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# EVOLVING JURISPRUDENCE OF SOCIAL SECURITY FOR GIG WORKERS IN INDIA

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## ABSTRACT

Social Security is a dynamic concept that takes different shapes in different countries, and there is no universal definition of it. The definition given by the ILO is widely accepted, that is, schemes designed to provide citizens with benefits that can support them in sickness, maternity, and employment insecurities. Indian Constitution through Part IV i.e. DPSP obligates the government to provide social security, but with the advent of technology, modern economies are undergoing changes that allow workers to do freelancing work, which also increases the trend of the gig economy, which includes work on a project-to-project basis. This paper will discuss the evolving jurisprudence of giving social security to these workers with reference to controversy regarding employer -employee relationship in the *IFAT v. Union of India* case whose final judgment has yet not been delivered and the recent legislation passed i.e. Code on Social Security, 2020 where the term gig worker, platform worker was defined. This paper will also discuss the recent state laws or bills passed by the Rajasthan and Karnataka government for the registration of gig worker so that there is seamless transfer of benefits to these workers and also the government schemes, and platform's initiative in providing social security and finally the paper ends with the loopholes/ challenges in the legislative framework regarding social security to be given to these workers and the concluding remark.

**Keywords:** Gig workers, Aggregator, Social Security, Welfare Board, International labour organization.

## 1. INTRODUCTION

During the global financial crisis of 2008 when people were getting unemployed and started doing part time jobs for their living wherever they could then the most of the gig platforms emerged. This nature of employment suited for the employers during that time where they can boost their savings by reducing financial pressures as there is minimal social security protection and also provides the flexibility to them by making use of temporary staff according to customer's requirement and business needs which save their administrative and compliance cost and also from employee perspective it provides them greater flexibility in their working hours and freedom to switch from one task to another task and with varied payment options.

Since the crisis there is only growth in such an economy because it provides jobs to workers of all skill levels, low entry barriers for workers, ideal for people who prefer to work alone, absence of regulations etc.

The trend of increasing gig and platform workers was also seen in India. NITI Aayog in its report titled "India's Booming Gig and Platform Economy published in June 2022, estimated that number of gig and platform workers in the country was 7.7 million in 2020-21, including women, which is expected to rise to 23.5 million by 2029-30."<sup>1</sup>

Social security is used to mean the protection that the state provides against certain risks to which its citizens are exposed. At the inception of gig platform social security protections, like injury compensation, sickness benefits, unemployment benefits, disability insurance were not on the priority list of those platforms.

The swift expansion of gig work in India presents a dilemma for lawmakers so to effectively offer benefits of social security to this growing gig workforce Indian legislators passed the Code on Social Security, 2020 where provisions related to social security was provided under Chapter IX of the Act.

In this paper author first discusses the definition of social security given by scholars and the institutions like ILO, provision of social security in Indian Constitution then the evolution of gig economy, definition of gig worker, challenges they are facing in this new form of work,

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<sup>1</sup> Himanshu Pathak, Gig Workers in the country, Press Information Bureau available (July 15<sup>th</sup>, 2025, 11:00 AM), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2078528>.

judicial decision regarding social security of gig workers, initiative of both the government and platform for providing social security and finally the concluding remark.

## 2. DEFINITION OF SOCIAL SECURITY

Sir William Beveridge in his report defines social security as: “An attack on five giants that were threatening to society and needed to be tackled. These five giants included hunger, disease, ignorance, squalor, and idleness”.<sup>2</sup>

The definition given by ILO of social security are as follows:

“It is the protection that a society ensures to individuals and households against old age, unemployment, sickness, disability, work injury, maternity, and the loss of a breadwinner.”<sup>3</sup>

According to Cambridge Dictionary Social Security means: “a system of payments made by the government to people who are ill, poor or who have no job.”<sup>4</sup>

### 2.1 SOCIAL SECURITY AND ITS KEY FEATURES

Generally, benefits of social security given to individuals through various programmes. Essential elements that should be included in the different schemes periodically introduced by the state are as follows:

- i. Scheme of social security should incorporate mandatory provision, which provides monetary compensation to the individual whenever there is contingency.
- ii. There should be legislative provisions for the social security schemes mentioning the duties of the state in the enforcement and implementation of that scheme.
- iii. Management of the schemes for providing social security should not only be restricted to public organization but also include private organizations.

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<sup>2</sup> P. Gurung, Study of social security laws and policy relating to labour in organized sector in India, NBU-IR, (July 15<sup>th</sup>, 2025, 11:20 AM), <https://ir.nbu.ac.in/handle/123456789/2818>.

<sup>3</sup> ILO, World Employment and Social Outlook Trends 2022, (July 15<sup>th</sup>, 2025, 11:25 AM), [https://www.ilo.org/wcmsp5/groups/public/dgreports/dcomm/documents/publication/wcms\\_067588.pdf](https://www.ilo.org/wcmsp5/groups/public/dgreports/dcomm/documents/publication/wcms_067588.pdf).

<sup>4</sup> Cambridge University Press & Assessment, ‘Social Security’, (July 16<sup>th</sup>, 2025, 2:00 PM), <https://dictionary.cambridge.org/dictionary/english/social-security>.

iv. Person who is in need of social security should be able to get the benefit of the schemes of which they were beneficiary of.

## 2.2 INDIAN CONSTITUTION AND SOCIAL SECURITY

The concept of Social Security was enshrined in the Part IV of the Indian Constitution which deals with DPSP. Article 41 states that “The State shall make effective provision for securing the right to work, to public assistance in cases of unemployment, old age, sickness, and disablement”. Article 42 talks about just and humane condition for workers and it also provides for maternity relief. Article 43 puts the responsibility on the state that by making legislation it should provide all workers living wage, conditions of work which will ensure a quality of life which is respectable and full enjoyment of leisure and social and cultural opportunities. The limitation of these DPSP is their enforceability before courts they are only the directives to be followed by the states keeping in mind their development and the economic constraints but the role of these DPSP in providing the social security cannot be ignored as they laid the foundation for the acts like Maternity Benefit Act, 1961, The Contract Labour Regulation and Abolition Act (1970), Code on Wages (2020), Code on Social Security (2020) etc.

## 3. EVOLUTION OF THE TERM GIG ECONOMY

During the financial crisis of 2009 when people were getting unemployed and started doing part time jobs for their living wherever they could then the term 'gig economy' was coined. It is also believed that Tina Brown in an online article titled “The Gig Economy” in the Daily Beast used the term for the first time. In this article, Tina Brown describes 'gigs' as a collection or assortment of independent projects, consultancies, and freelance work. She noted that gigs can consist of assignments based on skills or tasks driven by necessity.<sup>5</sup>

The growth and the expansion of internet coverage in the 2000s, has facilitated the digitalization of the economy and this has also opened the door for the on-demand companies to provide more affordable and accessible employment opportunities. Advent of technology has also changed the definition of work which was earlier defined as full time employment having fixed working hours and benefits. Now, a new type of labour force has emerged where

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<sup>5</sup> Dr. Rajni Pathania, An Introduction to the Gig Economy 11 (1<sup>st</sup> ed. 2022).

relationship between employee and employer has become more dynamic.<sup>6</sup>

### 3.1 DEFINITION OF GIG AND PLATFORM WORKER-

Woodcock and Graham define “gig work by dividing it into two types namely where work done by workers are visible e.g., food delivery or taxi workers and second type is that where job done by worker is invisible e.g., home-cleaning services and it is also hidden behind the closed doors of the household”.<sup>7</sup>

According to CSS Section 2(35), a gig worker “is someone who works or engages in a work arrangement and receives compensation for their efforts outside of the conventional employer-employee relationship”.<sup>8</sup>

Section 2(60) defines platform work “as an arrangement that does not fit the conventional employer-employee relationship. In this model, entities or individuals utilize an online platform to connect with other entities or individuals to address specific issues, deliver particular services, or participate in other activities that the Central Government may specify, all in return for compensation.”<sup>9</sup>

Section 2 (61) defines platform worker “as a person who is undertaking or working in a platform work”.<sup>10</sup>

Section 2(2) defines aggregator as “A digital platform or marketplace where buyers or users of services offered by that platform can connect with sellers or service providers registered on it.”<sup>11</sup>

### 3.2 TYPE OF GIG- Gigs are broadly classified into following types:

**1. Service based gigs-** It is performed by gig workers who are engaged in providing direct services to consumer. The skill level of gig worker in service-based gig ranges from low to

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<sup>6</sup> Ibid.

<sup>7</sup> Jamie Woodcock & Mark Graham, *The gig economy: A critical introduction* 9 (1<sup>st</sup> ed.,2020).

<sup>8</sup> The Code on Social Security Act, 2020, No.36, Acts of Parliament, 2020 (India).

<sup>9</sup> Jeet Singh Mann, *Labour Law Reforms*,41-42(Centre for Transparency and Accountability in Governance, 2021).

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

semi- skilled. Examples of service-based gigs include food delivery agents, taxi drivers, electrician, plumbers etc.<sup>12</sup>

**2. Knowledge based gigs-** In knowledge-based gig workers are highly skilled like designers, consultants etc.<sup>13</sup>

### **3.3 FACILITATORS OF GIG ECONOMY-**

**1. Availability of faster and cheaper digital connectivity-** For the success of gig economy use of technology is of highest importance as it is not enabling gig platform to increase productivity but also simplifying operations such as monitoring, managing and paying workers. GPS networks and faster internet connectivity are important facilitators of Gig Economy.<sup>14</sup>

**2. Availability of smartphones in rural and semi- urban areas -** Affordability of cheaper smartphones and internet connectivity makes it easier for people to participate in the gig economy without migrating to any other place. It is important for both workers and platform consumer.<sup>15</sup>

**3. Conducive Market for Gig Economy-** In today's tech savy society, online service is appealing for every customer.

**3.4 CONSTITUENTS OF GIG ECONOMY-** The three components of the gig economy are as follows:

**1.Gig economy workers:** A gig economy worker is someone employed to perform a particular task. They receive payment upon the successful completion of that task or job. In the gig economy, a gig worker can be a freelancer, part-time employee, on call worker and a self-employed individual. These workers get connected to the customers through the apps of various platforms and they can choose the work according to their interests.<sup>16</sup>

**2.Consumers:** An individual or business customer who requires a particular service and wanted that service to reach to them through the online platforms.

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<sup>12</sup> Id.at 5.

<sup>13</sup> Ibid.

<sup>14</sup> Dr. Rajni Pathania, An Introduction to the Gig Economy 6-7 (1<sup>st</sup> ed. 2022).

<sup>15</sup> Ibid.

<sup>16</sup> Dr. Rajni Pathania, An Introduction to the Gig Economy 8-9 (1<sup>st</sup> ed. 2022).

**3.On- Demand Companies:** Companies which connects the gig workers and consumers according to their demand and also paid by them are known as on-demand companies. There are many examples of these types of companies including Uber, Zepto and Blinkit.<sup>17</sup>

### 3.5 ESTIMATION OF GIG WORKER IN INDIA

According to estimates given by the NITI Aayog “the gig economy in India in the year 2019-2020 employed 68 lakh workers which got increased to 77 lakhs workers in the following year 2020-21. Projections also predict that the gig workforce is anticipated to grow to 2.35 crore (23.5 million) by the years 2029-2030”.<sup>18</sup>

Recent data from Foundit “shows that the hiring of gig workers in the white-collar gig jobs which see the increase of 17 percent on year to year stood roughly around more than 6.8 million”.<sup>19</sup>

### 3.6 CHALLENGES FACED BY GIG & PLATFORM WORKERS

#### 3.6.1 RESTRICTION OF ACCESSIBILITY TO URBAN AREAS

Despite the gig economy offering a variety of employment chances these chances can only be fulfilled if there is access to internet services which prove to be barrier for those residing in rural areas which made the work restricted mostly to an urban area<sup>20</sup>. This means that where in person services are required workers mostly from urban areas are hired or those who are migrating from rural areas to urban areas are hired.

#### 3.6.2 HEALTH RISKS AND WELL-BEING OF THE WORKERS

Workers working through digital platforms providing taxi and delivery services faces risk associated with their safety and health. The above statement is also supported by survey which ILO has carried out on workers of these platforms highlighting that about 80 to 90 per cent of workers engaged in such type of work suffer these risks which is mostly related to theft and

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<sup>17</sup> Ibid.

<sup>18</sup> NITI Aayog, India's Booming Gig and Platform Economy, (July 17<sup>th</sup>, 2025, 5:00 PM). [https://www.niti.gov.in/sites/default/files/2022-06/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf).

<sup>19</sup> Prachi Verma, Gig Jobs on the Rise in India: Report, ET, Apr. 04, 2025.

<sup>20</sup> Id. at 18.

physical assault.<sup>21</sup>

### **3.6.3 WORK DOES NOT COMMENSURATE WITH THEIR SKILLS**

According to the ILO World Economic and Social Outlook trend 2021 it was found that 57 percent of workers in micro task platform having higher educational qualifications like specialization in science and technology undertake tasks of collecting data which require fewer or lesser skill which show they are getting jobs which does not commensurate with their skills. In this survey another observation is that above phenomenon was not restricted to micro task but was also there in the sectors requiring delivery of articles in which people with higher education qualification are employed despite it being a job requiring lesser skills or low level of skills.<sup>22</sup>

### **3.6.4 GIG WORKERS EARN AN INCONSISTENT WAGE THAT COMES WITHOUT SECURITY**

The gig and platform work has significantly increased in India, but its success has brought forth challenges of inconsistent income and a lack of financial security. Gig workers have fluctuating earnings due to demand for service or the nature of platforms unlike traditional employment where steady salaries and benefits are offered. According to data from Team Lease Digital the percentage of the gig workers in India, earning less than Rs 5 lakh per year is around 97.6 of which those earning Rs 2.5 lakh or under is nearly 77.6 percent and for earning these wages they have to work around 8-12 hours per day.<sup>23</sup>

### **3.6.5 CONSTANT SURVEILLANCE AND HARRASMENT OF WOMEN GIG-WORKERS**

According to recent Periodic Labour Force Survey there is growth in women participation in the labour force as more women are getting self- employed women by participating in gig works but this growth also hampers their privacy as they are under the constant monitoring and surveillance by the platforms in which they were employed. For example, platforms such as

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<sup>21</sup> ILO, Role of digital labour platforms in transforming the world of work, (July 21<sup>st</sup> ,2025,10:00AM), [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_771749.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_771749.pdf).

<sup>22</sup> Id.at 21.

<sup>23</sup> Aryaman Gupta, Nearly 98% of gig workers earn under Rs 5 lakh per annum, shows Team Lease data, Money control, Feb.12,2025.



Urban Company imposes penalty on their workers if any error occurs on time consuming process of scanning the barcodes for each item utilized during their service, such as disposable gloves and small cream packets.<sup>24</sup>

Women gig workers not only face the surveillance issue but harassment done by the customers especially those working for beauty and domestic services as to do their work they need to visit their houses which increases the risk of harassment for them and also it is without any recourse. Adding to their misery is the rating system of the company's which allow these customers to give them bad rating which ultimately leads to blocking of their Ids by the company.<sup>25</sup>

#### 4. JUDICIAL INTERVENTION REGARDING RIGHTS OF PLATFORM WORKERS

In the case of **All India Gig Workers Union v. Uber India Systems Pvt. Ltd.W.P.(C) 14579/202**-The practice of Uber of not providing social security benefits were challenged by gig workers which showcases that because of employer-employee relationship in these digital platforms there is constant struggle for fair compensation that gig workers faced.<sup>26</sup>

**The Indian Federation of App Based Transport Workers (IFAT) v Union of India (WP 1068/2021)**<sup>27</sup> IFAT, a trade union for the workers of Ola and Uber filed a petition before Supreme Court raising the issue that the agreements which the gig workers entered into with aggregator companies is in the violation of Constitutional Articles 14, 21 and 23 as they have to work for long hours without getting any social security benefits. As a relief they want that these aggregator from their profits deposit some proportion to their social security.<sup>28</sup>

**Piyush Pandey vs. Unacademy (2021):** In this case a worker working at Unacademy wanted the benefits which were there under Indian Labour Laws as he was the employee of the

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<sup>24</sup> Chandan Kumar, Anousha Peters, T. Aishwarya, India's gig economy is failing its workers, especially women, under the guise of 'efficiency', Frontline, Mar.18,2025.

<sup>25</sup> Id. At 24.

<sup>26</sup> Naveen Kumar, Regulatory Framework and the Protection of Basic Rights of Gig Workers, (July 23<sup>rd</sup> 2025, 12:20 PM), <https://www.barandbench.com/law-firms/view-point/regulatory-framework-and-the-protection-of-basic-rights-of-gig-workers>.

<sup>27</sup> Arundhati Chatterjee, Employment Without Protection: A Legal Analysis of Gig Work in India, ( July 23<sup>rd</sup> ,2025, 2:00PM), <https://www.legalserviceindia.com/legal/article-21235-employment-without-protection-a-legal-analysis-of-gig-work-in-india.html>.

<sup>28</sup> Ruchi Singh, Emerging challenges to labour laws and the future of work vis -a -vis Constitutional rights of gig workers in India, ( July 23<sup>rd</sup> ,2025, 2:00PM), <https://www.rostrumlegal.com/emerging-challenges-to-labour-laws-and-the-future-of-work-vis-a-vis-constitutional-rights-of-gig-workers-in-india/>.

company. But the court ruled that gig worker comes under the category of independent contractor. The rationale that was given was independent nature of the gig worker in fixing their working hour and selecting assignment which shows that platform has lesser degree of control over him. This clearly shows the challenges that gig workers face for securing the benefits under Indian Labour Law.<sup>29</sup>

Delhi high Court deciding the Food Panda case applied the same rationale that employer does not have direct control over gig workers because of their flexible work arrangements and they came under the purview as independent contractor.<sup>30</sup>

## 5. STATE SPECIFIC ACT FOR SOCIAL SECURITY OF GIG WORKER

**RAJASTHAN-** Rajasthan is the first state to enact a law regulating the employment of gig workers and providing them with the social security. The Act under Section 3 provides for constitution of Welfare Board with Labour minister of Rajasthan as its ex-officio chairperson. The headquarter of this board is at Jaipur, Rajasthan.<sup>31</sup>

Section 5 of the Act provides for the power duties and functions of the board which are as follows: -

1. To make sure platform-based gig workers get registered.
2. To make sure registration of aggregators working in the state.
3. To assure that welfare fee deduction occurs when the aggregator files their application.
4. Monitoring mechanism to ensure the compliance of the Act.
5. To ensure beneficial schemes of state reaches to the worker
6. To make sure the rights of platform-based gig workers are protected.
7. Ensuring grievances regarding their rights mentioned in the Act are quickly resolved and

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<sup>29</sup> Komal Ahuja, Legal Status of Gig Workers Under Indian Labour Laws: A Comprehensive Analysis, (July 24<sup>th</sup> ,2025,10:00AM).<https://bhattandjoshiassociates.com/legal-status-of-gig-workers-under-indian-labour-laws-a-comprehensive-analysis/>.

<sup>30</sup> Ibid.

<sup>31</sup> Vidhi Centre for Legal Policy, Summary Comments on the Rajasthan Platform based Gig Workers(Registration And Welfare) Bill, 2023, (July 24<sup>th</sup> ,2025, 12:30PM), [https://vidhilegalpolicy.in/wp-content/uploads/2023/08/Website-Upload\\_Comments-on-Rajasthan-Gig-Economy-Bill.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2023/08/Website-Upload_Comments-on-Rajasthan-Gig-Economy-Bill.pdf).

other matters connected therewith.

8. To have consultations with registered union of gig workers.

9. A committee may be established to offer recommendations to the State Government regarding the creation, assessment, and execution of the schemes.<sup>32</sup>

Section 8 of the Act says that database of gig workers has to be provided by aggregators for the registration of workers and the time limit of sixty days has been fixed for this after the commencement of the act. A unique ID will also be generated for workers by the Rajasthan Government who is working in more than one aggregator.<sup>33</sup>

Section 10 of the Act says that a welfare fund is to be established for the registered workers.

Section 11 of the Act says that “The Platform Based Gig Workers Welfare Fee” shall be charged from aggregator.

**KARNATAKA-** Karnataka is another state after Rajasthan which presented the bill in their legislative assembly named “The Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill, 2024”. The Preamble of the Bill contains the protection of the rights of gig workers and it also places the obligation on the aggregator to provide social security benefits.

Section 3 of the Bill provides for Gig Workers Welfare Board which will be situated at Bengaluru.<sup>34</sup>

Section 6 of the Bill provides for the power and functions of the Board which makes it obligatory for them that registration of Gig worker happens and also to ensure monitoring and implementation of benefits that the state is providing them through various schemes.

Section 7 says that gig workers will get benefit of social security, according to the contribution made by them. Grievance redressal mechanism was also provided under Section 23 of the bill.

Section 10 and 11 of the bill talks about registration of gig workers and aggregators.

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<sup>32</sup>The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 No. 29, Acts of Rajasthan, 2023 (India).

<sup>33</sup> Ibid.

<sup>34</sup> Government of Karnataka, The Karnataka Platform based Gig Workers (Social Security and Welfare) Bill, 2024, (25<sup>th</sup> July, 2025, 4:00 PM), <https://ksuwssb.karnataka.gov.in/storage/pdf-files/draftnotification.pdf>.

Section 15 says that ground for termination of worker should be given by aggregator and also termination of Gig workers cannot be done without giving valid reasons and they should be given 14 days prior notice.

Section 20 states that there will be a fund for welfare of gig workers known as “Karnataka Gig Workers’ Social Security and Welfare Fund”<sup>35</sup>

Section 22 talks about the transparency of all the payment generated on the platform by mapping them on Central Transaction Information and Management System (CTIMS). It will be monitored by Gig Welfare Board. CTIMS will also check all the fees deposited for the welfare of gig workers.<sup>36</sup>

Section 23 provides for the Grievance Redressal for the registered Gig workers under this Act. They can register their grievance either personally or through grievance related portal. There is also the provision for appeal which can be filed under 90 days to an Appellate Authority.<sup>37</sup>

Section 24 provides resolution of disputes specified under schedule II of this act against Aggregator on whose platform more than 50 gig worker were registered by establishing an Internal Dispute Resolution Committee by these aggregators.<sup>38</sup>

Section 25 provides for penalty of INR 5,000 to 1,00,000 which get increased up to INR 5,000 every day for non-compliance of the act by the aggregator.<sup>39</sup>

## **6. INITIATIVE BY THE GOVERNMENT AND PLATFORMS FOR GIG AND PLATFORM WORKER PROVIDING LIFE AND DISABILITY SUPPORT**

### **6.1 GOVERNMENT INITIATIVE-**

#### **6.1.1 PRADHAN MANTRI SURAKSHA BIMA YOJANA (PMSBY)-**

Age Criteria- 18 to 70 years

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<sup>35</sup> Id.at 34.

<sup>36</sup>Saranya A.T, Gig workers and the labour laws: the struggle between flexibility and protection,4 IJRL,702-716 (2024).

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Id. at 34.

Eligibility- Those who have a account in a bank or post office and agree to automatic debit.

Insurance Coverage- Coverage upto 2.00 lakh when there is accidental death or total permanent disability and upto 1.00 lakh rupee for partial permanent disability.<sup>40</sup>

Premium- Premium is Rs. 20 per year which is debited automatically.<sup>41</sup>

### **6.1.2 AYUSHMAN BHARAT-PRADHAN MANTRI JAN AROGYA YOJANA**

Aim- To provide health coverage annually.

Coverage- Family eligible under this scheme get coverage upto Rs. 5 lakhs including costs incurred in hospitalization, secondary and tertiary care.

Eligibility – Beneficiaries was chosen from Social Economic Caste Census done on 2011.

### **6.1.3 PRADHAN MANTRI JEEVAN JYOTI BIMA YOJANA (PMJJBY)<sup>42</sup>**

Aim- To provide insurance cover which is affordable

Age Criteria- Minimum age should be 18 years and maximum is 50 years for enrolment.

Eligibility- Has a bank/post office account and has given their consent for auto- debit from the account.

Coverage- If insured person died then risk coverage upto Rs. 2.00 lakh

Premium- Premium of Rs. 436 which will be deducted automatically from beneficiaries account annually.

**6.1.4 E-SHRAM PORTAL-** In the year 2021 this portal was launched aiming to establish a National Database for workers in the unorganized sector so that the provision of social security beneficial schemes can be simplified. This portal was also integrated with the National Career

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<sup>40</sup>PIB, Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM) scheme to provide old age pension to unorganized sector workers, (July 25<sup>th</sup>, 2025, 3:00 PM), <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1909995>.

<sup>41</sup> Social Security Welfare Schemes, (July 25<sup>th</sup> 2025, 1:00PM), <https://eshram.gov.in/social-security-welfare-schemes>.

<sup>42</sup> Ibid.

Service (NCS) Portal which helped the E-Shram registrants to register themselves in NCS portal where they can search for suitable job opportunities.<sup>43</sup>

## 6.2 PLATFORMS INITIATIVE-

Zomato said that “they provide medical cover upto 1 lakh to all its delivery workers and also offers out-patient department (OPD) support worth Rs 5,000 extendable to families.”<sup>44</sup>

Ola with partnership with Alliance insurance brokers provide insurance security in case of unprecedented event like accident to its drivers and their families by providing hospital expenses including OPD expenses and also provide income protection for viral infection and accidental hospitalization.<sup>45</sup>

Urban Company started the Group Personal Accident Insurance for its gig worker by providing them upto Rs 6 lakh insurance cover. If death of worker is caused then their next kin can claim the insurance from their app or insurance claim helpline. Based on the rating of the workers, number of jobs done every month they are also provided medical cover upto 2lakh rupees.<sup>46</sup>

Uber under their Uber care initiative signed the MoU with the National Health Authority to provide e-cards under the Ayushman Bharat scheme to its taxi driver and food delivery workers which will provides free healthcare upto INR 5,00,000.<sup>47</sup>

## 7. CHALLENGES IN INDIAN LEGISLATIVE FRAMEWORK TO EXPAND SOCIAL SECURITY FOR GIG WORKERS

1)Benefits which are given under the schemes of social security is mostly dependent on the employee status which enhances the role of contribution of employer and as a result of that large number of the employees were not able to receive social security benefits.<sup>48</sup>

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<sup>43</sup> Social welfare Schemes, ( July 25<sup>th</sup> 2025,1:00PM), <https://vikaspedia.in/social-welfare/unorganised-sector-1/schemes-unorganised-sector>.

<sup>44</sup> ETTech, Zomato says piloting Rs 3 lakh health cover for delivery workers, families, ET, Sep.27,2022.

<sup>45</sup> ET Auto, Ola partners with Alliance Insurance Brokers to provide personal accident cover for drivers on duty, ET, Apr.4, 2023.

<sup>46</sup>UC Blogger, More than just a gig: Top performing UC partners earn ~ INR 50k per month in hand, free insurance for all, Medium, Apr.15,2025.

<sup>47</sup> India SA Comms Team, Uber Signs partnership with Ayushman Bharat to facilitate free healthcare for driver and delivery partners, Uber Newsroom, Mar.1,2019.

<sup>48</sup> Ulka Bhattacharya &Soumya Jha, Understanding Social security for Gig workers: Analysing recent developments,11NLIU Law Review,61-110 (2022).

- 2) States were hesitant to provide minimum wages to platform workers.
- 3) Worker's usage of their data is not free as the platform app put workers under constant surveillance.
- 4) Definition of Employment interpreted by Indian court is very complex and non-compliance of the test laid down by court exclude many workers from the benefits.
- 5) According to Section 10(4) of The Unorganised Workers' Social Security Act, 2008, the eligibility of the worker for getting benefits under the scheme requiring contribution is only after making the required contribution for that scheme.

## **8. CONCLUSION**

The report published by "Boston Consulting Group and Michael & Susan Dell Foundation India's gig economy is set to triple in the non-firm sector from 8 million to 24 million jobs in the next 3-4 years"<sup>49</sup> as it provides flexibility and independence to gig- workers but this flexibility also creates hurdles for their social security as aggregator claims that relationship with gig workers does not comes under employer-employee relationship and this argument by the aggregator makes social security for gig workers a necessary requirement. The Code on Social Security, which serves as a legislative framework for supporting social security in gig work, acknowledges that previous laws have closely linked access to social security benefits with one's employment status. This recognition also came with petition pending in the case of IFAT before the SC. The judgment in this case will be important for the efforts providing social security for gig workers. This will ensure that they get minimum guaranteed income.<sup>50</sup>

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<sup>49</sup> Prashant K. Nanda, India's gig workers may service 90 million jobs in next 8-10 years, Livemint, Mar.30,2021.

<sup>50</sup>Id. at 48.