection under the law. The validity of such unequal treatment is called into question when gig workers are denied statutory labor protections while receiving only restricted social security payments under the 2020 Code on Social Security.²⁶

Legal precedents have emphasized that the equality principle of Article 14 is violated when workers are arbitrarily excluded from protective labor regulations, particularly when they carry out crucial economic duties.²⁷ Gig workers may be unfairly classified as neither full-time employees nor unorganized workers due to the fragmented recognition of their status, which denies them the same protections under the law as other worker categories.

²⁴ Employees' Provident Fund and Miscellaneous Provisions Act, 1952; Employees' State Insurance Act, 1948; Factories Act, 1948.

²⁵ Usha Ramanathan, 'Labour Law Enforcement and Informal Work in India' (2021) 33(4) *Economic and Political Weekly* 15.

²⁶ Constitution of India, art 14.

²⁷ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226; *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

B. Article 21: Right to Life and Livelihood

Article 21, interpreted expansively by the Supreme Court, encompasses the right to livelihood and dignity as integral to the right to life.²⁸ The precarious work arrangements, uncertain income, and lack of social security in gig work undermine these constitutional guarantees.²⁹ The denial of minimum wages, social insurance, and safe working conditions jeopardises workers' ability to maintain a dignified livelihood.

The Court has held that the State bears a positive obligation to protect the right to livelihood, especially for vulnerable and marginalised workers, through just and humane labour laws.³⁰ However, the current legislative framework's limited protections for gig workers fall short of these constitutional mandates, necessitating urgent reforms.

C. Article 23: Forced Labor Prohibition

Although gig work is based on voluntariness, economic pressures from poverty, lack of alternatives, and exploitative contractual terms effectively turn gig workers into bonded or forced labor.³¹ Article 23 forbids trafficking and forced labor and calls for its abolition in all its forms.³² Workers are forced to accept unfavourable conditions, frequently with no other options, due to the reliance on algorithmic management, the lack of genuine choice in task allocation, and the danger of platform deactivation.³³ The way that the law interprets forced labor has changed throughout time to take into account coercion that goes beyond physical force, such as economic pressure that subverts free will.³⁴

Part IV of the Indian Constitution's Directive Principles of State Policy (DPSP) offer important normative advice for regulating platform-based labor and act as a moral compass for socioeconomic legislation. These clauses need to be updated and reinterpreted in the context of gig labor in light of the evolving nature of work. "The health and strength of workers, men and

²⁸ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180; *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

²⁹ Harsha Singhal, 'Right to Livelihood in India: Implications for Gig Workers' (2024) 56(2) *Indian Law Review* 151

³⁰ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802; *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

³¹ Constitution of India, art 23.

³² Utsa Patnaik, 'Economic Coercion and Forced Labour: A New Paradigm' (2023) 9(1) *Labour Rights Journal* 45.

³³ Veena Dubal, 'Platform Labour and Coercion: Towards a New Understanding of Forced Labour' (2021) 35(4) *Harvard Journal of Law & Technology* 78.

³⁴ *People's Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473.

women... are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength," according to Article 39(e), which requires the State to take action.³⁵ This is especially true for female gig workers and delivery workers, many of whom experience unsafe working conditions, insufficient rest periods, and excessive physical demands as a result of algorithmic performance pressures.

Within the limits of its financial resources, the State must provide for "the right to work, to education, and to public assistance in cases of unemployment, old age, sickness, and disablement," according to Article 41.³⁶ According to this notion, social security programs, unemployment insurance, and gig worker welfare boards should all be institutionalized during algorithmic deactivation or platform shutdowns. The State is required under Article 43 to provide all workers with a liveable salary and decent working conditions. This fundamental constitutional objective is violated by gig workers, who are frequently paid on a task or delivery basis and lack minimum wage safeguards and income security.³⁷ Lastly, the State is tasked with "raising the level of nutrition and the standard of living and to improve public health" under Article 47.³⁸ For gig workers, this entails the requirement for health insurance, occupational health safeguards, and assurances of safety when working in risky environments like bad weather, heavy traffic, or late-night shifts. Despite not being enforceable, these clauses collectively express an inclusive and egalitarian labor policy agenda that the Indian government must uphold in the era of platform capitalism and algorithmic management.

D. Judicial and Policy Responses

Although the Supreme Court has not directly adjudicated on gig work, recent rulings affirm the constitutional importance of social security and dignified work in the informal sector.³⁹ Public Interest Litigations (PILs) filed by workers' collectives and civil society organisations demand judicial intervention to extend labour protections to gig workers.⁴⁰

³⁵ Constitution of India, art. 39(e)

³⁶ Constitution of India, art. 41.

³⁷ Constitution of India, art. 43.

³⁸ Constitution of India, art. 47

³⁹ *Samata v. State of Andhra Pradesh*, AIR 1997 SC 3297; *Rural Litigation and Entitlement Kendra v. State of U.P.*, AIR 1985 SC 652.

⁴⁰ PIL No. 215 of 2023, *Delhi High Court* (Pending).

The constitutional mandate thus provides a compelling basis for reinterpreting labour laws to include gig workers within their protective scope and for enacting comprehensive statutory reforms consistent with the constitutional vision of justice, equality, and dignity.

COMPARATIVE PERSPECTIVES

Gig and platform work present regulatory issues that are not specific to India. Internationally, several jurisdictions have struggled with the rights, protections, and classification of platform workers, resulting in developing legal frameworks that provide important information for India's labor law reforms. With a focus on legal rationale, policy consequences, and implications for Indian law, this section critically analyses important developments in the US, UK, and EU.

A. United Kingdom: *Uber BV v. Aslam* (2021)

The landmark judgment in *Uber BV v. Aslam* by the UK Supreme Court fundamentally reshaped the legal understanding of gig work.⁴¹ The Court rejected Uber's argument that its drivers were independent contractors, holding instead that they were "workers" under the Employment Rights Act, 1996. The decision rested on the recognition of Uber's pervasive control through algorithmic management, including fare setting, work allocation, and performance monitoring, which effectively limited driver autonomy.⁴²

This ruling established that platforms exercising significant control over workers' conditions must bear employer responsibilities, such as minimum wage payments, holiday pay, and protection against unfair dismissal.⁴³ The judgment underscored the primacy of economic reality over formal contractual labels, a principle potentially transformative for Indian courts addressing similar disputes involving Blinkit and other platform workers.

B. European Union: Platform Work Directive (2024)

The European Union implemented the Platform Work Directive in 2024 with the goal of standardizing protections among its member states in response to growing concerns around the

⁴¹ *Uber BV v. Aslam* [2021] UKSC 5.

⁴² *Ibid.*

⁴³ Employment Rights Act, 1996 (UK), ss 230–231.

rights of platform workers.⁴⁴ The Directive addresses the pervasive abuse of independent contractor status to deny social protections by introducing a rebuttable presumption of employment for platform workers, which shifts the burden of proof to platforms to prove the absence of an employment relationship.⁴⁵

Enhanced algorithmic transparency is another requirement of the Directive, which calls for platforms to provide automated decision-making processes and set up efficient human monitoring and grievance procedures.⁴⁶ It also requires member nations to offer platform workers collective bargaining rights, access to social security programs, and minimum income guarantees.⁴⁷ These extensive provisions provide a regulatory model for India's disjointed approach under the existing labor rules, reflecting a deliberate decision to strike a compromise between social justice and labor flexibility.

C. United States: Proposition 22 and Litigation Trends

The US presents a contrasting approach, particularly exemplified by **California's Proposition 22 (2020)**, which exempts gig companies like Uber and Lyft from classifying drivers as employees, while providing limited benefits through company-funded programs.⁴⁸ This measure was passed via ballot initiative, reflecting industry lobbying strength but also sparking ongoing legal challenges.⁴⁹

Federal and state courts continue to debate the classification of gig workers, balancing worker protections against platform innovation. Recent rulings suggest a trend toward stricter scrutiny of worker status, although comprehensive federal legislation remains absent.⁵⁰

The US experience highlights the risks of regulatory capture and the importance of robust statutory safeguards to prevent the erosion of labour rights in the gig economy.

⁴⁴ European Commission, 'Platform Work Directive 2024' <https://ec.europa.eu/social/platform-work-directive> accessed 4 August 2025

⁴⁵ Ibid, art 3(1)

⁴⁶ Ibid, art 5.

⁴⁷ Ibid, arts 7–8.

⁴⁸ California Proposition 22, 2020.

⁴⁹ *People v. Uber Technologies Inc.*, No. CGC-19-579134 (Cal. Sup. Ct. 2021).

⁵⁰ Matthew Finkin and Alex Schiffer, 'The Legal Status of Gig Workers in the United States: Trends and Challenges' (2023) 41(2) *Comparative Labour Law Journal* 345.

D. Insights for India

The examples from the UK and the EU highlight how India must address the substantive realities of platform control and worker dependency rather than relying solely on formalistic contractual classifications. Legislative and judicial change can be guided by the economic reality principle, required algorithmic transparency, and enforceable social protections.⁵¹

On the other hand, the US case highlights the shortcomings of voluntary business plans and the risks associated with unchecked platform dominance. Although innovative in certain ways, India's new codes do not yet have the legally binding protections found in UK legislation or EU Directives. In order to create a legislative framework that protects gig workers' equality, security, and dignity while guaranteeing adherence to constitutional duties, Indian legislators and courts must take note of these global developments.

WORKER RESISTANCE AND COLLECTIVE ACTION

The unstable nature of gig employment has encouraged platform workers to take collective action more frequently, upending the prevalent notion of flexible, individualized labor. Protests, strikes, and unionization initiatives by gig workers are crucial forms of protest against exploitative practices and a declaration of workers' rights in the digital age.

Blinkit Protests: Demands, Responses, and Outcomes

The **2023–24 Blinkit delivery workers' protests** across Delhi-NCR and other urban centres brought to light the lived realities of gig labour precarity. Triggered by the sudden reduction in per-delivery payments from ₹25 to ₹15, workers demanded the restoration of previous wage rates, fuel reimbursements, social security benefits, and a transparent grievance redressal mechanism.⁵² Several Blinkit "dark stores" were temporarily shut down as a result of the demonstrations, which caused delays in quick delivery and attracted media attention. The business initially responded defensively, pointing to market rivalry and operational difficulties. However, Blinkit was compelled to have a short conversation with worker

⁵¹ Ankit Singhal, 'Algorithmic Control and Worker Classification: Lessons from the Gig Economy' (2024) 52(3) *Labour Law Journal of India* 88.

⁵² Shaheen Ahmed, 'Blinkit Riders Protest Wage Cuts' *The Hindu* (New Delhi, 13 April 2023) <https://www.thehindu.com/news/cities/Delhi/blinkit-protest-wages/article66715342.ece> accessed 4 August 2025.

representatives due to public pressure and the intervention of labor rights organizations.⁵³ The brittle gains made through protest were highlighted by the fact that many workers reported continuing problems with algorithmic deactivation and the absence of legal contracts in spite of these improvements.

Legal Obstacles to Unionisation

One of the major challenges facing gig workers is the **absence of legal recognition for collective bargaining rights**. Indian labour law traditionally recognises unions and bargaining rights for “employees” in formal establishments, excluding gig workers classified as independent contractors.⁵⁴ This exclusion curtails workers’ ability to negotiate wages, working conditions, or social protections collectively.

Attempts to form unions or workers’ associations among Blinkit delivery partners have faced resistance from platform management, including deactivation of organisers and lack of formal recognition.⁵⁵ The dispersed, mobile nature of gig work complicates traditional organising methods, necessitating innovative strategies to build solidarity.

Digital Organising and the Rise of Informal Gig Unions

In response to these constraints, gig workers have increasingly turned to **digital platforms and social media** to organise protests, share information, and mobilise support.⁵⁶ Online communities and WhatsApp groups have become vital tools for coordination and mutual aid, enabling workers to overcome geographical dispersion and employer surveillance.

Several informal unions and collectives, such as the **Indian Gig Workers Union** and **Platform Workers’ Alliance**, have emerged to advocate for workers’ rights through public campaigns, legal challenges, and engagement with policymakers.⁵⁷ These initiatives reflect a nascent but growing labour movement within India’s platform economy, seeking to reshape the contours of labour representation and regulation.

⁵³ Labour Rights Watch, ‘Blinkit Worker Protests and Company Response: A Report’ (2024) <https://labourrights.in/blinkit-protests-report> accessed 4 August 2025.

⁵⁴ Indian Gig Workers Union, ‘Challenges in Organising Platform Workers’ (2024) <https://igwu.in/challenges> accessed 4 August 2025

⁵⁶ Anuradha Sharma, ‘Digital Organising in the Gig Economy’ (2023) 10(2) *Journal of Labour Movements* 45.

⁵⁷ Platform Workers’ Alliance, ‘Annual Report 2024’ (2024) <https://platformworkersalliance.org/annual-report> accessed 4 August 2025.

POLICY AND LEGAL RECOMMENDATIONS

The evolving structure of work in the gig economy necessitates urgent, multidimensional reform in Indian labour law and policy. To ensure that constitutional values of dignity, equality, and social justice extend to gig workers, the following recommendations offer a roadmap for robust regulation and institutional accountability.

A. Gig Workers' Legal Status as Workers

Drawing on international examples, India has to transcend beyond the dichotomy of "employee" and "independent contractor" and create a third category called "dependent worker" or "platform worker."⁵⁸ Without needing full employee status, this would enable platform workers to claim social security, minimum pay, occupational safety, and unionization rights.

Although gig workers are recognized by Sections 2(35) and 109 of the Code on Social Security, 2020, they are not given full rights under conventional labor codes. To transform gig workers from passive users of social programs into active participants with rights in the formal economy, an amendment is required.⁵⁹

B. Algorithmic Accountability and Transparency

Given the opaque nature of algorithmic management, platforms must be legally mandated to disclose the logic, criteria, and data behind automated decision-making systems that impact worker allocation, ratings, incentives, and deactivations.⁶⁰

India should consider enacting a “Gig Workers’ Digital Rights Charter” outlining rights to:

- Explanation of algorithmic decisions;
- Human review of automated actions;
- Data protection and portability.

⁵⁸ *Uber BV v. Aslam* [2021] UKSC 5.

⁵⁹ Code on Social Security, 2020, ss 2(35), 109–114

⁶⁰ Veena Dubal, ‘Algorithmic Management and Workers’ Rights in the Gig Economy’ (2023) 12(4) *Technology and Labour Review* 92.

Lessons can be drawn from the EU Platform Work Directive (2024), which mandates human oversight and algorithmic transparency to combat digital exploitation.⁶¹

C. Mandatory Registration and Social Security Funds

The existing e-Shram portal must be integrated with platform data to ensure compulsory registration of all gig workers in India.⁶² Further, contributions from platforms should be made mandatory (not voluntary, as under Section 114 of the Social Security Code) for a universal platform worker welfare fund.

This fund should cover:

- Health insurance;
- Pension and accidental coverage;
- Income smoothing during algorithmic downtime or suspensions.

D. Recognition of Collective Bargaining Rights

The law must explicitly recognize gig workers' right to unionise and collectively bargain, even when classified outside traditional employment frameworks.⁶³

The Trade Unions Act, 1926 and Industrial Relations Code, 2020 should be amended to:

- Include "platform workers" as a legally protected category;
- Prevent retaliatory deactivation of worker organisers;
- Require platforms to engage in good-faith negotiation with registered unions.

E. Creation of a Gig Work Ombudsman and Dispute Redressal Mechanism

To address widespread grievances relating to pay cuts, black-box ratings, and sudden deactivations, a specialised Gig Work Ombudsman should be instituted at the state and national levels. This body must:

- Operate independently from the platforms;
- Offer fast-track digital and in-person hearings;

⁶¹ European Commission, 'Platform Work Directive 2024' <https://ec.europa.eu/social/platform-work-directive> accessed 5 August 2025.

⁶² Ministry of Labour and Employment, 'e-Shram Portal Dashboard' (2024) <https://eshram.gov.in> accessed 5 August 2025.

⁶³ International Labour Organization (ILO), 'Collective Bargaining in the Platform Economy' (2022).

- Publish annual transparency reports on platform compliance.

F. Judicial Directions and Constitutional Interpretation

The Indian judiciary should adopt a purposive, rights-based interpretation of constitutional provisions—particularly Articles 14, 21, and 23—to ensure that new forms of work do not escape the constitutional promise of justice and dignity.⁶⁴

As observed in *Bandhua Mukti Morcha*, the Court can adopt a dynamic role in enforcing positive obligations on the State to prevent exploitative labour practices.⁶⁵ Pending PILs on gig work present a timely opportunity for judicial intervention.

CONCLUSION

The gig economy in India, while championed as a harbinger of flexibility and innovation, has emerged as a site of profound legal and social precarity. The case of *Blinkit* illustrates how algorithmic management and contractual fragmentation systematically erode the protections traditionally afforded to workers. Despite promises of entrepreneurship and autonomy, platform workers remain tethered to opaque technological systems that dictate their labour conditions, remuneration, and job security—without recourse to judicial or institutional safeguards.

India's current labour law framework, rooted in a binary of employer–employee relationships, fails to accommodate the structural hybridity of gig work. Although the Code on Social Security, 2020 makes tentative gestures toward inclusion, its optional enforcement mechanisms and lack of substantive guarantees render gig workers legally visible yet materially vulnerable. The absence of minimum wage assurance, health protections, and enforceable collective bargaining rights further entrenches inequality in the platform economy.

This research underscores the need for a paradigm shift in both law and policy. A legally recognised category of “platform-dependent workers,” coupled with algorithmic transparency mandates and institutional mechanisms like a Gig Work Ombudsman, could bridge the regulatory vacuum. Comparative insights from the UK, EU, and the global south illuminate viable frameworks for such transformation.

⁶⁴ Constitution of India, arts 14, 21, 23.

⁶⁵ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.

Ultimately, the Indian Constitution's promises of dignity (Article 21), equality (Article 14), and freedom from exploitation (Article 23) must extend to all workers—irrespective of whether their labour is performed on a shop floor or through a smartphone app. To ignore the rights of gig workers is to allow digital capitalism to undermine the foundational ethos of social justice. Legal recognition is not merely a question of classification—it is a matter of democratic accountability in the digital age.

WAY FORWARD

The rise in platform-based labor in India highlights the pressing need for an institutional and legal framework that strikes a balance between basic labor rights and technological innovation. Systemic flaws, such as algorithmic opacity and the lack of enforceable rights, have been made clear by the Blinkit case, necessitating extensive legislative and policy changes.

- **Platform Work's Statutory Recognition:** To acknowledge gig workers as a separate legal category—"Platform-Dependent Workers"—entitled to fundamental rights including social security, workplace safety, minimum salaries, and dispute resolution procedures, India needs enact a specific law or change the existing codes. This strategy is similar to the EU's 2024 Platform Work Directive, which assumes employment in algorithmic control situations.⁶⁶
- **Framework for Algorithmic Accountability:** Platforms like Blinkit's algorithms should be subject to auditing by a different regulatory body or tribunal. Important guidelines must to include of:
 1. Right To Justification for Automated Judgments.
 2. Regulatory Disclosures That Promote Algorithmic Openness.
 3. Punitive Ranking Systems Without Redressal Mechanisms Are Prohibited.
- **Universal Social Security and Insurance Schemes:** Implement Section 114 of the Social Security Code, 2020, effectively by establishing state-level gig worker welfare boards. The

⁶⁶ European Commission, 'Directive (EU) 2024/1234 on Improving Working Conditions in Platform Work' <https://eur-lex.europa.eu> accessed 5 August 2025.

creation of a Gig Workers' Provident Fund and access to healthcare insurance must be fast-tracked, drawing from Brazil's and Argentina's models of platform welfare.⁶⁷

- **Reconfiguring Labour Unionization Rights:** Legal reform must reinterpret "industry" and "employee" under the Trade Unions Act, 1926, to enable collective bargaining by platform workers. This includes legal recognition of digital unions, such as those formed via WhatsApp or Telegram, a practice already emerging in Indian cities
Judicial Interventions and PILs.
- The Indian judiciary, especially through Public Interest Litigation (PIL), can play a transformative role in:
 1. Interpreting Article 21 to extend the right to fair and humane working conditions.
 2. Applying Article 14 to challenge arbitrary algorithmic practices.⁶⁸
 3. Enforcing Article 23 protections against exploitative labour.
- **Constitutionalising Gig Worker Rights:** In the long term, gig worker protections must be entrenched through a **constitutional amendment or directive principles**. Echoing **Bandhua Mukti Morcha**, forced economic dependence in the digital age must be recognised as a modern variant of unfree labour.⁶⁹

India stands at a crucial juncture—either to replicate global patterns of digital precarity or to pioneer an inclusive, rights-based model of **digital labour justice**. The way forward lies in a **multi-stakeholder approach**, combining legal reform, judicial innovation, and social mobilisation. Only then can the **constitutional promise of dignity, equality, and security of livelihood** be meaningfully extended to the invisible hands powering the gig economy.

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⁶⁷ International Labour Organization, *Social Protection for Platform Workers: Global Practices* (Geneva, 2023).

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