



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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# **THE LEGAL DISCONNECT BETWEEN PLATFORM ECONOMY AND INDIAN LABOUR LAWS**

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## **Outline of new age employment**

India's gig economy is no longer just a trend, it has become a revolution. From ordering dinner to booking a ride, millions of Indians now depend on platform workers. Gig and platform workers are those who act as freelancers and contractors who work on-demand. Gig workers enter into formal agreements with companies to provide their services whenever called for to the company's clients and customers. Platform workers similarly are those individuals who use certain online applications and other platforms to find work. These are outside the traditional employer, employee settings. Numbers tell a big story as the 7.7 million gig workforce of 2023<sup>1</sup> is expected to hit a 23.5 million by 2030, and possibly reaching around 60 million by mid century. For all the youngsters in a country where the job market shows no hope, it has become a haven providing flexibility and stable source of income as earning is based on the performance of tasks. However all of this comes at a hidden cost. Most platforms classify them as 'independent partners or contractors<sup>2</sup>', which is a label that strips them from accessing social security benefits and other labour protections. This is because of it falling out of the traditional employer employee setting, and hence doesn't specifically fall under the ambit of the social security and welfare legislations already put in place for regular workers. They have hence for a long time been invisible legally, not being traditional employees, nor are they self employed.

The Code on Social Security, 2020, which has recently come into effect from November 2025, hence, raises an important question. There have been very few studies to actually observe whether India's labour legislations updated themselves to ensure any real protection or are they

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<sup>1</sup> NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (June 2022), [https://www.niti.gov.in/sites/default/files/2023-06/Policy\\_Brief\\_India%27s\\_Booming\\_Gig\\_and\\_Platform\\_Economy\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India%27s_Booming_Gig_and_Platform_Economy_27062022.pdf)

<sup>2</sup> TU Abohwo, *Legal Implications of Misclassifying an Employee as an Independent Contractor in the GIG Economy*, <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=5507883>.

merely just illusions to show evolvment, while the corporates keep enjoying the fruits of the labour of the working class. This article hence examines the gaps in the country's current legal and policy framework to analyse whether real protections are being provided to the gig and platform workforce and makes suitable recommendations on technology and policy changes that can be made in order to ensure the law translates into impact effectively.

### **Key characteristics and challenges unique this sector**

These workers due to being on digital platforms and coming through corporations get access to to customer base directly as they are connected by the company itself. They also work flexibly, on demand basis, taking up tasks according to their convenience. This is more beneficial to a certain sector of workers who would have been unable to find work or perform as efficiently in traditional employer employee settings which are more rigid and have more demands which they would have been unable to meet due to the various external factors and inhibitions they might be facing in their lives.

Platform and gig workers have severely faced the lack of labour protections that have been traditionally been available to employees in traditional settings. They have lacked access<sup>3</sup> to benefits like health cover, disability cover, life insurance and other retirement plans. This is due to the lack of clarity in the legal framework as it excludes these workers who fall outside the ambit of what is typically considered an employee. Though the new labour codes which have recently been implemented after a long time of deliberation include provisions defining and recognising their role, there are still major gaps and ambiguity in the legal protection offered to them. The major gap that can be identified is that there have been actually very few investigations or reports made on the real life experiences and needs of gig and platform workers. And also, there is a lack of comparative analysis between state level regulations and the resistance that comes from these platforms.

### **The story between the lines as understood by statistics**

A recent 2025 study by the V Giri National Labour Institute shows that the gig workforce stand to rise to sixty million by 2047<sup>4</sup>, that is roughly fourteen percent of the workforce, however

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<sup>3</sup> Animesh Kumar Sharma & Rahul Sharma, *The Gig Economy and the Evolving Nature of Work in India: Employment, Policy, and Platform Realities in the Age of Convenience*, 4 J. Dig. Econ. 156 (2025), <https://doi.org/10.1016/j.jdec.2025.07.005>

<sup>4</sup> V. V. Giri National Labour Institute, *NLI Research Studies Series No. 173/2025: Gig and Platform Workers:*

this figure might fall to 32.5 million due to certain external factors like the lack of legal protections causing economic uncertainties. Many policy researchers have also analysed the newly implemented Social Security Code, 2020 and have come to the conclusion that the delay in implementation has caused a huge setback to the gig workforce. In order to understand the impact of this legislation, it is essential to analyse it in two phases, first of that being the situation of gig workers prior to legal recognition and what gaps are persistent in policy design post the implementation of the codes.

According to the NITI Aayog's 2022<sup>5</sup> report, prior to the formulation of the Social Security Code 2020, there was a major proportion of workers who were not provided fair protection like job security, hence there was a need for a robust framework to ensure the protection of gig workers. The International Labour Organisation with its 'Extension of Social Protection to Gig and Platform Workers'<sup>6</sup> in India initiative laid focus and importance on the same, as to how there was a need for a formal framework to protect the rights of this sector, as it was highly informal and insufficient to cover the needs of gig and platform workers.

In the present scenario, the Social Security Code only provides basic definitions, but is still ambiguous on whether gig and platform workers could be classified as an 'employee' or if they would be considered 'self employed', which again acted as a barrier from them being able to access the benefits. And also, though the Government of India has launched the E-Shram portal to register all unorganised workers, a majority are missing out due to the lack of awareness<sup>7</sup>, digital literacy and accessibility issues, and are hence deprived of this platform. As a result, there is a loss of consensus between policy and implementation.

### **Circumstances prior to the implementation of the Code**

Labour laws earlier only extended to the formal employment relationships. The Industrial Disputes Act, 1947 also did not recognise gig or platform work, as it was not a concept

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*Vision 2047* by Dr. Dhanya M. B. (2025), <https://vvgnli.gov.in/sites/default/files/173-2025%20Dhanya%20MB.pdf>

<sup>5</sup> NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (June 2022), [https://www.niti.gov.in/sites/default/files/2023-06/Policy\\_Brief\\_India%27s\\_Booming\\_Gig\\_and\\_Platform\\_Economy\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India%27s_Booming_Gig_and_Platform_Economy_27062022.pdf)

<sup>6</sup> International Labour Organization (ILO), *Extension of Social Protection to Gig and Platform Workers in India* (Jan. 1, 2023), <https://www.ilo.org/projects-and-partnerships/projects/extension-social-protection-gig-and-platform-workers-india>

<sup>7</sup> Eman Syed, *When Registration Isn't Relief: The Broken Promise of India's e-Shram Portal*, AFPR (June 26, 2025), <https://afpr.in/when-registration-isnt-relief-the-broken-promise-of-indias-e-shram-portal/>

envisioned back then during its enactment. The Contract Labour (Regulation and Abolition) Act, 1970 reflects inclusion as it includes a clause recognising certain workers employed through third party contractors as 'contract labours' and provides them with benefits like canteens and first aid provisions. However this categorization is rarely recognised by platforms as well as workers themselves due to lack of awareness.

Due to such ambiguities, workers often get classified as 'independent partners'<sup>8</sup> by platforms in order to make them free from any responsibility. Due to their exclusion from the formal sector, the workers have no bargaining power to even negotiate working hours and wages or dispute any kind of injustice or unfair work practice. Though several think tanks and government institutions like the NITI Aayog and Labour Ministry make reports highlighting this, there has not been much effect. Even direct intervention by judiciary is not always possible in all cases. Hence rallies as strikes by different civil rights groups finally highlighted the need for the protection and inclusion of gig and platform workers under the ambit of legal protection.

### **Social and Economic impact on marginalised groups**

One of the biggest issues that arises is economic insecurity, especially among the marginalised communities<sup>9</sup> who have no other legislation or safety net to rely upon. This is an issue that is not generally discussed or reflected upon. Due to absence of regulation, gig and platform workers get classified as 'independent partners' by platforms which excludes them from being covered by any social protection provided by laws like the Minimum Wages Act or EPF Act. For example, during a period of illness, these workers do not have any sickness benefit, and they lose out on their earnings, further pushing them to the brink of poverty. Even though most of the ones working in this sector come into this sector in the first place because of being turned away from the formal sector, they are subjected to even further exploitation here. Women gig workers in particular have been observed to be one of the most vulnerable due to facing gender pay gap, workplace harassment and unsafe work conditions as well additionally.

Also with most percent of this workforce coming from rural backgrounds, they are exploited

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<sup>8</sup> Jennifer Pinsol, *A New Take on an Old Problem: Employee Misclassification in the Modern Gig-Economy*, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)

<sup>9</sup> Arkaprava Ghosh & Sangamesh Talukdar, *Navigating the Gig Economy in India: A Socio-Legal Perspective on Workers' Rights and Social Inequality*, 2 Advances in Consumer Rsch. 957 (2025).[https://www.researchgate.net/publication/393924305\\_Navigating\\_the\\_Gig\\_Economy\\_in\\_India\\_A\\_Socio-Legal\\_Perspective\\_on\\_Workers'\\_Rights\\_and\\_Social\\_Inequality](https://www.researchgate.net/publication/393924305_Navigating_the_Gig_Economy_in_India_A_Socio-Legal_Perspective_on_Workers'_Rights_and_Social_Inequality)

with unreasonable work conditions and lack of formal contracts that leads to exhaustion and burnout. Without stable income, gig workers are also unable to access quality education, proper housing or clean facilities for themselves and their families. During emergencies like the pandemic<sup>10</sup>, most workers are pushed into deep debt and poverty, with no insurance cover or compensation from the platforms they work for.

### **Case Studies in Mumbai and Delhi**

Nearly 40k drivers who work through prominent ride sharing apps went on a massive strike in 2017 in Mumbai<sup>11</sup> to protest poor support and low income. The drivers demanded fare transparency, reduced commission costs and reimbursement for fuel costs as their daily earnings had dropped to almost 300rs despite them working 12+ hours everyday. A similar protest followed in Delhi in 2019., which is proof as to how much these gig workers suffer due to the lack of protection. However there was still almost no government intervention. This news sure did create ripples in media, however what went unseen is how there was almost no action from the part of authorities once again. Thus it can be clearly understood what a dire state of things was in place before the formalization and implementation of the Code on Social Security, 2020.

### **Situation after the implementation of the Social Security Code, 2020**

The Social Security Code, 2020, was formulated keeping in mind the challenges faced by various workers, however still has its own shortcomings with regards to protection of the rights of gig and platform workers, which can be observed as follows:-

1. Issues with registration: Section 113 of the Social Security Code 2020<sup>12</sup> mentions that all unorganised, gig and platform workers are to register themselves on the E-Shram portal. However the challenge still remains as there is no specific option that distinguishes the gig and platform workers separately from other unorganised workers, hence not being of help to this sector.

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<sup>10</sup> Andrew Garin, Emilie Jackson, Dmitri K. Koustas & Alicia Miller, *The Evolving Role of Gig Work During the COVID-19 Pandemic*, NBER Digest, Aug. 1, 2023, <https://www.nber.org/digest/20238/evolving-role-gig-work-during-covid-19-pandemic>

<sup>11</sup> When Ola, Uber Drivers Strike Continues in Mumbai: What Is Happening and What Are the Key Demands, The Hindu <https://www.thehindu.com/news/cities/mumbai/ola-uber-drivers-strike-continues-in-mumbai-what-is-happening-and-what-are-the-key-demands/article69826251.ece>

<sup>12</sup> Code on Social Security, 2020, No. 36 of 2020 (India)

2. There is an absence of collective bargaining rights, as the legislation does not introduce any provisions that keeps a check on their being classified as ‘independent partners’, and due to this continuing, they are still being excluded. The All India Gig Workers Union (AIGWU) has been established to speak up against exploitation however studies<sup>13</sup> suggest most workers are forced overtime work without proper compensation, and facing threats from their employers that they would otherwise face bans on their id which would prevent them from working.

### **Current Regulatory Framework & The Failure of the Rajasthan Model**

Most gig and platform workers today just come under the Indian Contract Act, 1872 and are governed by contractual arrangements as they are often classified as independent partners and contractors by the platforms they work for. Rajasthan however has been a leader in this sector as it is the pioneer in enacting the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023<sup>14</sup> wherein it has established an independent Welfare Board, ensuring the mandatory registration of platform and gig workers and other necessary welfare schemes and contributions. It has also established a 200 crore welfare fund. It has also imposed penalties on platforms that violate the said legislations for upto 50 Lakh rupees.

However this legislation was not entirely successful in creating visible impact. It initially failed to identify all types of gig work, such as personnel services and data annotation. There was also a lack of clarity on how the percentages of contributions were to be calculated due to the dynamic nature of a gig worker’s earnings. By 2024, the effectiveness of implementation of this law went down. No subordinate rules were made, the welfare board went into terminal decline. The online registration model had also not been activated. Online data collected showed that over three thousand gig workers had applied for the registration process but never received a follow up and none were able to access any of the beneficiary schemes because of the absence of administrative procedure which created a gap between the law and actual access to public. And by 2025, even the former Chief Minister of Rajasthan, Mr Ashok Gehlot to also comment publicly on its failure holding the current government accountable for their failure to bring the legislation law into action. This is another example wherein though legislation is being made to address the needs of society, executive failure in enforcement is once again

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<sup>13</sup> W.C. Shukla, Rikta Krishnaswamy, Rohin Garg, Gunjan Jena & S.B. Natarajan, *Your Economy, Our Livelihoods: A Policy Brief by the All India Gig Workers’ Union* (Centre for Internet & Society, Jan. 30, 2024),

<sup>14</sup> Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, Act No. 29 of 2023 (India)

blatantly visible, which has yet again failed in protecting the rights of the labour force.

### **Opportunities post formulation of the social security code**

The digital age brings with it immense opportunity, which can be used to converge with legal frameworks and bring forth numerous possibilities for gig workers and other related stakeholders. The E-Shram portal's digitalisation of requiring and laying emphasis on data visibility and identity verification provides a unique opportunity, wherein when this system enables the option of including gig workers as well, it would enable them to access much wider benefits, including health insurance, maternity benefits and other benefit schemes. Certain government agencies which have been established like the National Skill Development Corporation ( NSDC )<sup>15</sup> can collaborate and utilise the data on this platform to design certain skill development programs as per the needs of the workers, like delivery personnel, ride share drivers and other freelancers. Utilising such a platform for providing digital education and skill development enable and empower gig workers to enhance their employability across various sectors as well as making them aware of their rights as well. They can be supported by the usage of AI powered skill identifying and matching engines.

### **Conclusion with recommendations that need to be implemented**

While the Social Security Code 2020 recognizes gig work nominally, it showcases the cracks still evident in the rollout which is protracted. Some effective reforms needed are as follows:-

- Precise legal characterization for gig workers is needed. Currently, they are termed as independent partners, which allows platforms to release themselves from any liability. This can be changed to 'dependant contractors' which would then provide a guarantee for them to avail minimum wages, be subject to occupational safety regulations, and also have an option to go for legal recourse in case of workplace violations. This can be taken up in a sector specific way.
- India has a heterogenous gig worker system, hence in order to aid in the Code's implementation and adaptation ease across the country, the law can implemented working with state officials, worker unions, ensuring the implementation process can be overseen.

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<sup>15</sup> NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Policy Brief, June 2022), [https://www.niti.gov.in/sites/default/files/2023-06/Policy\\_Brief\\_India%27s\\_Booming\\_Gig\\_and\\_Platform\\_Economy\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-06/Policy_Brief_India%27s_Booming_Gig_and_Platform_Economy_27062022.pdf)

- Outreach should be done in vernacular languages to ensure that it is accessible as well as mobile legal clinics can be introduced.
- Certain state acts, like the one implemented in Rajasthan can be aligned with the Central code in order to ensure more uniformity.

As the Social Security Code 2020 has only recently come into effect, it will take a few years to observe the results that come out of it. However it still needs to incorporate several measures in order to actually create tangible change in the lives of gig and platform workers, as the provisions contained in it for now still remain unclear even though they do now highlight and recognise the gig and platform workers sector. There needs to be a difference brought in to change their legal status from independent partners to dependent contractors, in order to bring them under legal protection, giving them the same access to beneficiary schemes like traditional employees. Only through a comprehensive framework, India's gig framework can evolve and grow as one of the fastest growing employment sectors in modern India. Because a successful country is built by its workforce, who all deserve protection for their labour.

