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Human Rights of Gig and Platform Workers in India: Social Security, Labour Rights and Legal Accountability

DR. R. VIMALA*

ABSTRACT

Transport, food delivery, home services, logistics and other app-based services have transformed the way people work in India. Platform work is not just a flexible means of engagement in the labour market: it can also bring irregular income, ambiguous rating systems, unilateral termination of accounts and lower social security benefits, and so raises issues of dignity, equality, occupational safety and social protection. Through doctrinal and analytical methods, this paper explores the human rights position of gig and platform workers in light of international labour standards, the Code on Social Security, 2020 and the Constitution. The Code, which came into force on 21 November 2025, explicitly deals with gig workers, platform workers and aggregators: Section 113 provides for their registration, and Section 114 for schemes of life and disability cover, accident insurance, health and maternity benefits and old-age protection. Even with statutory recognition, registration, funding, portability and grievance redressal will remain important. The paper offers a rights-based solution which includes social security, clear algorithmic management, fair compensation, occupational security, no arbitrary disconnection, collective representation and accessible remedies, and proposes that innovation should never be secured by shifting economic and social risk from the innovator to the workers.

Keywords: *Gig workers, platform workers, human rights, labour law, social security, algorithmic management, India, Code on Social Security, 2020*

I. INTRODUCTION

Digital platforms act as intermediaries between consumers and providers of transport, delivery, domestic services, repairs, logistics and professional services. Workers are given tasks through apps and paid according to the platforms' rules. This model has a number of benefits, lowering barriers to entry and creating flexibility, but it also means that systems which workers do not control govern the allocation of work, the pricing of work, the evaluation of work and continued access to work.

* Author is an Assistant Professor at School of Law, Vels Institute of Science, Technology and Advanced Studies, Chennai, Tamil Nadu, India.

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Work organised on the basis of individual assignments rather than a permanent employment relationship, and work facilitated or organised by a digital platform, are called "gig work" and "platform work" respectively. The categories are not identical, but they share a common thread; a driver who earns most of his money from one app faces different risks from a specialist who works across several apps and can negotiate prices personally.

The human rights issue is how workers can have dignity, fair treatment, security and social protection when work is organised on a platform. Traditional labour protections assume the presence of a recognised employer, workplace and payroll. A platform may describe the worker as an independent partner while itself determining access to customers, the evaluation of performance and the suspension of accounts.

Gig workers, platform workers and aggregators are specifically included in the Code on Social Security, 2020, which came into effect on 21 November 2025 and provides for social-security measures for them.[1] Whether workers can actually avail themselves of these benefits will be determined by how effectively benefits, contributions, registration and grievance redressal are implemented.

This paper proposes that the gig and platform worker be conceptualised as a rights-holder rather than just a participant in a business model. Flexibility and innovation are good targets, but they do not have to mean that workers must accept all the risks of illness, accident, shifting needs or opaque automated decisions. The primary aim is to analyse the human rights aspects of gig and platform work in India and to gauge the law's ability to address them.

II. UNDERSTANDING GIG AND PLATFORM WORK

Gig work involves discrete tasks, and platform work depends on a digital platform which connects workers to customers, or distributes and tracks jobs.[2] Examples include app-based drivers, food-delivery partners, couriers, home-service providers and online freelancers. Platforms lower search costs and enable workers to log on when it fits their schedules, which may benefit those who are not able to work in traditional occupations. However, where earnings depend on taking jobs during certain periods and maintaining ratings or delivery quotas even when there is no assured work, workers are under tremendous economic pressure.

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[1] The Code on Social Security, 2020, No. 36, Acts of Parliament, 2020 (India); Ministry of Labour & Employment, Notification S.O. 5319(E) (Nov. 21, 2025), GAZETTE OF INDIA, Extraordinary, pt. II, sec. 3(ii) (appointing Nov. 21, 2025 for the commencement of the Code, save for section 142, already in force, and certain excepted provisions).

[2] NITI AAYOG, INDIA'S BOOMING GIG AND PLATFORM ECONOMY: PERSPECTIVES AND RECOMMENDATIONS ON THE FUTURE OF WORK 12 (2022), https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf.

Platform management is often algorithmic, for example in task allocation, the calculation of incentives, performance rankings and restrictions on account access. The worker may be exposed to the outcome without knowing what criteria were applied, or without any chance to check the outcome for errors. This imbalance of information and power is a distinctive characteristic of platform work.

Platform workers cannot be viewed as a homogeneous group. Relevant questions include who determines the price, who holds the customer relationship, who bears the costs, whether work can be rejected without penalty and how far the worker relies on the platform. A balance is needed between encouraging independent work and, where there is real control or dependence, not deferring to contractual labels.

III. Constitutional foundations of workers' rights

A. Article 14: equality and non-arbitrariness

Article 14 guarantees equality before the law and the equal protection of the laws.[3] It can be invoked where there is no rational reason for leaving workers unprotected when they are ill or injured, and where decisions about access to work are arbitrary. Ratings and automated allocation can produce unequal outcomes if the ratings are incorrect or are not applied consistently. Article 14 does not make every private matter between a platform and its users a constitutional one, but equality is a fundamental value of law and of platform markets.

B. Article 19: occupation and association

Article 19(1)(g) guarantees the right to practise any profession or to carry on any occupation, trade or business, subject to reasonable restrictions under Article 19(6).[4] It does not ensure access to a specific platform, but when a major source of livelihood can be cut off for no reason and without any review, questions arise as to the sufficiency of legal protection. The right to form associations or unions is protected by Article 19(1)(c) and supports workers' capacity for collective bargaining.

C. Article 21: life, dignity and livelihood

The Supreme Court has read dignity and fair procedure into Article 21. In *Olga Tellis v. Bombay Municipal Corporation*, the Court highlighted the close nexus between livelihood and the right to life, and in doing so explained why a sudden loss of livelihood has a tremendous impact on

[3] India Const. art. 14.
[4] India Const. art. 19(1)(c), (1)(g), (6).

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the right to life.[5] The judgment does not, however, create an absolute right to continued access to a private platform.

The dignity requirement in Article 21 includes "the right to live with human dignity and all that goes along with it."[6] It calls for a labour regime in which the unjustified use of force, substandard conditions of labour and avoidable physical risk are avoided. This commitment to dignity serves as a motive force for platform workers' road safety, rest, sanitation, health, prevention of harassment, and processes to challenge serious decisions.

D. Directive Principles and the social purpose of labour law

The Directive Principles operate indirectly, but they influence legislation. Article 38 urges the State to promote welfare and minimise inequalities; Article 39 addresses adequate means of livelihood and workers' health; Article 41, the right to work and public assistance; Article 42, just and humane conditions of work and maternity relief; and Article 43, a living wage and a decent standard of life.[7] Together they provide a constitutionally grounded framework for increased social protection for new forms of work.

Read with the Constitution, an approach that places flexibility at the centre of working life can be given weight without neglecting social protection. The nature of the obligation in an individual case will vary with the statute, the actor and the facts, but it should be grounded in constitutional values.

IV. The Code on Social Security, 2020: legal recognition and its limits

The Code on Social Security, 2020 brings together India's social-security laws and specifically defines 'gig worker', 'platform worker' and 'aggregator'.[8] This is crucial, as it reaches workers who had been outside the employee-based social-security system.

Sections 113 and 114 form important parts of the framework for gig and platform workers, but they perform different functions. Section 113 provides for the registration of unorganised workers, gig workers and platform workers, subject to the statutory requirements. Such registration enables eligible workers to access the benefits available under the relevant social-security schemes. Section 114 empowers the Central Government to frame social-security

[5] *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545, 572–73 (India).
[6] *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608, 618 (India).
[7] INDIA CONST. arts. 38, 39(a), (e), 41, 42, 43.
[8] The Code on Social Security, 2020, *supra* note 1, § 2(2), (35), (60)–(61).

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schemes covering matters such as life and disability cover, accident insurance, health and maternity benefits, old-age protection and crèche facilities.

Section 114 also provides for contributions by specified categories of aggregators towards social-security schemes. Under Section 114(4), the contribution is prescribed within the statutory range of one to two per cent of the annual turnover of the aggregator, subject to the statutory ceiling. Section 114(5) provides for notification of the date from which such contributions become payable.[9] Therefore, the effectiveness of the statutory framework depends upon appropriate notifications, adequate funding, transparent implementation and accessible benefit-delivery mechanisms.

The importance of the Code should not be exaggerated. Even if a definition of gig worker were to include everyone, it would not make such a worker an employee for all purposes of labour law; and the fact that there is a scheme does not mean that everyone who works receives a benefit. To achieve effective coverage, eligibility criteria must be unambiguous, the registration process simple and the budget adequate, claims must be processed in a timely fashion, and information must be accessible and easy to understand.

It is also essential that the schemes reflect the reality of platform work. Workers may register on many accounts, move between cities, hold more than one job and earn a fluctuating income, so it is important that they can carry their accounts and benefits from platform to platform and State to State. The rules should be transparent as to which aggregators must contribute, how contributions are calculated and handled, and how eligibility is publicly reported and audited.

Whether workers can meaningfully benefit from the protection afforded to them by the Code will ultimately be determined by how well that protection reaches them when they suffer a work accident, illness, disability or loss of earning potential because of pregnancy. The framework should, therefore, be put into practice through clear schemes, stable funding and processes that are easy to follow and enforce.

V. HUMAN RIGHTS CHALLENGES

A. Insecure and unpredictable earnings

On platforms, net earnings may not match headline payments: they fluctuate with demand and incentive payments, and are reduced by unpaid waiting time and by fuel, vehicle maintenance, data and equipment costs. One-sided changes in prices or incentives make household planning difficult. Workers should know the rates and deductions and when incentives are available and

[9] *Id.* §§ 113, 114(1), (4)–(5).

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paid, should have a statement that is easy to read and understand, and should have a mechanism to challenge deductions and work that has not been paid.

B. Occupational safety and health

Road workers (drivers and delivery workers) can be at risk of road accidents, exposure to the elements, insufficient sleep and the stress of having to complete jobs as quickly as possible, while home-service workers may be harassed. Labelling a worker an independent contractor is not a substitute for safety measures. Performance systems must not penalise delays caused by traffic, weather or safety, since that encourages speed at the expense of safety and life. Platforms should give realistic delivery times, emergency support, insurance, and the option to decline truly hazardous jobs without repercussions.

C. Algorithmic management and lack of transparency

Workers are generally not given access to the data and criteria that drive their task distribution, pricing, ratings, incentives and suspension. Low ratings or automated fraud flags can lead to less work or deactivation. Platforms should clearly state the main rules that affect workers, give notice of significant adverse decisions, provide timely review by a human with a broad perspective and, for high-impact systems, allow independent audits.

D. Deactivation and procedural fairness

Deactivation can have a strong effect on a worker's source of income. Platforms must act against fraud, wrongdoing and safety risks, but they must have a good reason and give an opportunity to respond and an effective appeal, unless immediate and temporary action is needed. Procedural fairness does not require indefinite retention; it requires that serious decisions be made on understandable standards, on reliable information and through a proportionate process.

E. Social-security gaps

Many platform workers lack employer-linked benefits, so injury, illness, maternity, disability or old age can cause immediate hardship. Schemes should be designed for irregular work and multiple income sources, with simple registration and claims procedures that do not exclude migrant workers or those with limited digital literacy.

F. Gender and intersecting disadvantage

Harassment, safety, caregiving duties, access to devices and working hours may be particular issues for women and other marginalised workers. Although nominally neutral, platform systems can have differential impacts. There should be safe reporting mechanisms, no

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discrimination and maternity-friendly support, and platforms and legislation should address the intersection of disadvantage with caste, disability and migration.

G. Collective representation and bargaining

A worker negotiating terms alone with an entity that has thousands of users is in no position to bargain. Collective representation allows workers to address common issues regarding pay, safety, ratings and deactivation, while the application of the industrial-relations rules to various classes of workers remains unclear. Policy should provide real space for the involvement of worker associations in dealings with platforms and governments.

H. Data protection and surveillance

Platforms gather data on location, identity documents, trip history, and biometric and behavioural data. Over-collection, uncertain retention and secondary use raise privacy concerns. All workers should be told what data is being collected, for how long and why, and how they can report concerns, and security measures should be strong enough to prevent fraud, stalking and other misuse.

VI. Judicial and International Perspectives

Even as litigation on platform work evolves, there are constitutional principles that could be invoked in Indian law. *Olga Tellis* linked livelihood to Article 21, while acknowledging that livelihood may be taken away by a just and fair procedure established by law.[10] It calls for serious consideration of actions that affect livelihood, but does not guarantee employment with a private company.

The Supreme Court's judgment in *People's Union for Democratic Rights v. Union of India* also offers guidance on the enforcement of labour laws and on the constitutional ban on forced labour.[11] Whether a particular platform arrangement engages that ban is a question of fact.

The Decent Work Agenda of the International Labour Organization (ILO) is based on productive work, rights at work, social protection and social dialogue. How far it binds depends on the instrument concerned and on India's commitments, but it may help shape policy and interpretation from the perspective of "decent and productive work, in conditions of freedom, equity, security and human dignity."[12]

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[10] *Olga Tellis*, *supra* note 5, at 572–73.
[11] *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235, 257–60 (India).
[12] Int'l Labour Office, Decent Work: Report of the Director-General, International Labour Conference, 87th Sess. (June 1999), https://www.ilo.org/public/english/standards/relm/ilc/ilc87/rep-i.htm.

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Past experience reveals recurring issues of worker classification, algorithmic transparency, collective representation and social protection. India need not adopt any foreign model; its response should be constitutional and should take account of the informal sector and the need for a viable system.

VII. RECOMMENDATIONS FOR A RIGHTS-BASED FRAMEWORK

First, social-security schemes have to be accessible, portable and understandable. The registration process should be as simple as possible, and workers should be able to determine readily whether their membership and benefits apply, including when they change jobs or work sporadically.

Second, the government should publish clear information on schemes, funding, eligibility, responsible authorities, claim timelines and appeals, followed by public reporting and periodic evaluation.

Third, platforms should clearly communicate base rates, incentives, deductions, terms of cancellation and when payments are due, give advance notice of major changes, and provide a reasoned process for resolving payment disputes.

Fourth, high-stakes algorithmic decisions should be subject to procedural safeguards: notice, explanation of the underlying reasons for adverse decisions, meaningful human oversight, adequate documentation and periodic review for discriminatory results.

Fifth, safety should be built into platform design, such as realistic estimates of delivery timings, no automatic penalties for delays caused by safety concerns, emergency support, insurance, and no retaliation against workers who report harassment or unsafe assignments.

Sixth, the law should clarify how the degree of control exercised by a digital platform is to be considered when determining a worker's legal status. Contractual descriptions such as 'independent contractor', 'partner' or 'service provider' should not be conclusive by themselves. Instead, the actual nature of the working relationship should be examined, including who determines prices, controls access to customers, allocates tasks, monitors performance, imposes penalties and has the authority to deactivate a worker's account. Where a platform exercises substantial control over these aspects and the worker is economically dependent on the platform, the legal relationship should be assessed according to its substance rather than merely its contractual description. This approach would help prevent the misuse of contractual arrangements to avoid applicable labour and social-security responsibilities.

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Seventh, worker voice should be extended through regular dialogue between platforms, worker associations and governments on pay, safety, social security and grievances, without fear of unlawful retaliation.

Eighth, safeguards should address the disadvantage of women and other groups by providing confidential reporting about safety, services in relevant languages, disability access and monitoring of disparities in rates of deactivation, allocation and benefit access.

Lastly, enforcement needs to be proportionate and effective. Regulators must be given the power to coordinate and must have expertise drawn from labour and transport institutions as well as social-security and data-protection institutions, while workers must have an easy procedure for raising grievances, rectifying errors, restoring access, recovering wages and securing entitlements.

VIII. Discussion: balancing flexibility with dignity

This is not a 'free trade' versus 'no flexible work' debate. For many workers, deciding on working hours, or working without gatekeepers, is significant. But as far as workers are concerned, there is no flexibility, because even if they decide when to log on, being on the platform does not necessarily bring social security, accident insurance or a fair deactivation process, and may give them little influence over prices or assignment rules.

Social protection need not be 'one size fits all'; it can be flexible. When benefits are portable, rules transparent, and contributions and records easily understood, workers can move from job to job without losing coverage, and basic protections are not something on which platforms compete. Authorities should assess coverage, uptake, claims processing and compliance with contribution obligations; otherwise a system is rights-based only on paper until it is shown to work when it is needed.

IX. Conclusion

Gig and platform work has expanded opportunities for income generation and flexible participation in the labour market. However, flexibility cannot be meaningful if workers bear the principal risks of uncertain earnings, unsafe working conditions, opaque algorithmic decisions, sudden account deactivation and inadequate social protection. The central argument of this paper is that gig and platform workers must be recognised as rights-holders whose dignity, livelihood and access to social security require effective legal protection.

The Code on Social Security, 2020 marks an important step by recognising gig and platform workers within India's social-security framework. Nevertheless, statutory recognition alone

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does not guarantee effective protection. Registration under Section 113, the design and implementation of schemes under Section 114, timely implementation of aggregator contributions and accessible grievance-redressal mechanisms must operate together. The constitutional principles of equality, freedom of occupation, life and dignity, read with the Directive Principles of State Policy, provide a normative foundation for strengthening these protections.

A rights-based framework should therefore combine portable social-security coverage, transparent and timely payments, occupational safety, explainable algorithmic management, safeguards against arbitrary deactivation and meaningful collective representation. These protections should be implemented through clear rules, accountable institutions and remedies that workers can actually access. The objective is not to eliminate innovation or flexibility, but to ensure that their benefits are not secured at the expense of workers' basic rights. The long-term legitimacy of India's platform economy will depend on its ability to reconcile technological innovation with decent work, social justice and human dignity.

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