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+91 70421 48991
editor@ijlar.com
www.ijlar.com

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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

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

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

GIG WORKERS IN INDIA: INSECURITIES, LEGAL STATUS AND THE IMPACT OF SOCIAL SECURITY CODE, 2020

AUTHORED BY - ABHIK DUTTA & SHREYA SARASWAT

Abstract

The gig and platform workers of India are evidently considered to have impactful contributions towards boosting the economic prosperity and thus its role remains extremely vital and crucial to the progress of the nation as gig and platform economy becomes a prominent expanding sector today. However, these workers somewhat changed the understanding of mechanism of workforce as they work outside the typical traditional system of employer – employee relations, which is usually a work for a short period of time that is more flexible, but what draws utmost concern is the existing socio-economic instability for their job with very deficient rights and legal protections. The scenario today is though lot more changed as multifarious measures; statutory frameworks were tailored to address the concern of lack of legal mechanisms to safeguard the legitimate entitlements of the gig workers. In the same landscape a significant milestone for amplifying rights of these workers is the *Social Security Code, 2020*¹ that attempts to strengthen protections by inclusion of these workers within ambit of labour law. It therefore provides them legal recognition, better benefits, includes funds for their welfare along with national registration framework. Prior to the aforementioned code, these workers lacked wider legal protections and inclusivity for their recognition and social security and thus worked under multifaceted insecurities, economic hardships and exploitation.

Key Words: Gig and platform workers, Gig economy, Mechanism of workforce, Social Security, Deficient rights.

¹ Code on Social Security 2020 (Act No 36 of 2020).

Introduction

The workforce that engages in works outside the traditional ambit of employer- employee relations, usually working for a short period of time with flexibility have been grouped as gig workers and include freelancers, ride sharing or delivery persons and their contributions gains elevated importance as gig and platform economy is a rapidly expanding sector. However, before the Code of 2020, these workers were categorized under informal or unorganized sectors and they thus lacked legal recognition under labour laws. However, the landscape changes today due to the code which included these workers' recognition with strengthened legal safeguards the very first time. Previously, these independent contractors were given no recognition within the parameters of labour law. The new code of 2020 provides and frames basic safeguards and confers portable rights on these workers that effectively lead to transformation of informal work into much secured, stable and recognized work without any exploitation or social insecurities or economic insecurities with additional benefits of welfare schemes and funds. Moreover, the facility for Aadhar linked unique ID boosts the portability of benefits as it ensures unaffected and unchanged rights of these workers even if they alter their jobs or platforms. The unique Aadhar linked ID is generated through e-Shram registration and facilitates their access to schemes that are introduced in India. The e-Shram is an ambitious initiative of the India government typically creating national database of unorganized workers.² It enables the workers of the unorganized sectors to self register themselves on national portal without any hindrance aiming convenience of all stakeholders. The overall process has now improved the livelihood conditions of the gig platform workers and now significantly provides a feasible mechanism of redressal of grievances further enhancing and encouraging a bright and secure gig economy surrounded by inclusivity and improved and secured livelihood.³

Classification and legal status in India

The classification of this workforce becomes a very challenging task. This classification in other words implies ascertaining how these flexible workers should be categorized needing to determine whether they should be classified as an '*employee*' or '*independent contractor*' under labour laws.

² e-Shram Portal < <https://eshram.gov.in/e-shram-portal> > accessed 1 March 2026.

³ Formalising and Safeguarding India's Gig & Platform Workforce, Press Information Bureau (8 December 2025) <<https://www.pib.gov.in/FactsheetDetails.aspx?Id=150554®=3&lang=1>> accessed 1 March 2026.

Gig workers basically includes the freelancers, ride share drivers, delivery couriers, etc who are basically deemed as independent contractors, though the debate continues today to grant them employee status to safeguard their rights.⁴

The limited access to worker protection, social insecurity, and unstable income elevate the distress and pose threatening challenges to the livelihood of gig workers. Classifying the gig workers under the umbrella term of 'employees' would have conferred multifarious rights to them including rights such as minimum wages, paid leaves, pay for overtime work etc. which of those rights are now deficient for them. In the context of India, these workers have now been ascertained as 'independent contractors' with minimal legal protections. The massive outbreak of pandemic (COVID-19) vitally highlighted their roles and enormous importance and were classified as 'essential workers' at that period of time but these workers are yet to be categorized under the wider definition of employees even today and they fall under the category of independent contractors, thus the crucial necessity is the inclusivity of these workers within the definition of employee to shield them from irregularities and social insecurities with wider legal instrument of protection of the workforce.⁵ The legal scenario of India witnessed a notable transition on November, 2025 by implementing the four new labour codes by the initiative of Labour and Employment ministry of India. These legislations have magnificent significance in the contemporary legal landscape of India.⁶

The Social security code, 2020 marks the first approach towards the aim of recognizing gig and platform workers with increased legal protections under the statutory arena of labour law. The year 2023 marked the landmark enactment of first legislation, the *Rajasthan Platform Based Gig workers (Registration and Welfare) Act, 2023*⁷ which effectively facilitates registration and establishes a board of welfare to observe and track the schemes in addition to providing social

⁴ Remote, 'Gig worker classification: What businesses need to know'

< <https://remote.com/blog/contractor-management/gig-worker-classification>> accessed 2 March 2026

⁵ 'Impact of COVID-19 on Fundamental Rights of Gig Workers' (COVID-19 Constitution, 2026)< <https://covid-19-constitution.in/analyses/impact-of-covid-19-on-fundamental-rights-of-gig-workers> > accessed 2 March 2026

⁶ LexCounsel, 'Part 1 of India's New Labour Codes – Code on Social Security, 2020' (21 January 2026)< <https://lexcounsel.in/newsletters/part-1-of-indias-new-labour-codes-code-on-social-security-2020/>> accessed 2 March 2026.

⁷ Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023 (Act No 29 of 2023)

security and welfare fund.⁸ The draft *Karnataka Platform based gig workers (Social security and welfare Bill, 2024)* aims to confer socially secured benefits to the workers through the instruments of welfare board and fund.⁹

Constitutional And Human Rights Framework

Gig workers enjoy certain freedom since gig economy is often characterized by online platform-based work handled by digital technology. This model treats each job as a separate contract, allowing easy entry for both workers and service providers. However, this arrangement leads to concerns and uncertainties regarding the prerogatives of gig workers, as they often lack traditional employment benefits.

Across the world, workers are increasingly hired, compensated, disciplined and fired by online procedure that are not transparent, error prone and discriminatory. These practices are frequently exercised by digital labor platforms, which hire workers to perform jobs or ‘gigs’ offered through their websites.¹⁰ Contract workers are prone to economic insecurity because of the essence of their work. Earnings of the independent contractors are based on the frequency and profitability of job requests proffered to each worker in accordance with the performance standards like making high customer satisfaction. In various countries, contract worker does not have wage and labor protection, for instance minimum wage, unemployment compensation and workers compensation, which are essential to ensure adequate standard of living and healthy working conditions.

The online labor market is gaining popularity globally and India is no exception. Section 2(35) of the *Social Security Code, 2020* asserts that workers who are involved in a any work arrangement that is exterior to traditional employer-employee relationship are referred as gig workers.¹¹ These workers obtain employment through digital platform, which is owned by an entity. Gig workers

⁸ PRS Legislative Research, 'The Draft Karnataka Platform based Gig Workers (Social Security and Welfare) Bill, 2024' (PRS India, 29 June 2024) <<https://prsindia.org/bills/states/the-draft-karnataka-platform-based-gig-workers-social-security-and-welfare-bill-2024>> accessed 2 March 2026.

⁹ *ibid.*

¹⁰ Human Rights Watch, 'US: Major Companies Violate Gig Workers' Rights' (Report, 12 May 2025)<<https://www.hrw.org/report/2025/05/12/the-gig-trap/algorithmic-wage-and-labor-exploitation-in-platform-work-in-the-us>> accessed 2 March 2026.

¹¹ The Code on Social Security 2020, s 2(35)

are not considered as an employee of that entity and thus they are bounded by a contractual obligation with their digital platform employer. It has been difficult to extend constitutional provision of fair and decent conditions of work to gig workers as the modern labor codes in India do not incorporate them into the definition of workers.

However, independent contractors are deserving of some protection primarily under; Article 21 (right to life)¹², Article 41 (right to work and public assistance)¹³ and Article 43 (living wage and social security)¹⁴, of the Indian constitution. Article 21 of the Indian constitution is concerned with Right to life which also encompasses right to livelihood. It ensures gig workers' right to just and decent working conditions.¹⁵ Article 39, 41 and 43 of the Indian Constitution, which are also part of Directive Principles of State Policies, provide basis for living wage, social security and workers welfare.¹⁶

Clearer rules regarding entitlements of gig workers are the necessity of the hour. In the precedent setting case of *Uber BV v. Aslam Kaafi*, UK Supreme Court accepted uber drivers as workers entitled to minimum wage and other benefits.¹⁷ This case has influenced a global discussion on classification of gig workers as employees with certain rights.

Grievance Redressal Mechanism

The rapid increase in platform economy was also reflected in the *ILO Centenary Declaration for the Future of Work*, adopted by the *International Labour Conference at its 108th session* held in 2019. It recognized the expansion of gig economy across the world and encouraged technological and productivity improvement by conducting open and transparent conversations among the workers, employers and government. This will ensure dignified employment, personal fulfillment and equitable allocation of resources.¹⁸

¹² The Constitution of Indian, art 21

¹³ The Constitution of India, art 41

¹⁴ The Constitution of India, art 43

¹⁵ The Constitution of India, art 21

¹⁶ The Constitution of India, arts 39, 41 and 43

¹⁷ *Uber BV v Aslam* [2021]UKSC5

¹⁸ International Labour Organization, *Building an Understanding of Access to Grievance-Handling and Labour Dispute Resolution Mechanisms for Platform Workers in India: Terms of Reference for an ILO Study* (ILO DWT/CO New Delhi, May 2025)

The new economic ecosystem in India is largely driven by rapidly expanding on demand workforce. The *Code on Social Security, 2020* has not only acknowledged the role of independent contractors, but also brought them under a broader protection umbrella. The code mandates the digital intermediaries or aggregators to contribute 1-2% of their total annual turnover to welfare benefits fund, which finances various social welfare schemes for these workers. Each gig worker receives a unique Adhar linked ID after the completion of registration process on e-Shram portal. This assures that they enjoy employee welfare benefits even when they are switching jobs or platforms. The Social welfare Code also requires the appropriate government to set up facilitation centers, toll-free helpline or call centersto address the grievances of said employees and ensure timely support.

Apart from the *Code on Social Security, 2020*, at the state level, Rajasthan government has passed *Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023*, with an intension to provide welfare benefit to gig workers. This Act allows gig workers, based on their registered platforms, to file a petition before an officer (designated by the state government), through web portal regarding any complaint relating to their payments and other benefits. With the growth of gig economy, there is a necessity for extensive legal framework to assure that the interest of vital workforce is protected.

Conclusion

Although, gig economy provides outstanding flexibility to gig workers, it also poses hurdles like income uncertainty, absence of social protection and job insecurity. Acknowledging contract workers by labour codes has provided a framework of welfare benefits for them. But there has been significant inconsistency in practical implementation of these codes. Thereexists a necessity to make gig employees register so that government can estimate the number of employees engaged in platform employment and can formulate policies. Companies should be mandated to create HR platforms to involve with independent workers. Gig economy comprises of both challenges and possibilities, for opportunities to prevail, it is important for policy makers to regulate workers friendly policies.