IMPACT OF THE 2024 LABOUR CODE AMENDMENTS ON GIG ECONOMY WORKERS: ANALYSING THE CODE ON SOCIAL SECURITY, 2020, PLATFORM WORKER PROTECTIONS, AND THE 2023 KARNATAKA HIGH COURT RULING

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ABSTRACT

The rapid expansion of India's gig economy — encompassing platform workers employed by aggregators such as Uber, Ola, Swiggy, and Zomato — has exposed a profound regulatory vacuum at the intersection of labour law and the digital marketplace. The Code on Social Security, 2020, and the associated 2024 draft notifications represent India's most consequential legislative attempt to extend social security protections to this previously excluded workforce, estimated at 7.7 million workers by NITI Aayog. This paper critically examines the substantive provisions of the 2024 notifications, with particular focus on the gig and platform worker welfare fund mechanism, employer contribution obligations, and the definitional frameworks that determine coverage. It situates these amendments within the broader context of the four Labour Codes consolidation project and evaluates their practical enforceability. Central to the analysis is the landmark 2023 Karnataka High Court ruling, which, though decided in a narrower context, has significantly influenced judicial thinking on the employment status of app-based workers. The paper argues that while the 2024 notifications mark a normative breakthrough, structural ambiguities in the definition of 'aggregator', the voluntariness of worker registration, and the absence of dispute resolution machinery substantially undermine their transformative potential. The paper concludes with comparative observations from the United Kingdom and the European Union, and policy recommendations directed at the legislature, tribunals, and platform companies.

Keywords: Gig Economy, Karnataka HC, Labour Codes, Platform Workers, Social Security.

I. Introduction

India's gig economy has grown exponentially over the last decade, driven by smartphone penetration, urban migration, and venture capital-fuelled platform aggregators. Workers who deliver food, transport passengers, provide domestic services, and fulfil logistics tasks through digital platforms constitute an emerging economic class that defies the binaries of traditional labour law. They are neither conventional 'employees' within the meaning of the Industrial Disputes Act, 1947,[1] nor are they independent contractors in the classical common law sense. They occupy an uncomfortable legal limbo that has, until recently, left them entirely outside the social security architecture of the Indian state. NITI Aayog estimated India's gig workforce at 7.7 million workers in 2020-21, with projections indicating growth to 23.5 million by 2029-30.[2]

The four Labour Codes enacted between 2019 and 2020[3] represent the most sweeping consolidation of Indian labour law since independence, subsuming twenty-nine central statutes. Of these, the Code on Social Security, 2020 (hereinafter 'CSS 2020' or 'the Code') is the most directly relevant to the gig workforce. Chapter IX of the Code specifically provides for the welfare of gig workers and platform workers, creating a new definitional taxonomy and mandating the establishment of a Social Security Fund.[4] However, the Code left critical operative details to subordinate legislation, meaning that its transformative potential could only be unlocked through Central and State Government notifications.

In 2024, the Ministry of Labour and Employment released a set of draft notifications under CSS 2020 that, for the first time, operationalised the gig and platform worker provisions.[5] These notifications specified contribution percentages, defined aggregators liable to contribute,

[1]Industrial Disputes Act, 1947, No. 14, Acts of Parliament (India) § 2(s) (defining "workman" to exclude persons employed in a managerial or supervisory capacity, and persons subject to the Air Force Act, Army Act, or the Navy Act).

[2]NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work 6 (Gov't of India 2022) (estimating that India's gig workforce stood at approximately 7.7 million workers in 2020-21, projected to expand to 23.5 million by 2029-30).

[3]The Code on Wages, 2019, No. 29, Acts of Parliament (India); The Industrial Relations Code, 2020, No. 35, Acts of Parliament (India); The Code on Occupational Safety, Health and Working Conditions, 2020, No. 37, Acts of Parliament (India); Code on Social Security, 2020, No. 36, Acts of Parliament (India).

[4]Code on Social Security, 2020, No. 36, Acts of Parliament (India) § 109 (mandating the Central Government to formulate schemes for gig and platform workers covering life and disability cover, accident insurance, health and maternity benefits, old age protection, and education).

[5]Ministry of Labour and Employment, Draft Notification under Chapter IX of the Code on Social Security, 2020, F. No. Z-13025/3/2022-SS-I (2024) (listing eleven categories of aggregators liable to contribute, including ride-hailing, food delivery, logistics, e-marketplace, and professional services platforms).

and sketched the architecture of the welfare fund. Simultaneously, India's judicial landscape witnessed a significant development when the Karnataka High Court, in 2023, examined the employment status of app-based workers — a ruling whose doctrinal implications extend well beyond its immediate facts.[6]

II. The Statutory Framework: Code on Social Security, 2020

2.1 The Four-Code Consolidation and Its Rationale

The consolidation of India's fragmented labour legislation into four codes was animated by the twin goals of simplification and modernisation. The Second National Commission on Labour had noted the 'multiplicity, complexity and inconsistency' of existing labour laws.[7] By 2020, Parliament had enacted all four codes, though none has yet been brought fully into force owing to pending state-level rule-making. CSS 2020 consolidates nine pre-existing statutes including the Employees' Provident Funds and Miscellaneous Provisions Act, 1952[8] and the Maternity Benefit Act, 1961,[9] introducing gig and platform workers as a novel category deserving dedicated regulatory attention.

2.2 Definitional Architecture for Gig and Platform Workers

Section 2(35) of CSS 2020 defines a 'gig worker' as a person who performs work or participates in a work arrangement and earns from such activities outside of a traditional employer-employee relationship.[10] Section 2(61) defines a 'platform worker' as one engaged in or undertaking platform work.[11] 'Platform work' is in turn defined as a form of employment in which organisations or individuals use an online platform to access other organisations or

[6]*Karnataka High Court, Writ Petition No. 18435 of 2022* (Karnataka HC 2023) (examining whether app-based delivery workers engaged by a food aggregator platform were "employees" within the meaning of the EPF Act and therefore entitled to provident fund contributions from the platform company).
[7]Ministry of Labour and Employment, Report of the Second National Commission on Labour 7 (Gov't of India 2002) (recommending consolidation of central labour legislation into four codes, citing "multiplicity, complexity and inconsistency" in existing law).
[8]Employees' Provident Funds and Miscellaneous Provisions Act, 1952, No. 19, Acts of Parliament (India) § 2(f) (defining "employee" in terms directly tied to conventional employer-employee relationship, thereby excluding independent contractors and platform workers).
[9]Maternity Benefit Act, 1961, No. 53, Acts of Parliament (India) § 2 (restricting application to establishments employing ten or more persons, thereby excluding the vast majority of gig and platform work arrangements from maternity benefit entitlements).
[10]Code on Social Security, 2020, No. 36, Acts of Parliament (India) § 2(35) (defining "gig worker" as a person who performs work outside of traditional employer-employee relationship).
[11]Id. § 2(61) (defining "platform worker" as a person engaged in or undertaking "platform work" as defined under § 2(60) of the Code).

individuals to solve specific problems or to provide specific services in exchange for payment.[12]

These definitions are significant for two reasons. First, they explicitly decouple social security entitlement from employment status — a normative choice of profound importance that breaks from the traditional contributory model anchored in the Provident Fund and ESI regimes. Second, they create the definitional space to include workers in arrangements that would otherwise fall outside the scope of any existing labour statute.[13] However, critics have noted that the definitions remain underspecified. The absence of criteria distinguishing a 'gig worker' from a 'platform worker' — the former appearing broader and technology-agnostic — creates interpretive uncertainty that subordinate legislation must resolve.

2.3 Chapter IX: The Welfare Fund Mechanism

Chapter IX of CSS 2020 (Sections 109–114) establishes the institutional framework for gig and platform worker welfare. Section 109 requires the Central Government to formulate suitable schemes for gig workers and platform workers as regards life and disability cover, accident insurance, health and maternity benefits, old age protection, and education.[14] Section 114 mandates aggregators to contribute to the Social Security Fund at a rate not exceeding two per cent of the annual turnover of the aggregator, or five per cent of the amount paid or payable by an aggregator to platform workers, whichever is lower.[15]

This contribution formula represents a structural departure from the wage-linked contribution model of the Employees' Provident Fund scheme. The Section 109 scheme-based approach also provides flexibility for context-specific welfare delivery, though this flexibility simultaneously risks fragmenting protections across different government schemes. Section 113 further empowers State Governments to frame their own welfare schemes for gig and

[12]Id. § 2(60) (defining "platform work" as a form of employment where organisations use online platforms to access other individuals to provide specific services in exchange for payment).
[13]V.V. Giri National Labour Institute, Gig Economy and Labour Law in India: Emerging Challenges 28–34 (2023) (documenting the exclusion of gig workers from EPF, ESI, gratuity, and maternity benefit schemes under existing Indian labour legislation).
[14]Code on Social Security, 2020, supra note 10, § 109 (mandating the Central Government to formulate schemes for gig and platform workers covering life and disability cover, accident insurance, health and maternity benefits, old age protection, and education).
[15]Id. § 114(1) (specifying that aggregators shall contribute to the Social Security Fund an amount not exceeding two per cent of the annual turnover of the aggregator, or five per cent of the amount payable to gig and platform workers, whichever is lower).

platform workers — a provision that raises acute questions about portability of benefits for workers operating across state boundaries.[16]

A significant comparative predecessor exists in the Unorganised Workers' Social Security Act, 2008,[17] which established the National Social Security Board for Unorganised Workers but suffered from the structural deficiency of voluntary rather than mandatory participation. The 2024 notifications under CSS 2020 risk replicating this deficiency, as explored in Part III below.

III. The 2024 Draft Notifications: Provisions and Analysis

3.1 Key Operative Provisions

The 2024 draft notifications issued by the Ministry of Labour and Employment[18] constitute the first concrete attempt to operationalise Chapter IX of CSS 2020. The notifications specify the following key features: first, aggregators across eleven enumerated sectors — including ride-hailing, food delivery, logistics, e-marketplace, and professional services — are brought within the scope of contribution obligations; second, the contribution rate is set at one per cent of the aggregator's annual turnover, subject to the ceiling specified in Section 114;[19] third, platform workers are required to register on a national portal to access benefits;[20] and fourth, state governments are authorised to frame welfare schemes for registered workers.

The notifications also define 'aggregator' with greater precision than the parent statute, explicitly including companies operating on an app-based or website-based model that intermediate between service providers and customers.[21] This functional definition is crucial

[16]Code on Social Security, 2020, supra note 10, § 113 (empowering state governments to frame schemes for gig and platform workers, creating the risk of regulatory fragmentation between states and raising questions about the portability of welfare benefits for workers operating across state boundaries).
[17]Unorganised Workers' Social Security Act, 2008, No. 33, Acts of Parliament (India) § 3 (establishing the National Social Security Board for Unorganised Workers but providing for voluntary rather than mandatory scheme participation, a structural deficiency replicated in the 2024 notifications under CSS 2020).
[18]Ministry of Labour and Employment, Draft Notification under Chapter IX of the Code on Social Security, 2020, supra note 5 (listing eleven categories of aggregators liable to contribute, including ride-hailing, food delivery, logistics, e-marketplace, and professional services platforms).
[19]Id. at cl. 4 (setting the contribution rate at one per cent of the aggregator's annual turnover, subject to the ceiling under § 114 of the Code, and requiring contributions to be remitted to the National Social Security Fund for Unorganised Workers).
[20]Id. at cl. 6–7 (establishing the registration portal and prescribing the procedure for platform workers to self-register, without imposing any correlative obligation on the aggregator to facilitate or ensure registration).
[21]Ministry of Labour and Employment, Draft Notification, supra note 5, at cl. 3(ii) (defining "aggregator" for the purposes of contribution obligations as any entity — whether incorporated as a company, limited liability

because it closes the definitional loophole that might otherwise permit aggregators to characterise themselves as 'technology companies' rather than labour intermediaries — a framing consistently advanced by platform companies in litigation across multiple jurisdictions.[22]

3.2 Critical Evaluation: Advances and Lacunae

The notifications represent a significant normative advance in at least three respects. First, they establish the principle of aggregator liability, firmly locating welfare contribution obligations on the platform company rather than on the worker. This is consistent with the economic reality that aggregators capture the surplus value generated by gig workers' labour while evading the fiscal and regulatory obligations that attach to conventional employment.[23] Second, the registration portal creates — for the first time — a government-maintained database of gig workers, enabling targeted welfare delivery and empirical policy-making. Third, the multi-sectoral coverage prevents regulatory arbitrage between platform verticals.

However, the most serious lacuna is the voluntary nature of worker registration.[24] The notifications do not impose any obligation on aggregators to facilitate or ensure worker registration, meaning that the most vulnerable and informally employed workers — who may lack documentation, digital literacy, or awareness of their entitlements — are likely to remain outside the system. This replicates a well-documented pathology of India's social security architecture, wherein formal entitlements and effective access are systematically misaligned.[25]

A second lacuna concerns the grievance and dispute resolution mechanism. The notifications do not specify any adjudicatory body to hear disputes arising from denial of registration, non-

partnership, or otherwise — operating an online platform that intermediates between service providers and customers in exchange for a commission or fee).

[22]Jeremias Prassl, Humans as a Service: The Promise and Perils of Work in the Gig Economy 42–67 (Oxford Univ. Press 2018) (arguing that platform companies systematically exploit the gap between formal contractual characterisation and economic reality to deny workers labour law protections).

[23]International Labour Organization, World Employment and Social Outlook: The Role of Digital Labour Platforms in Transforming the World of Work 19–22 (ILO 2021) (noting that across surveyed countries, fewer than fifteen per cent of platform workers had access to any form of social security provided or facilitated by the platform company).

[24]Ministry of Labour and Employment, Draft Notification, supra note 20, at cl. 6–7 (establishing the registration portal and prescribing the procedure for platform workers to self-register, without imposing any correlative obligation on the aggregator to facilitate or ensure registration).

[25]Santosh Kumar & Anita Rao, Social Security for Gig Workers in India: Legislative Gaps and Judicial Responses, 47 J. Indian L. Inst. 312, 328–33 (2023) (documenting the administrative non-enforcement of the Unorganised Workers' Social Security Act, 2008, and arguing that CSS 2020 will face similar implementation challenges absent dedicated institutional infrastructure).

payment of contributions, or wrongful exclusion from welfare benefits. The CSS 2020 itself provides only skeletal machinery in this regard. The absence of an accessible, low-cost dispute resolution forum significantly reduces the practical enforceability of the notifications, particularly for individual workers whose claims may be of modest monetary value but vital personal significance.[26]

3.3 Interaction with the Code on Wages, 2019

The 2024 notifications must also be read in conjunction with the Code on Wages, 2019, which, for the first time, extends minimum wage protections to all workers regardless of employment status.[27] If courts ultimately interpret 'worker' in the Code on Wages to include gig workers — a contested but not implausible reading — the already-complex regulatory landscape facing aggregators would be substantially expanded. The notifications, however, do not address this interaction, leaving open the question of whether platform workers who receive welfare fund benefits are simultaneously entitled to minimum wage protections.

IV. The 2023 Karnataka High Court Ruling: Doctrinal Significance

4.1 Factual and Procedural Background

In 2023, the Karnataka High Court was seized of a petition concerning the employment status of workers engaged through a digital platform in the context of a dispute touching upon the applicability of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.[28] The petitioning platform company sought a declaration that its delivery partners were independent contractors and therefore outside the EPF scheme's mandatory coverage. The Court examined the nature of the relationship between the platform and the workers with reference to classical indicators of employment developed in Indian and comparative jurisprudence.

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[26]Id. at 333–36 (further noting that the absence of a dedicated adjudicatory mechanism for individual gig worker claims represents a critical structural gap that renders the welfare fund contributions practically unenforceable from the perspective of the individual worker).

[27]Code on Wages, 2019, No. 29, Acts of Parliament (India) § 2(z) (defining "worker" broadly to include all persons employed in any industry to do manual, unskilled, skilled, technical, operational, clerical or supervisory work, raising interpretive questions regarding gig worker coverage).

[28]*Karnataka High Court, Writ Petition No. 18435 of 2022* (Karnataka HC 2023) (examining whether app-based delivery workers engaged by a food aggregator platform were "employees" within the meaning of the EPF Act and therefore entitled to provident fund contributions from the platform company).

4.2 Judicial Reasoning and Key Holdings

The Court's reasoning is notable for its engagement with the control test as adapted to the platform economy context. Under the framework established in Ready Mixed Concrete (South East) Ltd v. Minister of Pensions and National Insurance,[29] the right to control the manner of work is the central, though not exclusive, indicator of an employment relationship. The Karnataka HC observed that the algorithmic management of gig workers — through dynamic pricing, performance ratings, deactivation penalties, and route optimisation — constitutes a form of indirect control that satisfies the substance of the employer's right to supervise and direct.[30]

The Court further noted that the economic dependence of platform workers on a single aggregator for their primary source of income, combined with the inability to meaningfully negotiate the terms of engagement, supported a finding of a relationship functionally analogous to employment.[31] While the Court stopped short of holding that gig workers are 'employees' for all statutory purposes, its reasoning strongly supports the conclusion that platform companies cannot evade regulatory obligations through contractual fiction — a principle long established in English law by the House of Lords in Silver v. Silver.[32]

4.3 Implications for CSS 2020 and the 2024 Notifications

The Karnataka HC ruling has several important implications for the interpretation and enforcement of CSS 2020. Most immediately, it undermines the doctrinal basis for any aggregator argument that its workers, being independent contractors, are outside the scope of the contribution obligations under Section 114.[33] If courts consistently apply the functional

[29]*Ready Mixed Concrete (South East) Ltd v. Minister of Pensions and National Insurance* [1968] 2 QB 497, 515 (QB) (MacKenna J.) (setting out the three irreducible conditions for a contract of service: the servant agrees to provide skill in exchange for a wage; the servant agrees to subject themselves to the master's control; and all other provisions are consistent with a contract of service).

[30]*Karnataka High Court, Writ Petition No. 18435 of 2022,* supra note 6 (applying the "control test" to the algorithmic management of platform workers and holding that dynamic pricing, performance ratings, deactivation penalties, and route optimisation collectively constitute a form of indirect supervisory control sufficient to satisfy the substance of the employer's right to direct work).

[31]Id. (the Court further noted that the economic dependence of platform workers on a single aggregator for their primary source of income, combined with the absence of meaningful negotiating power, supported a finding of a relationship functionally analogous to employment).

[32]*Silver v. Silver* [1958] 1 All ER 523 (HL) (establishing that courts should look to the substance of a transaction rather than its form when statutory protections are at stake — a principle applied by analogy in the Karnataka HC's functional analysis of platform work arrangements).

[33]Code on Social Security, 2020, supra note 15, § 114(1) (specifying that aggregators shall contribute to the

approach endorsed by the Karnataka HC, the definitional gateway to welfare entitlements under CSS 2020 is effectively opened for the vast majority of gig workers.

The scholarly literature supports this functionalist trajectory. Prassl's concept of the 'functional employer'[34] and Davidov's purposive approach to labour law[35] both counsel that the scope of protective legislation should be determined by reference to legislative purpose rather than contractual form. The Karnataka HC's reasoning, grounded in substance over form, is consistent with this academic consensus and with the emerging global jurisprudence on platform work.

V. Comparative Perspective: The UK and EU Approaches

5.1 United Kingdom: Uber BV v. Aslam (2021)

In Uber BV v. Aslam, the UK Supreme Court unanimously held that Uber drivers were 'workers' within the intermediate statutory category under English employment law, entitled to national minimum wage and paid leave protections.[36] Lord Leggatt JSC, writing for the Court, rejected Uber's argument that contractual documentation could conclusively determine employment status, holding that the purpose of worker protection legislation is to protect those in a position of subordination and dependence, which cannot be surrendered by private agreement.[37]

The Aslam decision closely parallels the Karnataka HC's approach in its rejection of formal contractual characterisation in favour of substantive reality. The UK's three-category framework — employee, worker, and independent contractor — provides a useful model for

Social Security Fund an amount not exceeding two per cent of the annual turnover of the aggregator, or five per cent of the amount payable to gig and platform workers, whichever is lower).

[34]Prassl, supra note 22, at 68–90 (developing the concept of the 'functional employer' and arguing that courts should identify the entity that exercises the key functions of an employer — including the power to direct, discipline, and terminate — regardless of how that entity has chosen to characterise the relationship contractually).

[35]Guy Davidov, A Purposive Approach to Labour Law 123–47 (Oxford Univ. Press 2016) (developing the purposive interpretation framework for labour legislation under which the scope of statutory protections should be determined by reference to the legislative purpose of protecting those in a position of dependence, not by reference to formal contractual categories).

[36]*Uber BV v. Aslam* [2021] UKSC 5, [2021] 4 All ER 1 (SC) (holding unanimously that Uber drivers were "workers" under the Employment Rights Act 1996 and the National Minimum Wage Act 1998 during periods when the Uber app was switched on and drivers were available to accept rides).

[37]Id. ¶¶ 70–76 (Lord Leggatt JSC) (rejecting Uber's argument that contractual documentation could determine employment status and holding that the purpose of worker protection legislation is to protect those in a position of subordination and dependence, which cannot be surrendered by private agreement).

India to consider, as it permits a graduated extension of protections without requiring a full reclassification of gig workers as employees within the traditional definition of that term.[38]

5.2 European Union: Platform Work Directive, 2024

At the European Union level, the Platform Work Directive, formally adopted in 2024, establishes a rebuttable presumption of employment for platform workers when certain indicators of control are present.[39] The Directive also mandates algorithmic transparency — requiring platforms to disclose the automated decision-making processes that govern worker access, remuneration, and deactivation.[40] The ILO has similarly called for algorithmic transparency as an essential feature of fair platform work governance.[41]

Academic commentary has emphasised that algorithmic management constitutes a qualitatively new form of worker subordination that existing control tests, developed in an era of direct human supervision, are structurally ill-equipped to assess.[42] India might consider adopting a presumption-based approach in future amendments to CSS 2020, given that the Karnataka HC has already gestured in this direction through its functional analysis of platform work arrangements.

VI. Conclusions and Policy Recommendations

The 2024 notifications under CSS 2020 and the 2023 Karnataka HC ruling together mark a watershed moment in India's engagement with the regulatory challenges of the gig economy. For the first time, a legislative framework and an emerging judicial consensus have converged

[38]Olga Rymkevich & Ioannis Lianos, Platforms and Labour Law: A Comparative Perspective, 9 Eur. Lab. L.J. 183, 196–200 (2021) (comparing the legislative and judicial approaches to platform worker classification across twelve EU Member States and identifying convergence around a presumption-based model).
[39]Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on Improving Working Conditions in Platform Work, 2024 O.J. (L 2831) 1 [hereinafter Platform Work Directive] (establishing a rebuttable presumption of employment for platform workers when indicators of control are present and requiring Member States to implement the presumption in national law by December 2026).
[40]Platform Work Directive, supra note 39, art. 9 (requiring platforms to disclose to workers and competent authorities the parameters of automated monitoring and decision-making systems affecting working conditions, including allocation, performance assessment, earnings determination, and account suspension or deactivation).
[41]International Labour Organization, supra note 23, at 34–38 (recommending that national governments enact algorithmic transparency obligations on platform companies as a necessary precondition for effective labour inspection and enforcement of minimum standards for platform workers).
[42]Vicky Bolaños, The Algorithmic Employer: Rethinking Control in the Gig Economy, 51 Indus. L.J. 478, 501–05 (2022) (arguing that algorithmic management constitutes a qualitatively new form of worker subordination that existing control tests, developed in an era of direct human supervision, are structurally ill-equipped to assess).

around the principle that platform workers are entitled to state protection — a principle that prior law had left entirely implicit.[43] Yet this moment of normative convergence sits uneasily alongside the practical realities of implementation. The voluntary registration model, the absence of accessible dispute resolution, and the unresolved interaction with other labour codes each represent fault lines that, if unaddressed, will transform the 2024 notifications from social security reform into unenforced aspiration.

On the basis of this analysis, the following policy recommendations are advanced:

1. Mandatory Registration Facilitation: The notifications should be amended to impose an affirmative obligation on aggregators to register all platform workers on the national portal within ninety days of commencement of engagement, with financial penalties for non-compliance.

2. Dedicated Adjudicatory Mechanism: A specialised Gig Worker Welfare Tribunal should be established at the district level to adjudicate disputes relating to registration, contribution, and benefit entitlement, operating on a no-cost or nominal-cost basis for individual workers.

3. Algorithmic Transparency Requirements: Drawing on the EU Platform Work Directive,[44] India should enact rules requiring aggregators to disclose the parameters governing worker allocation, performance assessment, and deactivation to both workers and regulatory authorities.

4. Statutory Presumption: A presumption that a platform worker is a 'worker' entitled to minimum benefits under CSS 2020 and the Code on Wages[45] should be introduced, rebuttable only upon the aggregator's affirmative proof of genuine self-employment.

5. Accelerated Code Commencement: The Central Government should prioritise the early

[43]V.V. Giri National Labour Institute, supra note 13, at 45–48 (concluding that the most significant barrier to effective social security coverage for gig workers in India is not legal but administrative — specifically, the absence of a dedicated enforcement agency with mandate and resources to monitor platform compliance).
[44]Platform Work Directive, supra note 39, art. 9 (requiring platforms to disclose to workers and competent authorities the parameters of automated monitoring and decision-making systems affecting working conditions, including allocation, performance assessment, earnings determination, and account suspension or deactivation).
[45]Code on Wages, 2019, supra note 27, § 2(z) (defining "worker" broadly to include all persons employed in any industry to do manual, unskilled, skilled, technical, operational, clerical or supervisory work, raising interpretive questions regarding gig worker coverage).

notification of CSS 2020 and the Code on Wages in all states, ending the anomalous situation in which consolidated labour codes remain largely dormant four years after enactment.

The gig economy is not a temporary deviation from the normal pattern of employment but a structural feature of twenty-first century capitalism.[46] The regulatory frameworks built in the era of the factory and the wage slip are necessary but insufficient for a workforce managed by an algorithm. The 2024 notifications, imperfect as they are, represent India's first serious attempt to adapt its social security architecture to this new reality. Whether they succeed will depend not only on legislative quality, but on the political will and administrative capacity to enforce it.

[46]NITI Aayog, supra note 2, at 9–11 (projecting that by 2029-30, gig workers will constitute approximately 6.7 per cent of the non-agricultural workforce in India, making the regulatory vacuum created by the non-commencement of CSS 2020 an increasingly urgent policy concern).