SOCIAL SECURITY FOR GIG AND PLATFORM WORKERS UNDER THE CODE ON SOCIAL SECURITY, 2020: GAPS, CHALLENGES, AND THE ROAD AHEAD

Ashwath Chitranshi & Aryan Sharma, B.B.A. LL.B. (Hons.), Bennett University, School of Law, Greater Noida

ABSTRACT

The rise of platform-mediated labour has fundamentally altered the traditional contours of the employer-employee relationship. In India, this transformation has produced a workforce of approximately 12 million gig and platform workers as of 2024-25 a figure projected to exceed 23.5 million by 2029-30 who remain structurally exposed to income volatility, occupational hazards, and the near-total absence of formal social protection. The Code on Social Security, 2020, which came into force on 21 November 2025 as part of India's historic consolidation of 29 central labour statutes into four Labour Codes, represents the first legislative attempt to extend a social security architecture to this workforce. Sections 109 through 114 of the Code introduce a definitional framework for gig and platform workers, mandate a Social Security Fund financed through aggregator contributions, and contemplate schemes covering life, disability, health, maternity, and old-age protection.

Nevertheless, the paper argues that the Code's promise substantially outpaces its delivery. Three structural deficits are identified: (i) definitional ambiguity producing tripartite overlap between the categories of gig worker, platform worker, and unorganised worker; (ii) an implementation vacuum characterised by permissive rather than mandatory legislative language, the absence of notified welfare schemes, and the non-notification of aggregator contribution rates; and (iii) systemic exclusion from the three remaining Labour Codes governing wages, occupational safety, and industrial relations. Drawing on comparative jurisprudence from the United Kingdom, the European Union, and Singapore, and benchmarking India's framework against ILO Convention No. 102 and the ILO's 2025 standards on platform work, this paper formulates a set of legislative and administrative recommendations directed at transforming the Code's aspirational provisions into enforceable rights. The study employs a doctrinal methodology supplemented by empirical data and comparative analysis.

I. Introduction

The digital revolution has not merely disrupted industries — it has reconfigured the very architecture of employment. The emergence of platform-based labour, mediated by algorithmic management systems deployed through smartphone applications, has produced an entirely new category of working person: the gig worker. Characterised by task-based engagement, absence of fixed wages, and the formal absence of an employer-employee relationship, gig workers occupy a peculiar interstice in labour law they are economically active yet legally invisible. In India, this invisibility has historically been absolute. The statutory framework developed over decades the Factories Act, 1948; the Industrial Disputes Act, 1947; the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 was constructed around the assumption of a fixed-term, salaried relationship between an identifiable employer and an identifiable employee. Gig workers fit neither end of that assumption.[1]

India's gig economy has expanded with remarkable velocity. As of financial year 2024-25, the country is estimated to have approximately 12 million gig and platform workers, accounting for over two per cent of the total workforce. The government's own Economic Survey 2025-26 projects that non-agricultural gig work could constitute 6.7 per cent of the total workforce by 2029-30.[2] The dominant platforms facilitating this labour Ola, Uber, Zomato, Swiggy, Urban Company, and the emerging quick-commerce firms such as Blinkit and Zepto collectively engage millions of delivery partners, ride-hailing drivers, and task-based freelancers who operate without employment contracts, without access to provident fund contributions, without maternity benefits, and without compensation for occupational injuries.

Against this backdrop, the Code on Social Security, 2020 (hereinafter 'the Code' or 'CSS') represented a watershed legislative moment. For the first time, the Indian statute book formally recognised gig and platform workers as distinct categories deserving social protection. Enacted as part of the broader project of consolidating 29 central labour laws into four Labour Codes, the CSS came into force on 21 November 2025. Its Chapter IX spanning Sections 109 to 114 erects the first statutory social security framework for gig and platform workers in India's legislative history. The Code mandates the establishment of a Social Security Fund,

[1]NITI Aayog, India's Booming Gig and Platform Economy: Prospects and Recommendations (Government of India, 2022) 11.

[2]Economic Survey 2025–26, Ministry of Finance, Government of India, Chapter 4 (New Delhi, 2026).

imposes a contribution obligation on aggregators, and contemplates schemes providing life, disability, health, maternity, and old-age cover.

Yet a dissonance persists between statutory ambition and operational reality. As of the date of this paper, the Central Government has not notified a single welfare scheme under Sections 109 or 114 of the Code. The precise contribution rates for aggregators have not been notified under Section 114. The 90-day eligibility threshold imposed by the draft central rules effectively excludes the most precarious segment of the gig workforce. Three of the four Labour Codes governing wages, occupational safety, and industrial relations make no reference whatsoever to gig or platform workers. This paper undertakes a systematic examination of these gaps, contextualises them against international best practice, and proposes a reform agenda calibrated to India's constitutional obligations and developmental imperatives.

II. Theoretical and Jurisprudential Foundations

2.1 Theories of Labour Welfare and Social Security

The intellectual foundations of social security legislation are traceable to the welfare state thesis the proposition, now constitutionally embedded, that the state bears an affirmative responsibility to safeguard the material conditions of its subjects. In the Indian context, this responsibility finds expression across multiple provisions of the Constitution of India. Article 38 directs the state to secure a social order for the promotion of the welfare of the people. Article 39 enjoins the state to ensure adequate means of livelihood, equal pay for equal work, and protection of the health and strength of workers. Article 41 imposes a duty on the state to make effective provision for securing the right to work and to public assistance in cases of unemployment, old age, sickness, and disablement. Article 43 directs the state to ensure a living wage and conditions of work ensuring a decent standard of life.[3]

These Directive Principles, while not directly enforceable, have been elevated to near-constitutional primacy through judicial interpretation. In *Unni Krishnan v State of Andhra Pradesh*[4], the Supreme Court held that the right to live with dignity under Article 21 necessarily encompasses a floor of material well-being. In *PUCL v Union of India*[5], the Court affirmed

[3]Constitution of India, arts 38, 39, 41, 43.
[4]Unni Krishnan v State of Andhra Pradesh AIR 1993 SC 2178.
[5]PUCL v Union of India (1992) 2 LLJ 545 (SC).

that the right to livelihood is integral to life, and that denial of access to basic welfare entitlements constitutes a constitutional violation. These decisions create a normative foundation upon which claims to social security for gig workers as bearers of the right to life and livelihood can be advanced.

The classical theories of wage regulation from the Subsistence Theory and the Wage Fund Theory to the Theory of Marginal Productivity were premised on identifiable contractual relationships between capital and labour. The gig economy's task-based, platform-mediated structure fundamentally disrupts these theoretical premises. When platforms classify workers as 'partners' rather than employees, the legal architecture built upon the fiction of independent contractorship displaces the protective rationale of labour law entirely. The present challenge for Indian jurisprudence is to develop a theory of labour protection that is relationship-agnostic one that recognises economic subordination, rather than formal contractual status, as the criterion for the application of protective legislation.

2.2 Historical Development: From Fragmentation to Codification

India's pre-2025 labour law framework was characterised by extraordinary fragmentation. Twenty-nine central statutes regulated discrete aspects of labour relations wages, employment conditions, industrial disputes, social security, and occupational safety each with its own definitional apparatus, administrative machinery, and enforcement mechanism. This fragmentation produced systemic exclusions: informal workers, home-based workers, and self-employed persons were routinely placed outside the protective scope of the principal labour enactments.

The consolidation project, culminating in the four Labour Codes of 2019-2020, was designed to address this fragmentation. The Code on Wages, 2019 consolidated the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976. The Code on Social Security, 2020 consolidated nine statutes including the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Employees' State Insurance Act, 1948, the Payment of Gratuity Act, 1972, the Maternity Benefit Act, 1961, and the Employees' Compensation Act, 1923.[6] Crucially, the CSS broke new ground by introducing, for the first time, a statutory framework for gig and platform

[6] Adwitiya Mishra and Aasheerwad Dwivedi, 'Labour Laws in India: History, Evolution and Critical Analysis' (2023) 65(5) Labor History 678, 684.

workers a category entirely absent from the pre-Code legislative imagination.

III. The Legislative Framework: Code on Social Security, 2020

3.1 Definitional Architecture

The Code on Social Security, 2020 introduces three interrelated definitions that together constitute the regulatory perimeter for platform-based labour. Section 2(35) defines a 'gig worker' as a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship.[7] Section 2(61) defines a 'platform worker' as a person engaged in or undertaking platform work, which encompasses work arrangements outside a traditional employer-employee relationship where organisations or individuals use an online platform to access other organisations or individuals to provide specific services.[8] Section 2(6) introduces the concept of an 'aggregator' a digital intermediary or marketplace that connects service seekers and service providers and operates a platform through a digital or electronic facility or technological means.[9]

These definitions represent a significant legislative achievement in formal recognition. However, as the PRS Legislative Research has noted, the definitions generate tripartite overlap that obscures rather than clarifies regulatory responsibility.[10] Consider a ride-hailing driver working for Ola: the task-based, non-payroll nature of the engagement makes the driver a gig worker under Section 2(35); the mediation of work through a digital platform makes the driver a platform worker under Section 2(61); and the self-employed nature of the engagement places the driver within the definition of an unorganised worker under Section 2(86). This tripartite overlap creates uncertainty about which schemes apply, which government authority bears primary responsibility, and how entitlements are to be computed across overlapping categories.

The Standing Committee on Labour, examining the predecessor 2019 Bill, had recommended expanding the definition of 'unorganised workers' to include gig and platform workers, thereby eliminating the overlap. The 2020 Code incorporated only the third of the Committee's three recommendations — expanding the definition of 'platform worker' to accommodate emerging work models — without addressing the more fundamental definitional

[7]Code on Social Security, 2020 (Act 36 of 2020) (India), s 2(35).
[8]ibid, s 2(61).
[9]ibid, s 2(6).
[10]PRS Legislative Research, 'The Code on Social Security, 2020' (Bill Summary, New Delhi, 2020) 6.

ambiguity.[11]

3.2 Social Security Schemes: Sections 109–114

Chapter IX of the Code constitutes the centrepiece of the gig worker social security framework. Section 109 empowers the Central Government to frame schemes for unorganised workers covering life and disability cover, health and maternity benefits, old-age protection, education for children, provident fund, employment injury benefit, housing, educational schemes for children, skill upgradation, funeral assistance, and other welfare measures. Section 110 provides for state-level schemes.[12]

Section 113 mandates that all unorganised workers, gig workers, and platform workers must register with the Central Government or the State Government, as the case may be, to access scheme benefits. Registration is conducted through the e-Shram portal, with each worker receiving a Universal Account Number (UAN) linked to their Aadhaar number.[13] As of mid-2025, the e-Shram portal had registered fewer than 340,000 of India's estimated 12 million gig workers representing a registration rate of under three percent highlighting the enormous gap between the Code's aspirational universalism and its operational reach.[14]

Section 114 establishes the Social Security Fund for gig and platform workers. Under Section 114(4), aggregators are mandated to contribute to this fund at a rate of one to two per cent of their annual turnover, subject to a cap of five per cent of the total amount paid to gig and platform workers by the aggregator in that year.[15] Section 141 requires the Central Government to establish the Social Security Fund itself.[16] The Fund is designed to be multi-sourced, receiving contributions from aggregators, the Central and State Governments, and the workers themselves through nominal registration charges. The Code also mandates the National Social Security Board to recommend and monitor schemes for gig and platform workers.

[11]PRS Legislative Research, 'The Code on Social Security, 2020' (Bill Summary, New Delhi, 2020) 7.
[12]Code on Social Security, 2020 (Act 36 of 2020) (India), ss 109, 110.
[13]ibid, s 113.
[14]East Asia Forum, 'India's Gig Economy is Growing Faster than Its Protections' (9 April 2026) <https://eastasiaforum.org> accessed 12 April 2026.
[15]ibid, s 114(4).
[16]ibid, s 141.

3.3 The Permissive Character of the Legislative Language

The most analytically significant feature of Chapter IX is not what it mandates, but what it merely permits. A close reading of the operative provisions reveals a systematic deployment of permissive rather than mandatory language. Section 109(1) provides that the Central Government 'may' frame welfare schemes. Section 112 provides that the Governments 'may' set up grievance redressal and helpline cells if they 'consider it necessary'.[17] Section 114 similarly provides that the State Government 'may' frame schemes for gig and platform workers. This pervasive 'may' construction transforms what could have been a rights-generating statute into a framework of governmental discretion. The Code does not direct the state to implement welfare it merely authorises it to do so.

This distinction carries profound practical consequences. As of April 2026, the Central Government has not notified a single welfare scheme under Section 109 or Section 114. The exact contribution rates, payment mechanisms, and formats of returns for aggregators under Section 114 remain unnotified.[18] In the absence of notified schemes, there is no immediate operative obligation on aggregators to pay into the Social Security Fund. The welfare architecture of Chapter IX, however sophisticated in conception, is currently inoperative. For India's 12 million gig workers, this amounts to the legislative form of social protection without its substance.

IV. Critical Analysis of Gaps and Challenges

4.1 Definitional Ambiguity and Its Legal Consequences

The definitional overlap between gig worker, platform worker, and unorganised worker is not merely a taxonomic inconvenience it generates concrete legal uncertainty. Section 109(1) authorises the Central Government to frame schemes for unorganised workers; Section 109(2) authorises State Governments to do the same. Section 114 separately authorises the State Government to frame schemes for gig and platform workers. This dual-track system creates the possibility of jurisdictional conflict, duplication of schemes, and worker confusion about

[17]Code on Social Security, 2020 (Act 36 of 2020) (India), s 112.
[18]VeristLaw, 'Applicability of the New Labour Codes to Gig and Platform Workers' (December 2025) <https://www.veristlaw.in> accessed 10 April 2026.

the appropriate governmental authority to approach for benefits.[19]

The Aadhaar linkage requirement under Section 113(2) presents a further access barrier. The mandatory provision of an Aadhaar number as a condition for registration excludes those segments of the gig workforce particularly migrant workers and rural participants in platform work who do not possess or have not linked Aadhaar to their mobile numbers.[20] This requirement has been criticised as potentially violating the right to equality under Article 14 of the Constitution, in so far as it produces differential access to welfare entitlements within the same category of workers based on a non-work-related administrative criterion.[21]

4.2 The 90-Day Eligibility Threshold

The draft central rules under the Code condition eligibility for welfare scheme benefits on the completion of at least 90 days of work with a single aggregator annually, or 120 days across multiple platforms. This threshold is premised on an implicit assumption that gig work is characterised by long-term engagement with a single platform an assumption empirically at odds with the lived reality of gig work, which is typically characterised by multi-platform participation, seasonal variation, and high attrition. Labour unions have advocated for a reduction of the threshold to 60 days to extend coverage to seasonal and part-time workers.[22] The 90-day threshold, as currently framed, structurally excludes the most precarious segment of the gig workforce those who are most economically vulnerable and therefore most in need of social protection while extending benefits primarily to those gig workers whose conditions most closely approximate regular employment.

4.3 Exclusion from Three of the Four Labour Codes

Perhaps the most consequential structural gap is the one that extends beyond the CSS itself. Of the four Labour Codes that came into force on 21 November 2025, only the Code on Social Security formally recognises gig and platform workers. The Code on Wages, 2019; the Industrial Relations Code, 2020; and the Occupational Safety, Health and Working Conditions

---

[19] India Law Journal, 'Critical Analysis of the Social Security Code in Light of Gig and Platform Workers' (2021) <https://www.indialawjournal.org> accessed 10 April 2026.

[20] Swati Rao, 'How the Social Security Code 2020 Fails Gig Workers' (Spontaneous Order, 23 November 2020) <https://spontaneousorder.in> accessed 9 April 2026.

[21] Constitution of India, art 14.

[22] Key4Comply, 'Gig and Platform Workers under the Code on Social Security, 2020' (14 February 2026) <https://www.key4comply.com> accessed 11 April 2026.

Code, 2020 are entirely silent on the subject.[23]

This tripartite exclusion means that gig workers: (i) have no statutory entitlement to a minimum wage under the Code on Wages, notwithstanding that ILO data indicates that approximately 52 per cent of gig workers in the logistics and delivery sectors earn below the applicable minimum wage;[24] (ii) have no access to the dispute resolution mechanisms — the Grievance Redressal Committee, the Works Committee, or Industrial Tribunals created under the Industrial Relations Code; and (iii) are not protected by the occupational health, safety, and welfare standards mandated by the OSHWC Code, even though delivery workers and ride-hailing drivers face demonstrably elevated occupational risk. A Fairwork India 2024 assessment found that no platform scored above six out of ten on applicable labour standards.

4.4 Gender Dimensions of the Regulatory Gap

The regulatory gap acquires a gendered dimension when examined in the context of women's participation in the platform economy. As the ILO has documented, women in the platform economy have less access to social protection benefits compared to men across all branches of social security health, disability, old age, and employment injury.[25] In India, female participation in the gig economy is constrained by safety concerns, algorithmic bias, and societal norms. Since gig workers are classified as independent contractors, platforms are not obliged to accept vicarious liability for client abuse, leaving women without institutional recourse for physical risks encountered in the course of platform-mediated work. The maternity benefit provisions of the CSS, which ostensibly extend to gig workers through the contemplated schemes, remain inoperative in the absence of notified schemes leaving women gig workers without statutory maternity protection of any kind.

V. International Benchmarking and Comparative Analysis

5.1 ILO Convention No. 102 and the 2025 Platform Work Standards

International Labour Organization (ILO) Convention No. 102 (Social Security (Minimum Standards) Convention, 1952) establishes the foundational international standard

[23] Platform Workers Act 2024 (Singapore) (Act 23 of 2024).
[24] IJFMR, 'An Empirical Review of Gig Employment and Its Impact on India's Labour Market' (2025) 7(3) IJFMR 1, 8.
[25] ILO Survey cited in: 'Sustainable Social Protection for Workers in the Gig and Platform Economy' (ILO Brief, Geneva, 2023) 4.

for social security systems. It mandates coverage across nine branches: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit, and survivors' benefit.[26] Benchmarking India's CSS framework against Convention No. 102 reveals a significant compliance deficit: the permissive, non-operative nature of the Code's gig worker provisions means that India provides, in practice, no coverage in any of the nine Convention No. 102 branches for gig workers.

At the 2025 International Labour Conference, civil society organisations and trade unions including the Gig and Platform Services Workers Union (GIPSWU) of India formally called for the adoption of a new ILO Convention supplemented by a Recommendation as standards on decent work in the platform economy.[27] The declaration demanded that platform workers be entitled to comprehensive and adequate social security coverage in line with Convention No. 102, and that platforms be required to adopt measures to prevent dangerous working conditions and establish reporting mechanisms for abuse and harassment. The ILO has simultaneously been pursuing a dedicated project on 'Realizing Decent Work in the Platform Economy through E-Formalization in India' (2024-2026), developing evidence-based analysis on social protection coverage for informal workers in Maharashtra, Bihar, and West Bengal.[28]

5.2 United Kingdom: Uber v Aslam and the 'Worker' Category

The most influential comparative precedent for the legal reclassification of gig workers is the decision of the United Kingdom Supreme Court in *Uber BV v Aslam*[29] [2021] UKSC 5. The Supreme Court unanimously held that Uber drivers are 'workers' within the meaning of Section 230(3)(b) of the Employment Rights Act, 1996 an intermediate category between independent contractor and employee and are accordingly entitled to the national living wage, paid holiday entitlement, and protection under the Working Time Regulations. The Court identified five features of the Uber system that demonstrated the drivers' subordination: Uber dictated the fare, drivers had no freedom to negotiate prices, Uber set the route, Uber imposed

[26]International Labour Organization, ILO Convention No 102 (Social Security (Minimum Standards) Convention, 1952).
[27]Social Protection Floors Coalition, 'Joint Civil Society Declaration at the International Labour Conference 2025' (Geneva, June 2025).
[28]International Labour Organization (ILO), 'Realizing Decent Work in the Platform Economy through E-Formalization in India' (Project, Geneva, 2024–2026).
[29]Uber v Aslam [2021] UKSC 5.

the rating system, and Uber unilaterally determined the contractual terms.

The significance of *Uber v Aslam* for Indian law is twofold. First, it demonstrates that existing statutory categories can be interpretively expanded by courts to accommodate platform-based labour without awaiting legislative action. Second, it validates the principle of 'economic reality' testing looking past the contractual label to the actual conditions of engagement as the appropriate criterion for determining access to protective legislation. The Karnataka High Court has adopted a similar approach, holding in a challenge involving Ola drivers that where a platform controls all aspects of the service (fares, routes, devices, and quality standards), the relationship is more akin to employment than independent contractorship.[30]

5.3 The European Union Platform Work Directive, 2024

The European Union's Directive on Improving Working Conditions in Platform Work (EU) 2024/2831, adopted in October 2024, introduces a presumption of employment for platform workers placing the burden of proof on the platform to demonstrate that the worker is not an employee.[31] The Directive mandates algorithmic transparency, prohibiting platforms from using automated monitoring and decision-making systems in ways that adversely affect workers' rights. It requires platforms to provide workers with information about how algorithmic systems make decisions affecting them, and creates rights of human review of automated decisions. The Directive establishes a comprehensive social protection floor encompassing minimum wages, working time protections, and access to collective bargaining.

India can draw instructive lessons from the EU Directive's architecture. The presumption of employment, in particular, represents a structurally superior approach to the Indian Code's definitional framework: rather than creating a separate, lesser category of 'gig worker' with attenuated protections, the EU approach treats platform employment as presumptively regular employment, with the evidentiary burden resting on the party with greater informational access the platform to rebut that presumption.[32]

[30]Drishti IAS, 'Gig Economy: Balancing Growth with Worker Protection' (2 January 2026) <https://www.drishtiias.com> accessed 11 April 2026.

[31]European Parliament and Council, Directive on Improving Working Conditions in Platform Work (EU) 2024/2831 [2024] OJ L.

[32]International Journal of Environmental Sciences, 'From Apps to Courts: An Analysis of Gig Workers' Rights, Labour Law Gaps, and Access to Justice in India' (2025) 11(22s) IJES 1.

5.4 Singapore: The Platform Workers Act, 2024

Singapore's Platform Workers Act, 2024 charts a more incremental but equally instructive path. Rather than resolving the classification debate through judicial or legislative fiat, the Act phases in mandatory Central Provident Fund (CPF) contributions for platform workers over a five-year period, without requiring full reclassification as employees. Both platform operators and workers are required to contribute to CPF, with contribution rates increasing progressively over the transition period. The Act also provides for work injury compensation and accords platform workers the right to form associations for collective representation. Singapore's approach demonstrates that meaningful social security expansion for gig workers can be achieved through a hybrid model preserving the flexibility that platforms value while progressively extending the contributory architecture that enables long-term income security for workers.

5.5 The Rajasthan and Karnataka State Models

At the domestic level, the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 provides a model of state-level initiative that predates and arguably outpaces the central framework.[33] The Act mandates the registration of gig workers and aggregators, establishes a Gig Workers Welfare Board with the authority to design and monitor schemes, and creates a Social Security and Welfare Fund financed through a welfare fee levied on digital platforms. Karnataka's Draft Platform Based Gig Workers (Social Security and Welfare) Bill, 2024 builds on this model, providing for insurance benefits covering both on-duty and off-duty accidents.[34] While state-level initiatives are commendable, they create a structural problem for a workforce characterised by high inter-state mobility: accumulated entitlements expire at state administrative boundaries, and a worker's accumulated entitlements effectively reset upon movement to a different state.

VI. Towards Reform: Recommendations

The foregoing analysis suggests that the Code on Social Security, 2020, while representing an important legislative threshold, requires substantial reform both in its own

[33]Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 (Rajasthan Act 29 of 2023).
[34]PRS Legislative Research, 'The Draft Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2024' (State Legislature Brief, 2024).

terms and in relation to the three Labour Codes that currently exclude gig workers to discharge India's constitutional commitments and international obligations. The following recommendations are advanced.

6.1 Immediate Notification of Schemes and Contribution Rates

The Central Government must, as a matter of priority, notify welfare schemes under Sections 109 and 114 of the Code and specify aggregator contribution rates pursuant to Section 114(4). The continuing non-notification of schemes more than five years after the Code was enacted and months after it came into force renders Chapter IX a paper architecture. The legislative ambition of the Code cannot be realised in the absence of operative schemes. It is recommended that the Central Government notify, at minimum, an accident insurance scheme, a health coverage scheme linked to PM-JAY, and a life insurance scheme as an immediate first phase.

6.2 Amendment of the Eligibility Threshold

The 90-day eligibility threshold in the draft central rules should be reduced to 30 days of work with any registered aggregator or across aggregators in the preceding year. This reform would align the threshold with the actual pattern of gig work characterised by multi-platform participation and seasonal variation and would extend social protection to the most precarious workers who are currently excluded by the high eligibility bar. Portability of entitlements across platforms and across states should be guaranteed through the UAN-Aadhaar-linked e-Shram registry.

6.3 Extension of Wage and Safety Protections

The Code on Wages, 2019 and the Occupational Safety, Health and Working Conditions Code, 2020 should be amended to expressly include gig and platform workers within the scope of their protective provisions. At minimum, a statutory floor wage applicable to gig work calibrated to sector-specific productivity norms and indexed to inflation should be introduced. The OSHWC Code's health and safety standards, including requirements for welfare facilities, health monitoring, and protection against occupational hazards, should apply to all platform-mediated work regardless of the worker's classificatory status.

6.4 Adoption of a Rebuttable Presumption of Employment

Drawing on the precedents of the EU Platform Work Directive and the UK Supreme Court's reasoning in *Uber v Aslam*, India should introduce a rebuttable presumption that a platform worker engaged through an aggregator is an employee or dependent contractor for the purposes of the four Labour Codes. This would place the evidential burden on the aggregator to demonstrate the worker's genuine independence, rather than on the worker to assert rights against a structurally more powerful counterparty. Such a presumption would require amendment of the definitional provisions of all four Labour Codes and could be introduced by legislative amendment or by Central Government notification under the rule-making powers of each Code.

6.5 National Gig Worker Registry and Portability

A national gig worker registry, building on the existing e-Shram infrastructure but transcending its current limitation as a mere registration database, should be established as the common portability spine connecting state-level welfare boards, the central Social Security Fund, and aggregator contribution accounts. The registry should track workforce participation, earnings, and platform history, ensuring that contributions and entitlements follow the worker rather than being fixed to a particular platform or state. This infrastructure would resolve the most acute structural problem identified in this paper: the administrative boundary-dependency of welfare entitlements for a workforce characterised by high geographic mobility.

6.6 Alignment with ILO Standards

India should ratify ILO Convention No. 102 in order to create a legally binding international obligation to maintain the social security floor it prescribes across all nine branches of coverage. India should further engage constructively with the ILO's 2025-2026 process for the adoption of a Convention and Recommendation on decent work in the platform economy, using the process as an opportunity to align domestic law with emerging international standards on algorithmic transparency, collective representation, and social security for platform workers.

VII. Conclusion

The Code on Social Security, 2020 marks a legislative watershed it is the first statutory acknowledgment in Indian labour law that gig and platform workers exist, that their conditions of work are distinct from those of traditional employees, and that the state has an obligation to extend social protection to them. This is no small achievement in a legal system that had, for decades, structured its protective architecture around the assumption of a formal, bilateral employment relationship.

Yet the Code's achievement is primarily symbolic rather than operative. The permissive language of Chapter IX, the continuing non-notification of welfare schemes and contribution rates, the 90-day eligibility threshold, the mandatory Aadhaar linkage, the definitional ambiguity between gig worker, platform worker, and unorganised worker, and above all, the exclusion of gig workers from three of the four Labour Codes these are not incidental implementation delays. They are structural features of a regulatory framework that has extended formal recognition to gig workers while withholding substantive protection. Months after the Code came into force, India's estimated 12 million gig workers remain without a single notified welfare scheme, without minimum wage protection, without occupational safety standards, and without access to industrial dispute resolution.

The comparative record from the UK's Uber judgment, to the EU's Platform Work Directive, to Singapore's phased CPF contribution model, to Rajasthan's Welfare Board demonstrates that the political economy of platform regulation is not a binary choice between worker protection and platform innovation. Carefully designed hybrid models can extend meaningful social security to gig workers while preserving the operational flexibility that characterises platform-based labour markets. India's constitutional commitments under Articles 38, 39, 41, and 43, its obligations under ILO Convention No. 102, and the developmental imperative of a projected 23.5 million gig workers by 2029-30 together demand that the regulatory gap be closed not at some future date, but now.

The road ahead requires legislative amendment, administrative notification, and constitutional imagination. It requires a willingness to look past contractual labels to economic realities, past platform classifications to the actual subordination of workers to algorithmic management. Most fundamentally, it requires an acknowledgment that the welfare state thesis the idea that the state bears responsibility for the material conditions of those who labour within its jurisdiction does not dissolve merely because the labour is mediated through a smartphone application. Social security in the platform economy is not a privilege to be discretionarily extended by the state. It is a right.

Bibliography

A. Statutes and Codes

India

1. Code on Social Security, 2020 (Act 36 of 2020).

2. Code on Wages, 2019 (Act 29 of 2019).

3. Industrial Relations Code, 2020 (Act 35 of 2020).

4. Occupational Safety, Health and Working Conditions Code, 2020 (Act 37 of 2020).

5. Constitution of India.

6. Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 (Rajasthan Act 29 of 2023).

International

7. Employment Rights Act, 1996 (UK), s 230(3)(b).

8. Directive on Improving Working Conditions in Platform Work (EU) 2024/2831 [2024] OJ L.

9. Platform Workers Act 2024 (Singapore) (Act 23 of 2024).

B. Cases

1. Uber BV v Aslam [2021] UKSC 5 (United Kingdom Supreme Court).

2. Unni Krishnan v State of Andhra Pradesh AIR 1993 SC 2178 (Supreme Court of India).

3. PUCL v Union of India (1992) 2 LLJ 545 (Supreme Court of India).

4. Mahanadi Coalfields Ltd v Brajrajnagar Coal Mines Workers' Union MANU/SC/0192/2024 (Supreme Court of India).

5. Haryana Unrecognised Schools Association v State of Haryana (1996) 4 SCC 225 (Supreme Court of India).

C. Books and Journal Articles

1. Misra SN, Labour and Industrial Laws (25th edn, Central Law Publications 2009).

2. Kothari GM, A Study of Industrial Law (5th edn, Wadhwa and Co 2000).

3. Adwitiya Mishra and Aasheerwad Dwivedi, 'Labour Laws in India: History, Evolution and Critical Analysis' (2023) 65(5) Labor History 678.

4. International Journal of Environmental Sciences, 'From Apps to Courts: An Analysis of Gig Workers' Rights, Labour Law Gaps, and Access to Justice in India' (2025) 11(22s) IJES 1.

D. Reports and Official Documents

1. NITI Aayog, India's Booming Gig and Platform Economy: Prospects and Recommendations (Government of India 2022).

2. Economic Survey 2025–26, Ministry of Finance, Government of India (New Delhi 2026).

3. ILO, 'Sustainable Social Protection for Workers in the Gig and Platform Economy' (ILO Brief, Geneva 2023).

4. PRS Legislative Research, 'The Code on Social Security, 2020' (Bill Summary, New Delhi 2020).

5. Ministry of Labour and Employment, Government of India, 'Assessment of Gig and Platform Workers' (Press Release, 2025).

E. Online Resources

1. East Asia Forum, 'India's Gig Economy is Growing Faster than Its Protections' (9 April 2026) <https://eastasiaforum.org> accessed 12 April 2026.

2. VeristLaw, 'Applicability of the New Labour Codes to Gig and Platform Workers' (December 2025) <https://www.veristlaw.in> accessed 10 April 2026.

3. India Law Journal, 'Critical Analysis of the Social Security Code in Light of Gig and Platform Workers' <https://www.indialawjournal.org> accessed 10 April 2026.

4. Key4Comply, 'Gig and Platform Workers under the Code on Social Security, 2020' (14 February 2026) <https://www.key4comply.com> accessed 11 April 2026.