



THE GIG WORKERS: LEGAL STATUS, RIGHTS, CHALLENGES AND THE EVOLVING REGULATORY FRAMEWORK IN INDIA

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ABSTRACT

The gig economy has changed the way people work by replacing long-term jobs with short-term, task-based, and digital ways of working. In India, jobs like food delivery, ride-hailing, logistics, home services, freelancing and other platform-based work have created a growing group of workers. At the time, the legal position of these workers is still complicated because the usual difference between an employee and an independent contractor does not always fit the way these workers actually work. The Code on Social Security 2020 officially included the terms 'gig worker' and 'platform worker'. Created a legal basis for social security schemes. Also, state laws in Rajasthan and Karnataka have started to include registration, welfare funds, ways to handle complaints and more responsibility for the platforms. This article looks at what gig work means, how workers are classified in the legal system in India, social-security protection risks at work, how technology controls the work, how workers can join together and new rules that are being made. It says that the main legal problem is not about being recognised but making sure that recognition leads to real and portable rights.

Keywords: Gig Workers, Platform Workers, Gig Economy, Labour Law, Social Security.

INTRODUCTION

The modern job market now includes a lot of work that is based on tasks rather than on long-term jobs. The documents call the gig economy a market that is mostly made up of part-time, flexible and contract jobs, which are done by freelancers, independent workers and people who get jobs through digital platforms. Examples of jobs are food delivery, ride-sharing, home services, logistics and work on a project basis. This system lets workers choose when and how

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much to work while companies can get services without using the way of having an organisational structure.

In India, however, the situation has a social and legal meaning. It is not true that gig work includes people looking for extra money. As the notes on the materials say, many people using apps depend on platform work for their living and their survival. Because of these issues about income, safety, social protection and getting help, they become more important than what a simple contract might show.¹

Technology plays a role in the current gig economy because platforms connect people who need services with those who provide them, assign tasks, keep records of transactions, and usually decide the conditions of the work. This leads to a kind of work where control can be done through software, ratings, rewards, automated task assignments and account systems, rather than through a regular boss. The legal question then becomes whether the old categories can describe the nature of the relationship when control is through a digital platform.

The growth of the sector has also shown a gap in rules. As the text says, gig work in India has grown faster than the rules that make fair and safe working conditions.² The importance of the Social Security Code 2020 is that it includes gig and platform workers for social security, but being recognised does not mean all labour rights apply to every platform worker.

So, the article looks at four questions: what gig and platform work involves; how Indian law classifies workers; what rights and social-security protections are available; and what other problems come from platform control, unstable money and work risks.

MEANING AND CHARACTERISTICS OF GIG WORK

The term ‘gig work’ refers to a type of work that is based on tasks or assignments, not on a long-term job. According to the Code on Social Security 2020, a gig worker is someone who does work or takes part in a work arrangement and gets money from activities outside the normal employer-employee relationship.³ The importance of this definition is that it sees the difference from the usual job as a key part of the work.

¹ Dinesh and Sarkar (n1).

² *ibid.*

³ Code on Social Security 2020 s 2(35).

Platform work is similar but more specific. According to section 2(60) of the Code, 'platform work' is a type of work arrangement that's outside the usual employer-employee relationship and involves people or organisations using an online platform to deal with problems or offer services for money. Section 2(61) defines a 'platform worker' as someone who is doing platform work.⁴ So all platform workers are part of the gig economy even though gig work can also happen without digital platforms.

This type of work can be recognised by traits. First, the work is based on tasks and is often done in a fragmented way. Second, access is usually through a platform. Third, money can be affected by demand, rewards, commissions, customer ratings and the platform's rules. Fourth, workers may have to pay for some costs, like fuel, vehicle repair, mobile data or equipment. Lastly, the relationship might be described in contracts as work even though the platform has a lot of control over how the work is done.

Gig work therefore offers both a chance to earn money and a problem for the rules; even though workers have control over when they work, flexibility does not mean they are free from depending on money. The materials show clearly that workers using apps in India may depend on gig work as their source of income, not just as a small side job.⁵

Platform workers are a big part of the gig economy. Examples include delivery people, driver-partners, home-service workers and others whose work comes through apps. The platform does jobs that usually belong to an employer or middleman, like matching people who need services with those who offer them, setting service standards, collecting money, watching performance and, in some cases, giving ratings or making decisions automatically.⁶

THE PROBLEMS OF WORKERS CLASSIFICATION

Worker classification is a legal problem in the gig economy. Traditional labour laws usually assume there is an employer and employee, while online companies often call the workers independent contractors or partners. The way a worker is classified affects whether they get wage and hour rules, social insurance, money for injuries, the chance to join others and legal help.

⁴ *ibid* ss 2(60) 2(61).

⁵ Sarkar (n1).

⁶ Kapse (n2).

The materials show there is a gap between the law and the real work of the platforms. A person may be formally not part of an employer-employee relationship. Still depend on one or more platforms economically. At the same time, the platform can control through rules, performance ratings, rewards, penalties, task assignments and stopping someone's account.⁷ This makes a simple contract test not enough to describe the whole economic relationship.

Indian law has not recognised people outside jobs very much before. The discussion says that gig workers had a small chance to be recognised under earlier rules about contract workers and those who are not in organised jobs. The Code on Social Security 2020 is a change in the law because it clearly includes gig workers and platform workers for social security.⁸

But being called a 'gig worker' does not automatically make someone an 'employee'. The law is set up for people who aren't in the traditional job relationship. This difference is important because many labour protections are still tied to being an employee under the law. The result is a system where a worker can be recognised for social security but not get all the rights of an employee.

The classification problem is therefore not about words. It affects who is responsible for what between the worker, the platform and the State. If the worker is seen completely as a worker, the person might take business risks and costs without equal power to bargain. If the relationship is seen as work, the platform might have legal responsibilities. A modern way of controlling things may need to separate rights instead of using just one simple label.

INDIAN LEGAL FRAMEWORK

The Code on Social Security 2020 is the central law dealing with gig and platform workers. Section 2(35) defines a gig worker, section 2(60) defines platform work, and section 2(61) defines a platform worker. These parts of the law give recognition to a group of workers that was not clearly part of the usual employee-based system of labour law.⁹

Chapter IX of the Code deals with social security for workers who are not part of organised groups, including special parts for gig workers and platform workers. Section 114 allows the Central Government to make and announce social-security plans for gig and platform workers.

⁷ Sarkar (n1).

⁸ Kapse (n2); Code on Social Security 2020 ss 2(35) 2(61).

⁹ Code on Social Security 2020 ss 2(35) 2(60) 2(61).

The things specifically mentioned include life and disability insurance, accident insurance, health and maternity benefits protection for age, crèche facilities and other benefits decided by the Central Government.¹⁰

The Importance of Section 114 is that the Code does not just describe gig work; it creates a way for social-security plans. At the time, how well this system works depends on how the plans are made, announced, funded and carried out. The provided materials show the need for social security coverage and say that gig workers have financial problems because their pay is not regular and they have costs from doing platform work.¹¹

The Code must also be seen with the other labour laws made in 2019–2020, like the Code on Wages 2019, the Industrial Relations Code 2020, and the Occupational Safety, Health and Working Conditions Code 2020. The provided Manupatra article talks about the four-code system. Says that gig workers got more legal help through the 2020 labour reforms.¹²

The main system therefore gives recognition and a way to get social security, but it does not solve all the questions about wages, working time, health at work, group representation being removed from a platform or decisions made by algorithms. These issues need either laws to be used, specific rules or more laws to be made.

SOCIAL SECURITY AND WELFARE

Social security is one of the important legal issues for gig workers because the way platform work is set up can move economic risks from the company to the worker. Irregular pay can make it hard to plan household spending, get loans, or deal with illness, accidents or times when work is not available. A social security system is therefore needed even if the worker is not seen as an employee.

Section 114 of the Code on Social Security 2020 is the legal part for plans for gig and platform workers. The topics listed include life and disability insurance, accident insurance, health and maternity benefits, protection for age and crèche facilities.¹³ The part also allows plans to cover

¹⁰ *ibid* s 114(1).

¹¹ Sarkar (n1).

¹² *ibid*; Sanap and Kapse (n2).

¹³ Code on Social Security 2020 s 114(1).

benefits decided by the Central Government. This gives the government a way to create protection that matches the changing way platform work is done.

The provided materials show the need for plans that take into account the financial challenges of gig workers. They also say that subsidies and help are important because a worker with changing pay might not have the ability to pay for social protection as someone with a regular monthly salary.¹⁴ Portability is another issue because gig workers might use more than one platform and might change platforms often. A welfare system that is tied to one employer or one platform may not follow the worker.

State laws have tried to build this system. Rajasthan made the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023, which sets up a welfare board, registration processes and a welfare fund for platform-based gig workers.¹⁵ Karnataka then made the Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025. The Karnataka law covers registration, social security, health and safety at work, automated monitoring and decision-making to solve problems and a welfare fund.¹⁶

These state-level steps show a growing model where worker identification, platform registration, welfare funds and ways to solve problems are all together. They also show that protecting gig workers is developing through levels of rules instead of one single national law.

WORKING CONDITIONS, HEALTH AND SAFETY

Flexibility in platform work does not mean that working conditions are flexible in reality. The provided materials mention working hours, pressure to earn money and risks at work as important problems. People who deliver and transport items may spend a lot of time on roads. They are at risk from traffic, weather, tiredness and accidents. Workers who do home services may face risks from going to places and working in private homes.

The way platform work is set up can push workers to stay logged in for longer. When money is based on the number of tasks done, workers may work longer hours if the pay goes down or the rewards get smaller. The problem is not just whether the platform sets working hours but whether the pay system encourages many hours.

¹⁴ Sarkar (n1).

¹⁵ Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023.

¹⁶ Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025 ss 1-2 and provisions.

Occupational safety also brings up the question of who's responsible. If the platform says it is a digital middleman, it may say the worker is an independent service provider. The platform may control who can get customers, set performance rules, track transactions and influence the price or when services are done. This brings up a question about how much platforms should be responsible for safety and stopping accidents.

Occupational Safety, Health and Working Conditions Code 2020. It is part of the larger labour law system, but it also says that gig workers are still outside some protections that regular workers usually get.¹⁷ The Code on Social Security, adding accident insurance and health benefits, is therefore very important for this group of workers.¹⁸

Recent state laws go further. The Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025 specifically covers health and safety at work. Also controls automated monitoring and decision-making systems.¹⁹ This is an important step because it connects old safety issues with the new risks from digital management.

ALGORITHMIC MANAGEMENT AND DIGITAL CONTROL

One special part of platform work is using software to manage tasks. Digital platforms may assign work, calculate money, track performance, rate workers, use rewards and rules and decide if an account stays active. The result is a way of managing that may happen without a manager being present.

Algorithms create a problem with being open. A worker may know the result of a decision—for example, work or account suspension—without knowing the reasons for it. When money depends on platform access, the results can be quick. A fair legal system therefore needs ways for workers to understand and, if needed, challenge and appeal decisions that affect their lives.

The provided materials say platform control is a part of the new work relationship. The Karnataka law is very important because it specifically talks about being clear in automated monitoring and decision-making.²⁰ This shows a way of controlling platforms as a labour law Issue instead of just a private contract or tech policy.

¹⁷ Sarkar (n1).

¹⁸ Code on Social Security 2020 s 114(1)(b)-(c).

¹⁹ Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025.

²⁰ Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025.

Algorithmic decision-making also connects with how workers are classified. A platform might say the worker is independent but use tools to set service standards and keep checking how well the worker does. The more control the platform has, the more Important it is to look at what actually happens in the relationship instead of just what the contract says.

At the same time, rules need to take into account real business needs like stopping fraud, keeping customers safe and making sure services are good. The legal problem is to make things clear and fair without stopping platforms from using technology to manage services. New state laws show that telling people what is happening, letting them complain and having someone check decisions can be part of the rules.

GRIEVANCE REDRESSAL, COLLECTIVE VOICE AND RIGHTS

A worker's legal right is only useful if there is a way to make it happen. Gig workers might have trouble because the platform can end or limit the relationship through systems, and the worker might not be able to talk to someone inside the company. So there needs to be a way to complain about issues like pay, account suspension, ratings, rewards, work conditions and benefits.

The materials given show that there is a need for protection from being taken advantage of and for ways that gig workers can get their legal rights. State laws have started to create structures for this. Rajasthan's 2023 law creates a Welfare Board and a fund. Sets up ways to register workers and companies. Karnataka's 2025 law does the same by setting up a Welfare Board and a fund. It provides ways to solve disputes.

Another issue is having a voice. Traditional rules are for workers who work for one employer. Gig workers might work for many platforms and might be seen as independent. This makes it harder to create a way for them to speak together. Still being able to talk about problems is important for negotiating pay, safety, benefits and platform rules.

The 2026 material talks about a group of workers from apps who came together and shows that more people are asking for better treatment, rules and responsibility. No matter what form the group takes, the main legal issue is making sure workers can have a say in decisions that affect their lives.

An effective way to deal with complaints should be easy to use, not cost much and have time limits. It should also explain why a decision is made and let someone else check it. For gig workers, having a way to complain might be helpful, but it should not take the place of fair processes.

ECONOMIC CASE FOR REGULATION

The gig economy is now a part of India's service jobs. The 2026 material shows that platform-based gig work has grown in food delivery, ride-hailing, logistics, e-commerce, home services and digital freelancing. It says gig work gives people a living and helps push digitalisation, city jobs and activity in the service sector.

Even though gig work brings money, it does not mean we can drop worker protection. Making work efficient and protecting workers can go hand in hand. A clear set of rules can reduce worry for both platforms and workers by spelling out duties, registration, welfare payments, how to solve disputes and safety duties.

Regulation also helps formalise work. Digital platforms keep logs of jobs, payments and worker history. The material calls this a formalisation bridge because workers who used to stay outside official systems can now show up through digital registration.² A good framework can use this visibility to link workers to social-security plans while still keeping real rights instead of just registration.

The policy problem is to build rules that understand gig work's nature but stop moving all risk onto workers. Social-security payments, accident safety, fair pay, clear platform rules and good grievance procedures can all be made to fit the way platform work is organised.

At the same time, rules must keep the flexibility that workers want. We do not need to copy every part of employment. Instead, the law can set a minimum of must-have protections. Let workers and platforms keep extra flexibility beyond that minimum.

RECENT REGULATORY TRENDS IN INDIA

India's rules are shifting from acknowledgement to detailed platform-specific welfare laws. Rajasthan's 2023 law set up a state model with registration of a Welfare Board and a welfare

fund.²¹ Karnataka's 2025 law built on that by adding social security, job safety, automated monitoring and rules for dispute handling and platform registration.²²

The Karnataka Act matters a lot because it openly sees the tech side of platform work. Its rules on automated monitoring and decision-making say that today's work control can happen with tools. This moves past the question of whether someone is an employee and asks how the platform really runs and manages work.

At the same time, the Code on Social Security 2020 continues to give the basic statutory framework. Section 114 lets the Central Government set up social-security schemes covering life and disability accidents, health and maternity, old age and crèche facilities.²³ The success of this framework depends mainly on how it's implemented in eligibility rules, on funding arrangements, and on how easily gig workers can access benefits in real life.

The 2026 material also points out continuing gaps in regulation about wages, working hours, grievance redressal and algorithmic accountability.²⁴ These gaps show that laws about recognition and welfare are steps in a developing legal process, not a finished solution for gig-work.

The new trend can be seen as a shift from classification to regulation of the platform relationship itself. Instead of only asking whether a gig worker is an employee, lawmakers are now tackling the real risks that come from platform work: social insecurity, job hazards, digital monitoring, payment systems and how gig workers can get remedies.

CHALLENGES AND POSSIBLE LEGAL RESPONSES

The first challenge is that classification remains uncertain. A gig worker can be formally independent. Still depend economically on a platform. A rights framework should not make protection only based on contract labels. The law that recognises gig and platform workers is a start. Rights must tie to the real risks and control that exist in the gig-worker relationship.

The second challenge is income insecurity. Earnings for gig workers can change with demand, commissions, incentives and platform rules. Social-security contributions and benefits must be

²¹ Drishti IAS (n4).

²² *ibid.*

²³ Code on Social Security 2020 s 114.

²⁴ Drishti IAS (n4).

portable enough to follow gig workers when they move between platforms. A gig worker must not lose the protection they have earned simply because they switch platforms or work for several at once.

The third challenge is safety. Accident insurance, health benefits and safety standards are especially important for delivery and transport gig workers. Rules should also look at the incentives that payment systems create. Must stop gig workers from being pushed into unsafe work.

The fourth challenge is governance. Gig workers need to know why automated decisions affect their jobs or pay. A fair system must give notice, reasons and a way to review bad decisions. Karnataka's law gives an example of how to handle automated monitoring and decisions for gig workers.²⁵

The fifth challenge is enforcement. Laws about welfare do not help if gig workers cannot register, understand their rights, or get remedies. Welfare Boards and digital registration must have procedures, enough staff and clear duties for platform owners.

Finally, gig workers need a voice when rules are made for them. The growing laws at state level, national social-security plans, and platform rules must involve gig workers and their groups. The goal should be a system that gives flexibility but also a minimum level of social and labour protection.

CONCLUSION

The gig economy is a change in how work is organised. Its main point is not using mobile apps but moving from steady jobs to task-based and digitally managed work. In India, this model includes delivery gig workers, driver-partner gig workers, home-service gig workers, freelancers and other gig workers who find tasks through platforms.

The legal system has begun to respond. The Code on Social Security 2020 clearly recognises gig workers and platform workers. Gives a law-based foundation for social-security schemes.²⁶ Rajasthan's 2023 legislation and Karnataka's 2025 legislation show a further move toward

²⁵ Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025.

²⁶ Code on Social Security 2020 ss 2(35) 2(60) 2(61) 114.

worker registration, welfare institutions, social-security funds, grievance mechanisms and regulation of platform practices.²⁷

The central legal questions remain. Recognition does not automatically give gig workers all the protections that normal jobs usually offer. The classification problem, income, job risks, algorithmic decision-making and enforcement gaps still shape how gig workers experience work. The supplied materials keep pointing out the need for more coordinated protection.

A durable legal framework should therefore start from the realities of platform work. It should keep flexibility and set a minimum floor of rights that does not rely only on the worker's formal contract label. Social security should be portable. Accident and health protection should match the risks of platform work. Payment systems should not push gig workers into practices. Big automated decisions should be clear and reviewable. Grievance mechanisms should be easy to reach.

The growth of gig-worker law in India is a process. Moving from no recognition to law-based recognition is important. The next step is to put the law into practice and enforce it. The long-term legal question is how to make sure that new technology and flexible work setups coexist with dignity, social security, safety and access to justice. The gig economy can then be seen not as a zone outside labour law. As a changing type of work that needs labour law to adjust to its economic and tech realities.

²⁷ Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023; Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025.

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