

UNDER - PROTECTION OF GIG WORKERS IN INDIA: LAW, POLICY, AND THE EVERYDAY REALITIES OF PLATFORM WORK

DV LAYA

AND

DV SHRUTHI

Abstract

The rise of India's platform economy has created millions of opportunities for workers in transport, delivery, domestic services, and e-commerce. Yet these workers, often referred to as "gig" or "platform" workers, remain legally and socially under-protected. While the Code on Social Security, 2020, was a landmark in recognizing gig workers in statutory language, its failure to extend core labor protections such as minimum wage, health and safety standards, and collective bargaining rights has left them in a precarious position. The state-level initiatives, most notably Rajasthan's Platform-Based Gig Workers Act, 2023, have generated experimentation but without harmonized national implementation. This paper examines the conceptual foundations of gig work, the Indian statutory framework, constitutional and judicial developments, and comparative experiences from the United Kingdom and California. It argues that India's present framework provides recognition without substantive rights, effectively externalizing risks onto workers while platforms reap the benefits of algorithmic management. Through doctrinal, empirical, and comparative analysis, this paper proposes a rights-based framework that preserves flexibility while guaranteeing minimum standards of fairness, social security, and collective representation. This paper proceeds in six parts. Part I sets out the conceptual foundations of gig and platform work. Part II examines the Indian legal framework, with a focus on code on social security-2020, e-Shram, and state-level legislation. Part III explores judicial and constitutional developments. Part IV considers the socio-economic realities of gig work, including earnings, working conditions, and algorithmic management. Part V offers comparative perspectives from

the UK and California. Part VI concludes with recommendations for a policy blueprint that balances innovation with justice.

Introduction

The platform economy has become a defining feature of India's urban labor market. Companies like Ola, Uber, Swiggy, Zomato, and Urban Company employ millions of drivers, riders, and service providers, who depend on algorithmic systems for allocation of tasks, evaluation of performance, and payment of wages. According to NITI Aayog's 2022 report, India had approximately 7.7 million gig workers in 2020–21, a number projected to rise to 23.5 million by 2029–30¹. Yet despite this rapid expansion, Indian labor law has not fully caught up with the realities of platform-mediated work.

At the conceptual level, gig workers are situated in an ambiguous space between “employee” and “independent contractor.” Traditional Indian labor law rooted in statutes like the Industrial Disputes Act, 1947, and the Minimum Wages Act, 1948 was built on the binary of employer–employee relationships. Platform companies, however, insist that their workers are independent contractors or “partners,” thereby avoiding employer obligations such as provident fund contributions, paid leave, and industrial dispute resolution². Scholars argue that this classification allows platforms to externalize both economic and social risks, while maintaining a degree of control that mirrors an employer–employee relationship³.

The Code on Social Security, 2020 (CSS-2020) attempted to address this gap by introducing the categories of gig workers and platform workers⁴. While this was a significant step forward in terms of statutory recognition, the Code only provided a skeletal framework for the creation of welfare schemes. It did not extend core protections available to “employees,” such as the right to

¹ NITI Aayog, *India's Booming Gig and Platform Economy* (2022).

² Janhavi Nilekani, *Contractual Partners or Precarious Workers? Rethinking Platform Work in India*, 57 Econ. & Pol. Wkly. 45 (2022).

³ Prabha Kotiswaran, *The Legal Construction of Platform Work: Misclassification and Its Consequences in India*, 65 J. Indian L. Inst. 211 (2023).

⁴ Code on Social Security, No. 36 of 2020, INDIA CODE (2020).

minimum wages, occupational safety, and unionization. Critics have described this as “recognition without rights”⁵.

Parallelly, the Government of India launched the e-Shram Portal in 2021, with the aim of registering unorganized workers, including those engaged in gig and platform work⁶. Though hailed as a major step toward portability of social security, the portal has thus far operated as a registry rather than as a vehicle for enforceable entitlements.

Judicial developments have also been significant. In Indian Federation of App-based Transport Workers (IFAT) v. Union of India, a public interest litigation was filed in the Supreme Court seeking recognition of gig workers as “unorganized workers” entitled to statutory social security benefits⁷. The Union Government, however, has argued that existing schemes like e-Shram are sufficient, creating a tension between recognition and enforceable rights.

At the state level, Rajasthan enacted the Platform-Based Gig Workers (Registration and Welfare) Act, 2023, becoming the first Indian state to legislate a framework specifically for gig workers⁸. The Act mandates registration of both workers and aggregators, creates a welfare board, and establishes a fund financed through contributions per transaction. Yet implementation challenges particularly after changes in government have revealed the fragility of such measures in the absence of strong central coordination.

Globally, courts and legislatures have grappled with similar challenges. The United Kingdom’s Supreme Court in *Uber BV v. Aslam* held that Uber drivers were “workers,” thereby entitled to minimum wage and paid leave, rejecting the contractual label of “independent contractors”⁹. In contrast, California enacted Proposition 22, carving gig workers out of employee status but creating a bespoke regime with limited benefits and insurance coverage¹⁰. These comparative

⁵ Rahul Sapra, *Recognition Without Rights: A Critique of the Code on Social Security*, 2020, 12 Nat'l L. Sch. India Rev. 89 (2021).

⁶ Ministry of Labour & Employment, Govt. of India, *e-Shram Portal Concept Note* (2021).

⁷ Indian Fed'n of App-Based Transp. Workers v. Union of India, W.P. (C) No. 116 of 2021 (Sup. Ct. of India, pending).

⁸ Platform-Based Gig Workers (Registration and Welfare) Act, No. 30 of 2023 (Rajasthan).

⁹ *Uber BV v. Aslam*, [2021] UKSC 5.

¹⁰ Cal. Proposition 22, *Protect App-Based Drivers and Services Act* (2020).

experiences offer lessons for India, particularly regarding the risks of under-protection and the need for a hybrid model that secures minimum standards without eliminating flexibility.

Conceptual Background and the Indian Legal Framework

A. Conceptual Background: Defining Gig and Platform Work

The term *gig work* historically referred to short-term, task-based engagements in music and entertainment, but in the contemporary digital economy it encompasses a wide variety of labor mediated by apps and platforms. The International Labour Organization (ILO) defines platform work as “employment forms in which online platforms mediate labor exchanges, typically involving algorithmic management”¹¹. In India, this spans ride-hailing (Ola, Uber), food delivery (Swiggy, Zomato), logistics (Shadowfax, Delhivery), and personal services (Urban Company).

Two features distinguish gig work from traditional employment. First, platforms frame workers as *independent contractors*, not employees. Second, algorithms rather than human supervisors allocate work, monitor performance, and decide pay. Scholars describe this as “algorithmic management,” which reduces transaction costs for platforms while creating opacity and precarity for workers¹².

The conceptual ambiguity is central. On one hand, gig workers enjoy some *flexibility*: they may log in and out, work for multiple platforms, and set their own hours. On the other, empirical studies show that platforms incentivize near-constant availability and penalize low acceptance rates, effectively creating a disguised employment relationship¹³. This tension complicates legal classification under labor law, which traditionally rests on tests of “control” and “economic dependency.”

¹¹ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (2021).

¹² Antonio Aloisi, *Commoditized Workers: Case Study Research on Labour Law Issues Arising from a Set of “On-Demand/Gig Economy” Platforms*, 37 Comp. Lab. L. & Pol'y J. 653 (2016).

¹³ Deepthi Elizabeth, *Algorithmic Control and Worker Autonomy in India’s Platform Economy*, 14 Indian J. Empirical Legal Stud. 77 (2022).

B. The Indian Legal Framework

1. The Four Labour Codes and Gig Work

In 2019–20, Parliament consolidated 29 labor laws into four major codes: the Code on Wages, 2019; the Occupational Safety, Health and Working Conditions Code, 2020; the Industrial Relations Code, 2020; and the Code on Social Security, 2020 (CSS-2020)¹⁴. Of these, only CSS-2020 explicitly mentions gig and platform workers. The other three apply only to “employees” or “workers” in the traditional sense, excluding platform-based labor from core entitlements such as minimum wages, collective bargaining, and occupational safety protections¹⁵.

Thus, gig workers remain outside the statutory guarantee of fair wages and safe working conditions. This legal architecture has been criticized as entrenching a two-tier system: employees with rights, and gig workers with only aspirational welfare schemes¹⁶.

2. CSS-2020: Recognition Without Core Rights

The CSS-2020 was hailed as a breakthrough because it introduced statutory definitions of “gig worker” and “platform worker”¹⁷. Chapter IX provides for the creation of welfare schemes covering life and disability insurance, health and maternity benefits, and old-age protection. Aggregators are required to contribute between 1–2 percent of their annual turnover, subject to prescribed caps.

However, CSS-2020 suffers from critical limitations. It does not classify gig workers as employees, thereby excluding them from labor rights like minimum wage, working-hour limits, or the right to strike. The Code relies on the government to notify schemes, many of which are yet to

¹⁴ Code on Wages, No. 29 of 2019; Industrial Relations Code, No. 35 of 2020; Occupational Safety, Health and Working Conditions Code, No. 37 of 2020; Code on Social Security, No. 36 of 2020, INDIA CODE (2020).

¹⁵ Arvind Narra, *The Labour Codes and the Exclusion of Platform Workers from Fundamental Rights*, 55 Econ. & Pol. Wkly. 13 (2021).

¹⁶ Urvashi Aneja & Joyojeet Pal, *Governing the Platform Economy: A Study of Work and Regulation in India*, Observer Research Foundation Occasional Paper No. 317 (2021).

¹⁷ Code on Social Security, No. 36 of 2020, § 2(35)–(36), INDIA CODE (2020).

be implemented on the ground. Commentators argue that the result is “a skeletal framework without flesh,” offering symbolic recognition but no enforceable entitlements¹⁸.

3. The e-Shram Portal

In 2021, the Government of India launched the e-Shram Portal, a national database of unorganized workers¹⁹. Gig and platform workers are eligible to register, providing them with a unique identification number linked to Aadhaar. The objective is to enable portability of social security benefits across states and employers. As of mid-2023, over 280 million workers had registered²⁰.

Yet critics note that e-Shram has primarily functioned as a registry, not as a benefits platform. Without adequately funded schemes linked to the database, registration does not translate into real protection²¹. Moreover, issues of data privacy, multiple-platform affiliation, and portability across state welfare funds remain unresolved²².

4. State-Level Experiments: Rajasthan and Beyond

States have begun experimenting with gig worker legislation. Rajasthan enacted the Platform-Based Gig Workers (Registration and Welfare) Act, 2023, the first state-level statute exclusively for platform workers²³. The Act mandates automatic registration of workers, aggregator contributions per transaction, and the establishment of a welfare board.

Despite its promise, implementation has faced hurdles. A change in government has delayed operationalization of the welfare board and fund transfers²⁴. Scholars caution that while Rajasthan’s initiative is pathbreaking, fragmented state-level laws could lead to uneven protections

¹⁸ Rahul Sapra, *Recognition Without Rights: A Critique of the Code on Social Security*, 2020, 12 Nat’l L. Sch. India Rev. 89 (2021).

¹⁹ Ministry of Labour & Employment, Govt. of India, *Concept Note on e-Shram Portal* (2021).

²⁰ Press Information Bureau, Govt. of India, *Over 28 Crore Workers Registered on e-Shram Portal* (June 2023).

²¹ Dipa Sinha, *Does Registration Mean Protection? The Limits of India’s e-Shram Portal*, 58 Econ. & Pol. Wkly. 42 (2023).

²² Vrinda Bhandari, *Data Rights and Gig Work: Privacy Concerns in the e-Shram Registry*, 5 Indian J.L. & Tech. Pol’y 201 (2022).

²³ Platform-Based Gig Workers (Registration and Welfare) Act, No. 30 of 2023 (Rajasthan).

²⁴ editorial, *Rajasthan’s Gig Worker Law in Limbo*, The Hindu, Jan. 2024.

and regulatory arbitrage without harmonization by the Union government²⁵. Karnataka and Telangana have also announced intentions to legislate in this space, signaling a growing trend of state-level innovation²⁶.

5. Motor Vehicle Aggregator Guidelines, 2020

The Ministry of Road Transport and Highways issued the Motor Vehicle Aggregator Guidelines, 2020, requiring licensing of ride-hailing companies and mandating limited welfare measures such as insurance coverage for drivers²⁷. While progressive in scope, these guidelines are sector-specific, leaving out workers in food delivery, logistics, and domestic services. They also lack strong enforcement mechanisms.

C. Gaps in the Framework

Taken together, the Indian legal framework creates a paradox. Gig workers are recognized as a distinct category but denied the full suite of labor protections. CSS-2020 promises welfare but relies on delayed scheme notification. e-Shram registers workers but does not guarantee benefits. State laws experiment but lack consistency and implementation capacity. As a result, gig workers remain trapped in a regime of “under-protection,” where their labor sustains a rapidly growing digital economy without corresponding rights and safeguards.

Judicial Developments and Socio-Economic Realities

A. Judicial Developments

Indian courts have only recently begun engaging with the rights of gig workers. Historically, the judiciary has been reluctant to stretch the traditional employer–employee framework to new forms

²⁵ Neha Wadhawan, *Fragmented Federalism: State-Level Experiments with Gig Worker Regulation*, 19 NUJS L. Rev. 233 (2024).

²⁶ Karnataka Labour Department, *Draft Bill on Gig Worker Welfare* (2025).

²⁷ Ministry of Road Transport & Highways, *Motor Vehicle Aggregator Guidelines, 2020* (Nov. 2020).

of work. However, in recent years, petitions filed before High Courts and the Supreme Court have raised the question of whether gig workers qualify as "employees" under labour laws.

In *Uber India Systems Pvt. Ltd. v. Driver Partners Welfare Ass'n*, the Delhi High Court considered drivers' claims of unfair contract terms and the denial of benefits. While the Court refrained from declaring drivers as employees, it emphasized the need for legislative clarity in regulating platform-based work arrangements²⁸. This decision reflects the judiciary's cautious approach, deferring to Parliament for structural solutions.

Similarly, petitions have been filed in the Supreme Court by gig workers' unions, urging recognition under social security laws²⁹. In 2021, the *Indian Federation of App-Based Transport Workers v. Union of India* case sought inclusion of gig workers under the ambit of social security legislation³⁰. Though still pending, it marks a watershed moment, as the Court issued notice to the Union Government, compelling it to respond to the absence of protections.

The Indian judiciary's engagement mirrors global trends. Courts in the UK, for instance, have recognized Uber drivers as "workers" entitled to minimum wage and paid leave³¹. While Indian courts have yet to take such a decisive stance, these comparative rulings exert persuasive influence and are often cited by petitioners.

B. Socio-Economic Realities of Gig Work in India

1. Precarity of Income

Gig workers in India face irregular and unpredictable incomes. Studies reveal that most ride-hailing drivers and food delivery personnel earn below minimum wage once expenses such as fuel

²⁸ Uber India Sys. Pvt. Ltd. v. Driver Partners Welfare Ass'n, W.P.(C) No. 8312/2019 (Del. HC 2020).

²⁹ Anmol Somanchi, *Litigating Precarity: Gig Workers Before the Courts*, 56 Econ. & Pol. Wkly. 45 (2021).

³⁰ Indian Fed'n of App-Based Transp. Workers v. Union of India, W.P.(C) No. 1161/2021 (SC).

³¹ Uber BV v. Aslam, [2021] UKSC 5.

and vehicle maintenance are deducted³². The absence of guaranteed earnings exposes them to economic shocks, particularly during crises such as the COVID-19 pandemic³³.

2. Lack of Occupational Safety and Health (OSH)

The informal status of gig work also denies workers access to basic occupational safety protections. Reports have documented long working hours, heightened accident risks for delivery personnel, and inadequate health insurance coverage³⁴. Even though the Occupational Safety, Health and Working Conditions Code, 2020, envisions extending protections, its provisions remain unimplemented³⁵.

3. Gendered Dimensions of Gig Work

Women in platform-based work encounter layered vulnerabilities. Domestic work and beauty service platforms often reinforce existing patriarchal divisions, where women are concentrated in low-paying, insecure roles³⁶. Safety concerns, harassment, and lack of maternity benefits further exacerbate the precariousness of women gig workers³⁷.

4. Algorithmic Management and Control

Gig platforms exercise significant control over workers through algorithms that assign tasks, determine fares, and deactivate accounts³⁸. Although companies frame workers as “independent

³² International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms* 112–15 (2021).

³³ Rahul Mukherjee, *Pandemic and Precarity: Gig Workers in Lockdown India*, 55 Econ. & Pol. Wkly. 17 (2020).

³⁴ Fairwork India, *Fairwork India Ratings 2022: Labour Standards in the Platform Economy* 18–22 (2022).

³⁵ The Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, India Code (2020).

³⁶ Neetha N. & Rajni Palriwala, *Gender and the Gig Economy in India*, 6 Indian J. Labour Econ. 133, 140 (2019).

³⁷ Shubhangi Agarwal, *Invisible Women: Gender and Platform Work in India*, 27 Gender, Work & Org. 899, 903 (2020).

³⁸ Jeremias Prassl, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* 64–69 (2018).

contractors,” the reality of algorithmic supervision undermines genuine autonomy. This “control without responsibility” structure raises serious questions about misclassification³⁹.

5. Exclusion from Collective Bargaining

Unlike traditional employees, gig workers are excluded from trade union protections under existing Indian labour laws⁴⁰. Attempts to unionize—such as by the Indian Federation of App-Based Transport Workers—face challenges since platforms treat workers as partners, not employees⁴¹. The lack of collective bargaining rights amplifies asymmetry of power between corporations and workers.

6. Pandemic Exposures

The COVID-19 pandemic starkly revealed the vulnerability of gig workers. Many were declared “essential” workers during lockdowns, yet they were excluded from health insurance schemes or relief packages⁴². In contrast, some countries such as Spain extended emergency benefits to gig workers, underscoring the gap in India’s welfare approach⁴³.

Comparative Lessons, Gaps & Challenges, and Policy Blueprint

A. Comparative Lessons from Other Jurisdictions

1. The United Kingdom

The United Kingdom has emerged as a leading jurisdiction in addressing the misclassification of gig workers. In *Uber BV v. Aslam*, the UK Supreme Court held that Uber drivers qualify as “workers,” a category that entitles them to minimum wage, holiday pay, and rest breaks under the

³⁹ Deepa Das Acevedo, *Algorithmic Bosses: Platform Work and Control in India*, 44 Comp. Lab. L. & Pol'y J. 77, 85 (2022).

⁴⁰ The Trade Unions Act, No. 16 of 1926, India Code (1926).

⁴¹ Rina Agarwala, *Organizing Informal Workers in India: Beyond the State and Market* 158–62 (2013).

⁴² NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations* 76–80 (2022).

⁴³ Council of the European Union, *Directive on Improving Working Conditions in Platform Work* (2022).

Employment Rights Act, 1996⁴⁴. The Court emphasized that the reality of control exercised by Uber through pricing, allocation of rides, and performance monitoring undermined the notion of independent contracting⁴⁵. This judgment not only provided relief to drivers but also triggered reforms in platform governance.

2. The European Union

The European Union (EU) has adopted a comprehensive approach to regulate platform work. The *Directive on Improving Working Conditions in Platform Work*, approved by the Council of the EU in 2022, introduces a presumption of employment when platforms exercise control over working conditions⁴⁶. This shifts the burden of proof onto platforms to demonstrate that workers are genuinely self-employed. Additionally, the Directive contains provisions on algorithmic transparency, ensuring that workers understand how automated decisions affect them⁴⁷.

3. The United States

In the United States, regulation is fragmented. Some states, like California, initially passed Assembly Bill 5 (AB5), which presumed employment status for gig workers based on the “ABC test”. However, Proposition 22, backed by gig companies, exempted app-based transportation and delivery companies from AB5, limiting worker protections⁴⁸. The conflicting legal landscape underscores the role of corporate lobbying and highlights the vulnerability of legislative gains without strong enforcement.

4. Lessons for India

India can learn three key lessons:

⁴⁴ Uber BV v. Aslam, [2021] UKSC 5.

⁴⁵ Mark Freedland & Nicola Countouris, *The Legal Construction of Personal Work Relations* 242–45 (2011).

⁴⁶ Council of the European Union, *Directive on Improving Working Conditions in Platform Work* (2022).

⁴⁷ Miriam Cherry, *Beyond Misclassification: The Digital Transformation of Work*, 37 Comp. Lab. L. & Pol'y J. 577, 585 (2016).

⁴⁸ Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative, 2020 Cal. Stat.

- First, courts can play an active role, as seen in the UK, by recognizing misclassification and applying purposive interpretations of labour laws.
- Second, a statutory presumption of employment, as in the EU, could prevent platforms from evading obligations through contractual language.
- Third, enforcement mechanisms must be robust, as the US example shows how corporate lobbying can dilute worker protections.

B. Gaps and Challenges in the Indian Context

1. Legislative Gaps

Although the Code on Social Security, 2020 (CSS 2020) introduces the terms “gig worker” and “platform worker,” it provides only limited social security measures and leaves much to delegated legislation⁴⁹. The absence of clear definitions of employment status allows platforms to maintain workers as “partners,” thereby escaping labour law obligations.

2. Implementation Deficit

Even where protections exist, such as under the Employees’ State Insurance Act, 1948 or the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952, enforcement is weak⁵⁰. Labour inspectors lack both resources and jurisdiction over digital platforms, leaving workers without effective remedies.

3. Judicial Reluctance

Indian courts, while sympathetic, have largely refrained from adopting expansive interpretations. Unlike in the UK, where purposive judicial reasoning led to structural shifts, Indian courts often

⁴⁹ The Code on Social Security, No. 36 of 2020, India Code (2020).

⁵⁰ Employees’ State Insurance Act, No. 34 of 1948, India Code (1948); Employees’ Provident Fund and Miscellaneous Provisions Act, No. 19 of 1952, India Code (1952).

defer to legislative intent⁵¹. This judicial conservatism slows the recognition of rights for gig workers.

4. Informality and Worker Fragmentation

The Indian labour market is already characterized by informality, with over 90% of workers outside formal contracts⁵². Gig workers therefore face a double exclusion: from both the formal sector and existing informal worker protections, such as under the Unorganized Workers' Social Security Act, 2008⁵³.

5. Corporate Resistance

Gig platforms strongly oppose regulation, framing themselves as “technology companies” rather than employers⁵⁴. This narrative allows them to avoid taxation, labour law compliance, and accountability. Their lobbying power risks watering down reforms, as seen in California’s Proposition 22⁵⁵.

C. Policy Blueprint for India

1. Clarifying Employment Status

A central reform should be a statutory presumption of employment for gig workers, following the EU model⁵⁶. This would require platforms to rebut the presumption with clear evidence of genuine

⁵¹ Aditi Surie, *Judicial Approaches to Platform Work in India*, 58 Econ. & Pol. Wkly. 11, 14 (2023).

⁵² International Labour Organization, *India Employment Report 2022* 33–36 (2022).

⁵³ The Unorganized Workers' Social Security Act, No. 33 of 2008, India Code (2008).

⁵⁴ Alex J. Wood, *Despotism on Demand: How Power Operates in the Flexible Workplace* 112–18 (2020).

⁵⁵ Veena Dubal, *The Drive to Precarity: A Political History of Work, Regulation, and Labor Advocacy in San Francisco’s Taxi and Uber Economies*, 38 Berkeley J. Emp. & Lab. L. 73, 95 (2017).

⁵⁶ Council of the European Union, *Directive on Improving Working Conditions in Platform Work* (2022).

independence. Courts could apply functional tests, focusing on control, dependency, and economic reality, rather than contractual labels.

2. Expanding Social Security

The CSS 2020 should be amended to make social security entitlements, health insurance, accident compensation, pension mandatory for gig workers. Contributions could follow a tripartite model: platforms, the state, and workers each contributing proportionately⁵⁷.

3. Ensuring Algorithmic Transparency

Borrowing from the EU Directive, platforms should be compelled to disclose how algorithms allocate tasks, calculate pay, and deactivate accounts⁵⁸. A regulatory authority could audit algorithmic decisions to prevent discrimination and arbitrary treatment.

4. Strengthening Collective Bargaining Rights

Amendments to the Trade Unions Act, 1926 should recognize the right of gig workers to unionize and bargain collectively⁵⁹. This would balance the asymmetry of power between platforms and workers, enabling negotiations over wages and working conditions.

5. Gender-Sensitive Reforms

Policy must account for the gendered nature of gig work. This includes mandating maternity benefits, providing safety mechanisms for women workers in public-facing roles, and ensuring access to childcare facilities⁶⁰. Without these, women will remain confined to insecure and exploitative segments of the platform economy.

⁵⁷ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations* 102–05 (2022).

⁵⁸ Jeremias Prassl, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* 171–76 (2018).

⁵⁹ The Trade Unions Act, No. 16 of 1926, India Code (1926).

⁶⁰ Neetha N. & Rajni Palriwala, *Gender and the Gig Economy in India*, 6 Indian J. Labour Econ. 133, 147 (2019).

6. Pandemic-Responsive Protections

Given the lessons from COVID-19, a framework for emergency relief covering health insurance, income support, and hazard pay should be institutionalized⁶¹. Gig workers who deliver essential services during crises should not be excluded from public welfare schemes.

7. Institutional Mechanisms

Finally, a dedicated *Gig Workers' Welfare Board* could be established, similar to welfare boards for construction workers⁶². This board would register workers, oversee contributions, and administer benefits, ensuring accountability and reducing fragmentation.

References:

1. Guy Davidov, *A Purposive Approach to Labour Law* (Oxford Univ. Press 2008).
2. Kamala Sankaran & Ujjwal Kumar Singh eds., *Towards Legal Literacy: An Introduction to Law in India* (Oxford Univ. Press 2008).
3. Judy Fudge & Rosemary Owens eds., *Precarious Work, Women, and the New Economy: The Challenge to Legal Norms* (Hart Publ'g 2006).
4. Mark Freedland & Nicola Kountouris, *The Legal Construction of Personal Work Relations* (Oxford Univ. Press 2011).
5. Deirdre McCann, *Regulating Flexible Work* (Oxford Univ. Press 2008).
6. Janine Berg, *Labour Markets, Institutions and Inequality: Building Just Societies in the 21st Century* (Edward Elgar Publ'g 2015).

⁶¹ Rahul Mukherjee, *Pandemic and Precarity: Gig Workers in Lockdown India*, 55 Econ. & Pol. Wkly. 17 (2020).

35. ⁶² Rina Agarwala, *Organizing Informal Workers in India: Beyond the State and Market* 175–78 (2013).

7. Prabhat Patnaik, *The Value of Money* (Tulika Books 2008).
8. Martha Chen, Renana Jhabvala, Ravi Kanbur & Carol Richards eds., *Membership-Based Organizations of the Poor* (Routledge 2007).
9. Srivastava Ravi, *Labour Market, Employment and Economic Growth in India: The Post-Reform Scenario* (Oxford Univ. Press 2012).
10. Simon Deakin & Frank Wilkinson, *The Law of the Labour Market: Industrialization, Employment, and Legal Evolution* (Oxford Univ. Press 2005).