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Portable Social Security for India's Gig and Platform Workforce: A National Law Reform Proposal for a Unified Gig Workers' Welfare Code

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Portable Social Security for India's Gig and Platform Workforce: A National Law Reform Proposal for a Unified Gig Workers' Welfare Code

EXECUTIVE SUMMARY

India's gig and platform economy has grown from an estimated 7.7 million workers in 2020-21 to a workforce projected to reach 23.5 million by 2029-30[1], yet the millions who drive, deliver, and provide on-demand services through digital platforms remain excluded from the core protections available to conventional employees. The Code on Social Security, 2020 ("SS Code") formally recognised gig and platform workers for the first time and came into force on 21 November 2025[2], establishing a Social Security Fund financed by a 1-2% aggregator contribution capped at 5% of payments made to such workers.[3] However, the Code leaves the definition of benefits, contribution rates, and enforcement mechanisms to subordinate legislation that remains substantially unnotified, while parallel and inconsistent state legislation in Rajasthan (2023) and Karnataka (2025) has created a fragmented, geographically uneven regime.[4][5] None of these instruments addresses the core issue: the absence of minimum-wage protection, safeguards against arbitrary algorithmic deactivation, or a clear test for determining when a platform

[1] Ministry of Labour and Employment, Government of India, "Code on Social Security, 2020: Towards Universal and Inclusive Social Protection", Press Information Bureau, *available at:*, https://www.pib.gov.in/PressReleasePage.aspx?PRID=2192795&reg=48&lang=2 (26 Aug. 2026).

[2] The Code on Social Security, 2020 (Act No. 36 of 2020), ss. 2(35), 2(61) and 113-114, *available at:* https://www.indiacode.nic.in/bitstream/123456789/16823/1/aA2020-36.pdf (26 Aug. 2026).

[3] Ministry of Labour and Employment, Government of India, "Social Security Measures for Gig and Platform Workers", Press Information Bureau, *available at:* https://www.pib.gov.in/PressReleasePage.aspx?PRID=2198746&reg=3&lang=2 (26 Aug. 2026).

[4] NITI Aayog, India's Booming Gig and Platform Economy (June 2022), cited in Ministry of Labour and Employment, Government of India, Press Information Bureau, *available at:* https://www.pib.gov.in/PressReleasePage.aspx?PRID=2198746&reg=3&lang=2 (26 Aug. 2026).

[5] Bhatt & Joshi Associates, "Gig and Platform Workers: Social Security Coverage for the New-Age Workforce", *avai*lable *at*: https://bhattandjoshiassociates.com/gig-and-platform-workers-social-security-coverage-for-the-New-age-workforce/ (26 Aug. 2026).

worker's dependence on a digital intermediary crosses into an employment-like relationship.

This Policy Brief evaluates the existing legal and regulatory architecture governing gig and platform work in India, draws on comparative experience from the European Union, the United Kingdom, Singapore, and the United States, and proposes the enactment of a Unified Gig and Platform Workers' Welfare Code through central rules under the SS Code, supported by a Model State Adaptation Framework. The key recommendations are:

a. time-bound notification of central SS Code rules prescribing uniform, portable benefits;

b. a statutory floor for aggregator welfare contributions harmonised across States;

c. a rebuttable presumption mechanism, calibrated to Indian conditions, for reviewing algorithmic control and unjust deactivation;

d. a tripartite National Gig Workers' Grievance Redressal Authority; and

e. a phased three-year implementation roadmap.

These reforms would extend meaningful social protection to India's fastest-growing category of workers without eliminating the flexibility that draws them to platform work.

BACKGROUND

Digital labour platforms such as Swiggy, Zomato, Ola, Uber, and Urban Company have restructured large segments of India's urban service economy over the past decade. Workers on these platforms are engaged through standard-form contracts that classify them as independent "partners" rather than employees, placing them outside the protective reach of the Industrial Disputes Act, 1947, the Employees' State Insurance Act, 1948, and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

This precarity was starkly exposed during the COVID-19 pandemic, when platform workers continued essential delivery services with no sick leave, no employer-funded insurance, and no guaranteed minimum earnings. In September 2021, the Indian Federation of App-Based Transport Workers (IFAT) filed a writ petition before the Supreme Court of India, arguing that the classification of gig workers as "partners" violated Articles 14, 21, and 23 of the Constitution and sought their

recognition as "unorganised workers" under the Unorganised Workers' Social Security Act, 2008. That petition, registered as Writ Petition (Civil) No. 1068 of 2021, remains sub judice before the Supreme Court, with the matter most recently listed for hearing in November 2024.

In response to sustained litigation and advocacy, Parliament enacted the Code on Social Security, 2020, consolidating nine existing central social security statutes and, for the first time, defining "gig worker" and "platform worker" as distinct statutory categories. The Code came into force on 21 November 2025 as part of a broader notification of four labour codes, and the Union Budget for 2025-26 announced complementary welfare measures, including registration on the e-Shram portal, issuance of identity cards, and extension of healthcare coverage under Ayushman BharatPradhan Mantri Jan Arogya Yojana[6]. Even as the central framework has come into force, however, several States have pressed ahead with their own gig-worker legislation, most notably Rajasthan (2023) and Karnataka (2025), producing a layered and, in places, inconsistent regulatory landscape that this Brief seeks to address.

STATEMENT OF THE PROBLEM

Despite the welcome recognition of gig and platform workers under the SS Code, four distinct deficiencies persist in the existing legal framework:

- Delayed and incomplete subordinate legislation: Sections 113 and 114 of the SS Code enable the Central and State Governments to frame welfare schemes for gig and platform workers, but the substantive content of these schemes, the quantum of benefits, the manner of financing, and the machinery for delivery is left to rules that remain only partially notified, leaving the statutory recognition largely aspirational.

- Fragmented and inconsistent state action: Rajasthan's welfare fee is fixed between 1% and 2% of each transaction, while Karnataka's ranges from 1% to 5%, and Telangana has circulated a separate draft bill; workers and aggregators operating across State lines therefore face divergent obligations and protections depending on geography alone.

- Absence of income and working-condition protections: Existing instruments (central and state) focus almost entirely on insurance, pension, and welfare-fund contributions; none establishes a

[6] PRS Legislative Research, "The Code on Social Security, 2020", *avai*lable *at:*https://prsindia.org/billtrack/the-code-on-social-security-2020 (26 Aug. 2026).

minimum guaranteed payout per task, caps on working hours, or a right to contest algorithmic deactivation concerns that comparative jurisdictions have already begun to address.

- No clear or portable test of dependence: Indian law has no statutory mechanism analogous to the European Union's rebuttable presumption of employment or the United Kingdom's intermediate "worker" status, leaving Indian courts and tribunals without a calibrated tool to assess the degree of algorithmic control an aggregator exercises before a dispute reaches years-long constitutional litigation, as in the pending IFAT proceedings.

EXISTING LEGAL FRAMEWORK

a. The Code on Social Security, 2020

The SS Code defines a "gig worker" as a person who performs work outside a traditional employer-employee relationship and earns from such activities, and a "platform worker" as one who accesses organisations or individuals through an online platform to provide services for payment[7]. Sections 113 and 114 empower the Central Government to formulate social security schemes for gig and platform workers on matters including life and disability cover, accident insurance, health and maternity benefits, and old-age protection, and mandate the constitution of a National Social Security Board with representation for aggregators, gig workers, and government. Aggregators such as Swiggy, Zomato, and Uber are required to contribute between 1% and 2% of their annual turnover, capped at 5% of the amounts paid to gig and platform workers, into a dedicated Social Security Fund,[8] with the Ministry of Labour and Employment's e-Shram portal, launched on 26 August 2021, serving as the registration backbone for the scheme[9]. While these provisions mark a genuine legislative advance, commentators have noted that, absent finalised implementing rules, the framework remains "largely aspirational", and that the Code

[7] Ministry of Labour and Employment, Government of India, "Labour Reforms: Formalising and Safeguarding India's Gig & Platform Workforce", Press Information Bureau, *avai*lable *at*: https://www.pib.gov.in/PressReleasePage.aspx?PRID=2200767&reg=3&lang=1 (26 Aug. 2026).

[8] The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 (Rajasthan Act No. 29 of 2023), ss. 3, 9-11, *avai*lable *at*: https://prsindia.org/files/bills_acts/acts_states/rajasthan/2023/Act29of2023Rajasthan.pdf (26 Aug. 2026).

[9] Cyril Amarchand Mangaldas, "Rajasthan passes Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023", *avai*lable *at*: https://corporate.cyrilamarchandblogs.com/2023/08/rajasthan-passes-rajasthan-platform-based-gig-workers-registration-and-welfare-act-2023/ (26 Aug. 2026).

does not, at present, address minimum wages, maximum working hours, or protection against arbitrary deactivation.[10]

b. State-Level Legislation

Rajasthan became the first Indian State to legislate directly for platform-based gig workers, enacting the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 on 24 July 2023. The Act establishes a Gig Workers' Welfare Board, mandates registration of aggregators and workers, and creates a Platform Based Gig Workers Fund financed by a welfare fee of 1-2% of the value of each transaction, with a 12% per annum interest penalty for delayed remittance and fines of up to Rs 5 lakh for a first violation and Rs 50 lakh for subsequent violations[11][12]. Karnataka followed with an Ordinance on 27 May 2025, subsequently replaced by the Karnataka Platform Based Gig Workers (Social Security and Welfare) Act, 2025, effective 30 May 2025, with implementing rules notified on 19 November 2025. Karnataka's welfare fee ranges more widely, between 1% and 5% of the payment made per transaction,[13] and the Karnataka Act uniquely enshrines a worker's right to refuse a task offered by the aggregator, a protection absent from the Rajasthan Act and from the draft Telangana Gig and Platform Workers (Registration, Social Security and Welfare) Act, 2025. Civil society organisations have nonetheless criticised the framework for delegating the precise welfare-fee percentage and much of its substantive content to delegated rule-making, leaving workers uncertain of their actual entitlements.[14]

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[10] PRS Legislative Research, "The Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2025", *avai*lable *at*: https://prsindia.org/bills/states/the-karnataka-platform-based-gig-workers-social-security-and-welfare-bill-2025 (26 Aug. 2026).

[11] "Karnataka's legal leap for platform-based gig workers: Unpacking the Karnataka Platform Based Gig Workers (Social Security and Welfare) Act, 2025", Lexology, *available at* , https://www.lexology.com/library/detail.aspx?g=fb39ae46-feda-4f35-8941-69ade5b9e555 (26 Aug. 2026).

[12] "Karnataka Platform Based GIG Workers (Social Security and Welfare) Ordinance, 2025: A Paradigm Shift in Labour Welfare", Lexology, *available at:* https://www.lexology.com/library/detail.aspx?g=6846315a-83dd-4aa0-8ec1-3f0bf48d2466 (26 Aug. 2026).

[13] Indian Federation of App-Based Transport Workers v. Union of India, Writ Petition (Civil) No. 1068 of 2021
(Supreme Court of India) (pending); see Supreme Court Observer, "Gig Workers' Access to Social Security", *avai*lable *at*: https://www.scobserver.in/cases/gig-workers-access-to-social-security-the-indian-federation-of-app-based-transport-workers-ifat-v-union-of-india / (26 Aug. 2026).

[14] "SC hears plea seeking social security rights for gig workers", MediaNama, *available at:* https://www.medianama.com/2024/11/223-supreme-court-hears-plea-social-security-rights-gig-platform-workers/ (26 Aug. 2026).

COMPARATIVE PERSPECTIVE

a. European Union

Directive (EU) 2024/2831 on improving working conditions in platform work was adopted on 23 October 2024 and entered into force on 1 December 2024, with a transposition deadline for Member States of 2 December 2026[1516]. Its central innovation is a rebuttable legal presumption of employment: where a digital platform exercises direction and control over how work is performed, the burden shifts to the platform to prove, with convincing evidence, that no employment relationship exists.[17] The presumption applies in administrative and judicial proceedings determining employment status, though Member States retain discretion in designing the precise indicators of control. This model offers India a template for a burden-shifting mechanism calibrated to the reality of algorithmic supervision, rather than a rigid employee/contractor binary.

b. United Kingdom

In Uber BV v Aslam, the UK Supreme Court unanimously held that Uber drivers were "workers", an intermediate category between employee and self-employed contractor entitled to the national minimum wage and paid annual leave for the time they were logged into the app and available to accept trips.[18] The Court held that it was wrong in principle to treat the platform's written contractual label as the starting point for determining status, and that the reality of the platform's control, exercised through its algorithm and performance-rating system, was decisive.[19] The UK's three-tier status model (employee, worker, self-

[15] Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving Working conditions in platform work, Art. 5, 2024 O.J. (L series), *available at:* https://eur-lex.europa.eu/eli/dir/2024/2831/oj/eng (26 Aug. 2026).

[16] Ogletree Deakins, "It's Official: The EU Platform Work Directive Is Here", *available at:* https://ogletree.com/insights-resources/blog-posts/its-official-the-eu-platform-work-directive-is-here/ (26 Aug. 2026).

[17] Fisher Phillips LLP, "New EU Platform Work Directive Impacts Freelancers and Gig Economy: Here's What Businesses Need to Know", *avai*lable *at:* https://www.fisherphillips.com/en/news-insights/new-eu-platform-work-Directive-impacts-freelancers-and-gig-economy.html (26 Aug. 2026).

[18] Uber BV v Aslam [2021] UKSC 5, *avai*lable at: https://www.bailii.org/uk/cases/UKSC/2021/5.html (26 Aug. 2026).

[19] "Supreme Court judgment confirms employment status for Uber drivers", Keystone Law, *available at:* https://keystonelaw.com/keynotes/supreme-court-judgment-confirms-employment-status-for-uber-drivers/ (26 Aug. 2026).

employed) illustrates a practical middle path that avoids collapsing gig work entirely into conventional employment while still guaranteeing baseline protections.

c. Singapore

Singapore's Platform Workers Act 2024, which came fully into force on 1 January 2025, creates a distinct third category of "platform worker" and mandates Central Provident Fund (CPF) contributions by both platform operators and workers, extends statutory work-injury compensation on par with employees, and establishes a legal framework for Platform Work Associations to represent worker interests.[20][21] Increased CPF contributions are compulsory for younger workers and available on an opt-in basis for older workers, with transition support to offset the cost for lower-income workers. Singapore's calibrated, phased mandatory-contribution model rather than an all-or-nothing employment reclassification offers a second workable template for India's more price-sensitive gig labour market.

d. United States (California)

California's Proposition 22 (2020) preserved the independent-contractor status of app-based drivers while mandating specific minimum-earnings and insurance guarantees, and was upheld as constitutional by the California Supreme Court in Castellanos v. State of California on 25 July 2024.[22] Subsequent reporting, however, has found that the State's own labour agency lacks jurisdiction to enforce many worker claims arising under Proposition 22, leaving a substantial enforcement gap between the statute's promised protections and workers' lived experience.[23] The Californian experience is instructive chiefly as a caution: a welfare-benefits overlay on continued contractor status is workable only if paired with a credible, adequately resourced enforcement mechanism a lesson

[20] Platform Workers Act 2024 (Singapore); Allen & Gledhill, "Platform Workers Act 2024 to fully come into force on 1 January 2025", *avai*lable *at*: https://www.allenandgledhill.com/sg/publication/articles/29573/platform-workers-act-2024-to-fully-come-into-force-on-1-january-2025 (26 Aug. 2026).
[21] Ministry of Manpower, Singapore, "Commencement of Parts of Platform Workers Bill", 22 October 2024, *available at:* https://www.mom.gov.sg/newsroom/press-releases/2024/1022-commencement-of-parts-of-platform-workers-bill (26 Aug. 2026).
[22] Castellanos v. State of California, No. S279622 (Cal. 25 July 2024); California Lawyers Association, "The Saga of the Gig Worker is Over, Now the Future Begins", *available at:* https://calawyers.org/workers-compensation/the-saga-of-the-gig-worker-is-over-now-the-future-begins/ (26 Aug. 2026).
[23] "Gig work: No one's enforcing Prop. 22 in California", CalMatters, *available at:* https://calmatters.org/economy/2024/09/gig-work-california-prop-22-enforcement/ (26 Aug. 2026).

directly relevant to India's under-notified SS Code rules.

STAKEHOLDER ANALYSIS

- Government (Union and State): Responsible for notifying SS Code rules and harmonising State legislation, while balancing welfare goals against concerns that over-regulation could deter platform investment.

- Judiciary: The Supreme Court's pending IFAT adjudication will shape the constitutional floor of protection for gig workers regardless of legislative reform, making coordination between rulemaking and the Court's eventual ruling essential.

- Aggregators and platform companies: Face rising compliance costs from multiple, non-uniform welfare-fee regimes, creating a commercial interest in a single harmonised national contribution rate.

- Gig and platform workers: Seek predictable earnings, portability of benefits, protection against arbitrary deactivation, and a functioning grievance mechanism, while many also value the flexibility formal employee status could curtail.

- Civil society and trade unions: Organisations such as IFAT and AICCTU have pushed for stronger, less discretionary statutory entitlements and criticised the delegation of substantive benefit design to executive rule-making.

- Consumers: Benefit from affordable platform-based services, an interest to be weighed against the cost of welfare contributions, part of which aggregators may pass on to consumer pricing.

PROPOSED LAW REFORM

This Brief recommends the enactment, through central rules under Sections 113 and 114 of the SS Code read with a coordinating amendment, of a Unified Gig and Platform Workers' Welfare Framework comprising the following elements:

- Time-bound notification: A statutory outer limit of twelve months from the date of this proposal for the Central Government to notify comprehensive SS Code rules prescribing benefit quantum, contribution mechanics, and delivery timelines, ending the current reliance on non-binding administrative assurances.

- Uniform national welfare-fee floor: A single, nationally harmonised aggregator contribution rate (recommended at 1.5% to 2% of transaction value, within the SS Code's existing 1-2%/5% band) to replace the current patchwork of Rajasthan's 1-2% and Karnataka's 1-5% ranges, with any State wishing to exceed the floor required to ring-fence the additional revenue for worker benefits rather than general revenue.

- Statutory minimum payout guarantee: A guaranteed minimum payment per completed task or per logged working hour, benchmarked to the applicable State minimum wage, modelled on Proposition 22's earnings guarantee but paired with a dedicated enforcement cell to avoid California's documented enforcement gap.

- Calibrated presumption on deactivation and control: A rebuttable presumption, adapted from the EU Platform Work Directive, that a worker deactivated primarily through automated or algorithmic decision-making is entitled to a documented reason and a right of appeal before the proposed National Gig Workers' Grievance Redressal Authority, with the burden on the aggregator to justify the deactivation.

- Right to refuse work: A statutory right, modelled on the Karnataka Act, extended nationally, for gig workers to decline a specific task offered by an aggregator without penalty to their platform rating or future task allocation.

- Portability of benefits: A unique national worker ID linked to the e-Shram portal, ensuring that accumulated welfare-fund contributions and benefit entitlements travel with the worker across aggregators and States, rather than resetting with each new platform registration.

- National Gig Workers' Grievance Redressal Authority: A tripartite body with government, aggregator, and worker-union representation, empowered to adjudicate disputes over deactivation, non-payment of the welfare fee, and benefit denial, with a right of appeal to the existing labour courts.

- Transparency in algorithmic management: A statutory duty on aggregators to disclose, in plain language, the principal parameters used by automated systems to allocate tasks, rate performance, and determine deactivation, enforceable by the proposed Authority.

IMPLEMENTATION ROADMAP

Phase I — Immediate Reforms (0-6 months)

- Notify draft central SS Code rules for public consultation, prescribing the uniform welfare-fee floor and benefit schedule.
- Constitute the National Gig Workers' Grievance Redressal Authority on an interim basis and commence worker registration through the e-Shram portal with unique portable IDs.
- Issue an advisory to Rajasthan, Karnataka, and Telangana to align their welfare-fee rates with the proposed national floor pending formal harmonisation.

Phase II — Medium-Term Reforms (6-18 months)

- Finalise and notify SS Code rules on minimum payout guarantees, algorithmic-transparency duties, and the deactivation-appeal mechanism.
- Operationalise the portability architecture so that welfare-fund contributions and benefit entitlements transfer seamlessly across aggregators and States.
- Commence a coordinated model-law exercise with State Governments to replace divergent State Acts with adoption of the harmonised national framework, using Article 254 cooperative mechanisms where required.

Phase III — Long-Term Reforms (18-36 months)

- Review, in light of the Supreme Court's eventual decision in the pending IFAT litigation, whether a further intermediate statutory category akin to the UK's "worker" status should be codified for specific sub-sectors such as ride-hailing and delivery.
- Conduct an independent impact assessment of the welfare-fee floor's effect on aggregator pricing, worker earnings, and platform investment, with recommendations for recalibration.
- Institutionalise periodic, data-driven review of the welfare-fund's adequacy against the NITI Aayog's projected growth of the gig and platform workforce to 23.5 million workers by 202930.

EXPECTED IMPACT

- **Governance**: A single national framework would replace the current uncertainty created by inconsistent State legislation, improving regulatory predictability for both Union and State authorities.

- **Legal Certainty**: A calibrated presumption mechanism for deactivation disputes would reduce dependence on protracted constitutional litigation of the kind pending in the IFAT case, providing a faster, statute-based route to relief.

- **Regulatory Efficiency**: A harmonised welfare-fee floor and unified national worker ID would lower compliance costs for aggregators operating across multiple States, replacing duplicate registration and remittance obligations.

- **Public Confidence**: Transparent algorithmic-management disclosure requirements and an accessible grievance authority would address the persistent public perception, reinforced by pending litigation and civil-society criticism, that gig workers operate in a governance vacuum.

- **Economic Development**: A predictable, moderate welfare-fee floor, informed by the Californian caution against under-enforcement, would protect the sector's continued growth while extending baseline security to workers.

- **Protection of Rights**: Portable benefits, a minimum payout guarantee, and a right to refuse work would collectively narrow the gap between the constitutional protections argued for in the IFAT petition and the workers' present statutory entitlements.

CONCLUSION

The Code on Social Security, 2020 marks a genuine watershed in Indian labour law by formally recognising gig and platform workers for the first time at the national level. Yet recognition without implementation, and national recognition alongside fragmented State legislation, risks reproducing the very precarity the Code was designed to remedy. India need not adopt any single foreign model wholesale: the European Union's rebuttable presumption, the United Kingdom's intermediate worker status, and Singapore's phased mandatory-contribution scheme each offer transferable design features, while California's experience cautions against enacting protections that are not matched by enforcement capacity. A unified national framework — with a harmonised welfare-fee floor, portable benefits, a calibrated deactivation-appeal mechanism, and a dedicated grievance authority — would allow India to extend meaningful, implementable protection to thirty million prospective gig and platform workers within the next decade, without displacing the flexibility that continues to draw workers into this segment of the economy. Future legislative priorities should include closely tracking the Supreme Court's disposal of the pending IFAT litigation and using its guidance to refine, rather than duplicate, the statutory architecture proposed in this Brief.