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CONTROL WITHOUT RESPONSIBILITY: PLATFORM GOVERNANCE AND THE MISCLASSIFICATION OF GIG WORKERS UNDER INDIAN LABOUR LAW

A Socio-Legal Analysis

~ Lalitaditya C

ABSTRACT

India's labour law struggles to classify app-based riders under existing categories of employment and self-employment. He is not an employee, the contract says so explicitly. He is not self-employed either, the algorithm decides where he goes, what he earns, and whether he may continue working at all. The numbers behind this contradiction are striking from 7.7 million gig workers in 2020-21 to roughly 12 million by 2024-25, with projections of 23.5 million by 2029-30 and a GDP contribution estimated at ₹2.35 lakh crore[1]. This expansion has proceeded alongside a legal fiction that courts have the tools to dismantle but have not yet been asked to: that the rider is a free agent, not a worker. This paper undertakes a socio-legal analysis of app-based gig work in India, grounded in T.H. Marshall's theory of social citizenship and the capabilities approach of Amartya Sen and Martha Nussbaum, and drawing on ILO Recommendation No. 198 (2006) as an interpretive standard alongside Indian constitutional and statutory law. The analysis proceeds through four Parts: a legal and doctrinal inquiry into misclassification under Indian jurisprudence, a constitutional analysis under Articles 14, 19, and 21, and an examination of the Code on Social Security, 2020 and the Rajasthan Platform Based Gig Workers Act, 2023; a socio-legal examination of financial precarity, algorithmic control, occupational risk, gender-differentiated outcomes, and workers' data rights under the Digital Personal Data Protection Act, 2023; evidence-based policy recommendations grounded in Indian legislative experience and ILO standards; and primary survey data gathered from food delivery workers in Pune. The paper concludes that naming gig workers in statute whilst denying them enforceable rights is not reform, it is a holding

[1] NITI Aayog, *India's Booming Gig and Platform Economy* (2022); *Economic Survey 2025-26*, Government of India, Ministry of Finance, Ch 10.

position that serves platforms rather than workers and argues for the legislative changes necessary to close that gap.

Keywords: Gig economy, Platform workers, Misclassification, Labour law, Algorithmic management, Social security, Constitutional rights, Worker classification, Digital Personal Data Protection Act, Gender discrimination.

I. INTRODUCTION

The infrastructure that made India's gig economy possible cheap data, UPI, and smartphones in every pocket arrived faster than the law could follow. According to assessments by NITI Aayog and subsequent official bodies, the number of gig workers rose from approximately 7.7 million in 2020–21 to around 12 million in 2024–25 a growth of 55 per cent over four years with projections of 23.5 million by 2029–30. Gig workers already account for over two per cent of India's total workforce, and non-agricultural gig work is projected to constitute approximately 6.7 per cent of total non-farm employment by the close of the decade.

The growth figures, however, conceal something the platforms prefer not to advertise. App-based gig workers are, as a rule, not engaged as employees but rather as "partners", "freelancers", or "independent contractors". Platforms consistently characterise themselves as neutral technology intermediaries connecting customers with self-employed service providers. The standard contract disclaims any employer-employee relationship, hands the worker's tax and social security obligations back to them, and reserves to the platform the power to set their prices, assign his tasks, and terminate his access to work whilst an algorithm watches where he goes, how fast he moves, and whether his ratings are holding up.

The Economic Survey 2025–26, whilst celebrating the gig economy as an engine of job creation and formalisation, candidly acknowledges that "about 40 per cent of gig workers report earnings below ₹15,000 per month", identifies persistent difficulties in accessing credit attributable to workers' "thin file" credit histories, and expressly notes that platform algorithms "control work allocation, performance monitoring, wages, and supply-demand matching, raising concerns about algorithmic biases and burnout[2]." The Survey further concedes that the classification of gig workers as freelancers or independent contractors deprives them of employment benefits social

[2] *Economic Survey 2025-26* (n 1) Ch 10, para 10.15

security, paid leave, minimum hours, and health coverage resulting in precarious job security and structurally depressed incomes.

In light of these structural deficits, this research paper seeks to answer the following central research question: *How does the legal misclassification of app-based gig workers in India facilitate algorithmic exploitation and financial precarity, and what specific regulatory frameworks are required to bridge the gap between their formal recognition and the substantive realization of their labour rights?*

The analysis rests on three claims. First, the doctrinal tests for employment status, when applied with rigour to app-based gig work, support the conclusion that platform-dependent riders and drivers should be treated as employees in substance, notwithstanding the contrary language of their contracts. Second, the combined effect of misclassification and algorithmic management produces a labour regime characterised by sub-minimum-wage net earnings, excessive working hours, heightened safety risks, and the routine denial of basic dignity at work. Third, India's current response the Code on Social Security,2020 (hereinafter referred to as "CSS") and a handful of state welfare laws has done something more subtle and more damaging than simply ignoring the problem. It has formally acknowledged gig workers as a category whilst deliberately withholding from them the rights that acknowledgment implies, institutionalising a two-tier system in which recognition substitutes for protection.

The analysis proceeds in four Parts. Part 1 undertakes a legal and doctrinal inquiry into misclassification and the ambiguous framework created by the CSS. Part 2 conducts a socio-legal examination of working conditions and the harms generated by algorithmic management. Part 3 sets out a programme of public policy reforms. Part 4 presents primary survey evidence gathered from gig workers in Pune that grounds the preceding analysis in workers lived experiences.

II. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

A. Existing Scholarship

A body of Indian scholarship on the gig economy now exists, though it has developed unevenly and left three significant questions unanswered. Early socio-legal contributions examined whether existing statutory definitions under the Industrial Disputes Act, 1947 and the Contract Labour (Regulation and Abolition) Act, 1970 could be extended to platform workers, noting that the

integration test and the economic reality test both accepted by the Indian Supreme Court would, in principle, bring platform-dependent workers within the scope of statutory protection[3]. Scholarship responding to the Code on Social Security, 2020 has reached a consistent conclusion: CSS names gig workers without reclassifying them, which is rather like diagnosing a patient without prescribing treatment.

Empirical research has advanced through three methodological channels. Large-scale descriptive studies most notably the DERII (Dvara E-Registry and Inclusion Research Institute) study of 2,547 active and 114 inactive delivery drivers have provided granular data on earnings, working hours, and exit patterns[4]. Qualitative fieldwork, including a Delhi-based study identifying platform policies and job security as the two most salient dimensions of gig workers' experiences, has illuminated the subjective and relational dimensions of algorithmic control[5][6]. Auto-ethnographic research specifically a study of food delivery work in Nagpur has documented the daily mechanics of algorithmic coercion at the micro-level. Three questions have not been answered in the Indian literature: a sustained constitutional analysis applying the jurisprudence on Articles 14 and 21 developed in Olga Tellis, Francis Coralie Mullin, and Maneka Gandhi to the gig work context; the implications of the Digital Personal Data Protection Act, 2023 for gig workers' rights over their algorithmic profiles; and a systematic analysis of the gender dimension of algorithmic management and its legal remediation. This paper addresses each of them.

ILO Recommendation No. 198 (2006), the most authoritative international instrument on the determination of employment status provides an additional analytical lens. Paragraph 11, establishing the primacy of facts over contractual labels, and Paragraph 13, enumerating specific indicators of the employment relationship, supply interpretive standards that complement and reinforce the Indian doctrinal framework, and that are properly invoked as persuasive international material in constitutional litigation under Article 51(c) of the Constitution of India[7].

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[3] Aditi Mishra and Suyog Ghosh Dasttidar, 'Navigating the Challenges of the Gig Economy' (2023) 6 *International Journal of Law Management & Humanities* 2183.

[4] DERII Research Team, *Descriptive Study of Two-Wheeler Delivery Drivers on Major Platforms* (Dvara E-Registry and Inclusion Research Institute, 2023-24)

[5] Animesh Kumar Sharma and Rahul Sharma*, 'The Gig Economy and the Evolving Nature of Work in India: Employment, Policy, and Platform Realities in the Age of Convenience'* (2025) 4 Journal of Digital Economy 156.

[6] Bhavani et al*., 'Dimensions of Gig Work: A Qualitative Study of Platform Workers in Delhi'* (2022)

[7] ILO Employment Relationship Recommendation No 198, adopted at the 95th Session of the International Labour Conference, Geneva, June 2006.

B. Theoretical Framework: Social Citizenship and Capabilities

Two theoretical frameworks give this paper its evaluative backbone. T.H. Marshall's "Citizenship and Social Class" (1950)[8] distinguished civil rights (enforceable individual liberties), political rights (participation in governance), and social rights (the entitlement to economic welfare and security and the right to share in the social heritage according to the standards prevailing in the society). Marshall argued that full citizenship requires the realisation of all three categories. The Code on Social Security's approach creating a beneficiary class eligible for discretionary welfare payments rather than incorporating gig workers into the employment rights framework corresponds to a pre-Marshallian conception of social protection as benevolence rather than enforceable entitlement. The paper's central claim 'recognition without rights' follows directly: telling a worker he exists in law whilst denying him what that existence should entail is not social citizenship. It is its simulation.

The capabilities approach (Sen, Development as Freedom, 1999; Nussbaum, Creating Capabilities, 2011)[9] adds evaluative depth. Sen's point that what matters is not what rights a person formally holds but what he can actually do and be explains precisely why the CSS's recognition of gig workers has changed so little about their lives. Nussbaum's list of central human capabilities provides a concrete framework: algorithmic management systematically undermines bodily health (through excessive hours, road risk, and musculoskeletal injury), bodily integrity (through denial of rest breaks and toilet access), practical reason (through opacity of algorithmic decision-making), and control over the working environment (through deactivation without due process). These are not abstract deprivations. They are what the Pune survey respondents described when asked what their work was actually like.

III. PART 1 – LEGAL AND DOCTRINAL ANALYSIS: THE "GREY AREA"

A. Misclassification and the Indian Employment Tests

Indian courts have been saying for decades that the classification of a worker as employee or independent contractor cannot turn on the contractual label the parties attach to their relationship.

[8] T.H. Marshall, 'Citizenship and Social Class' in T.H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge University Press 1950) 10-11.
[9] Amartya Sen, *Development as Freedom* (Anchor Books 1999); Martha Nussbaum, *Creating Capabilities: The Human Development Approach* (Harvard University Press 2011).

In Dharangadhra Chemical Works Ltd. v. State of Saurashtra [1957] SCR 152[10], the Supreme Court gave authoritative expression to the control and supervision test, affirming that the defining characteristic of a contract of service is the employer's right to dictate not merely what work is performed but the manner of its performance. ***Silver Jubilee Tailoring House v. Chief Inspector of Shops and Establishments [1974] 3 SCC 498***[11] subsequently required courts to examine the full constellation of circumstances degree of control, supply of equipment, method of remuneration, right to work for others, and the legislation's protective purpose rather than adopt a purely contractual approach.

The most decisive authority is ***Hussainbhai, Calicut v. Alath Factory Thezhilali Union (1978) 4 SCC 257***[12], in which Justice V.R. Krishna Iyer articulated the economic reality test. Demolishing the fiction of intermediary contracting, The Court held that wherever a worker's labour creates value for another's business and that other controls the worker's economic subsistence and continued employment, that other is the real employer in fact and in law, regardless of contractual form. The Court explicitly warned against the 'maya of legal appearances' and directed courts to look through 'myriad devices, half-hidden in fold after fold of legal form' to identify who truly bears the obligations that welfare legislation imposes.

The integration test, endorsed in ***AIIMS v. AIIMS Nurses Union [2002] 1 SCC 258***[13], asks whether the work is central or peripheral to the business. Food delivery is not peripheral to Swiggy. It is Swiggy. ***ILO Recommendation No. 198***[14], Paragraph 13 supplies a complementary set of indicators that reinforce this conclusion: work performed according to the other party's instructions; integration into the enterprise's organisation; work performed solely for another's benefit; performance within specific hours at a specified place; and continuity of service. A Zomato rider works to the platform's instructions, is embedded in its operational structure, works exclusively for its commercial benefit, operates within hours the algorithm shapes, and relies on continuous access to the platform to earn anything at all. ILO Recommendation No. 198 does not need to stretch to cover him he sits squarely within it. Applied purposively as the Supreme Court directs in Hussainbhai the control, economic reality, and integration tests collectively bring

[10] *Dharangadhra Chemical Works Ltd. v. State of Saurashtra* [1957] SCR 152
[11] *Silver Jubilee Tailoring House v. Chief Inspector of Shops and Establishments* [1974] 3 SCC 498
[12] *Hussainbhai, Calicut v. Alath Factory Thezhilali Union, Kozhikode* (1978) 4 SCC 257, 261
[13] *AIIMS v. AIIMS Nurses Union* [2002] 1 SCC 258
[14] ILO Recommendation No 198 (n 7) para 13

platform-dependent riders and drivers within the category of employee in law and substance, notwithstanding the 'partner' labels their contracts employ.

B. Platform Counterarguments and Their Refutation

Platforms do not simply ignore the reclassification argument. They have answers to it commercially rational ones that deserve a direct response. First, scheduling freedom is equally characteristic of part-time and casual employment recognised under the Industrial Disputes Act and does not determine employment status. Second, and more fundamentally, the empirical evidence demonstrates that meaningful scheduling discretion is constrained by platform incentive architecture: workers unavailable during peak demand periods forfeit bonuses constituting a substantial proportion of effective earnings. For a rider who depends on Swiggy for his rent, declining peak hours is not a choice it is financial self-harm. The freedom is real on paper and illusory in practice.

The second argument is consumer welfare: reclassification would increase prices and reduce service availability. Neither the Supreme Court in Hussainbhai nor any subsequent Indian authority has accepted that consumer convenience justifies the wholesale denial of minimum labour standards to a class of workers engaged in the principal commercial activity of the entity for whose benefit they labour. The third argument is economic risk: regulation will deter platform investment. The Government's own Economic Survey records that 40 per cent of these supposedly freely contracting workers earn below ₹15,000 a month[15]. The investment climate argument cannot survive contact with that figure. Platform revenue data confirms that reclassification costs are commercially bearable: Eternal Limited (Zomato) reported revenue of ₹7,167 crore in Q1 FY 2025-26, growing over 70 per cent year-on-year; Swiggy reported ₹4,971 crore in the same quarter, a 54 per cent increase. Industry estimates suggest employee reclassification would increase per-order labour costs by 25-35 per cent a material but absorbable impact within documented revenue growth trajectories. Worker precarity, on these numbers, is not an unfortunate side-effect of the platform model. It is one of its core cost savings.

C. The Code on Social Security, 2020: Recognition without Reclassification

[15] *Economic Survey 2025-26* (n 1) Ch 10, para 10.12

The Code on Social Security, 2020 did something significant and something insufficient at the same time. It put 'gig workers' and ‘platform workers’ into Indian statute for the first time. It then stopped short of giving them anything that word should mean. ***Section 2(35)*** defines a gig worker as a person who 'performs work or participates in a work arrangement and earns from such activities outside of a traditional employer-employee relationship' a definition that[16], by embedding the worker's situation outside employment as a matter of statutory fact rather than as a legal question to be adjudicated, sidesteps the misclassification problem altogether. The Code promises medical, disability, maternity, and old-age benefits through dedicated funds financed by aggregator and government contributions, but leaves all determinative questions contribution rates, eligibility criteria, benefit levels, and claims procedures to subordinate legislation that, as of 2025, remains materially incomplete.

Five years on, the delivery worker in the Nagpur auto-ethnography who completes 100-150 deliveries a day at ₹12 each has not registered on e-Shram, has received no benefits, and when asked was unaware he was entitled to any. That is the CSS's implementation record in a single case. A qualitative study conducted five years after the Code's enactment, drawing on interviews with delivery workers, labour officials, and platform firms, documents that workers report 'limited benefits', with persistently low registration despite awareness of the portal, and no meaningful compulsion on platforms to facilitate coverage[17]. The Economic Survey acknowledges that workers continue to 'lack employment benefits such as social security, paid leave, minimum hours and health coverage'. The CSS sits on top of a labour law architecture built entirely around the employer-employee relationship; a relationship the Code simultaneously acknowledges does not describe gig workers and declines to change. The result is a legislative holding pattern masquerading as reform.

The cumulative effect of definitional ambiguity, absent scheme rules, and negligible enforcement compulsion is that the CSS functions, in practice, as a declaratory instrument rather than an operative welfare guarantee. Until contribution rates are notified, aggregator obligations are made mandatory, and penalties for non-compliance are rendered commercially significant, the gap between statutory promise and ground-level reality will persist.

[16] Code on Social Security 2020 (No 36 of 2020), s 2(35)
[17] Mishra and Dasttidar (n 3)

D. The Rajasthan Platform Based Gig Workers Act, 2023

The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, India's first state-level legislative initiative, mandates the registration of gig workers and aggregators, assigns each registered worker a unique identifier, establishes a state-level Welfare Board, and imposes a transaction-linked welfare fee to finance a dedicated Welfare Fund. It further provides for grievance redress mechanisms and stipulates penalties for non-compliant aggregators[18]. The Act represents a meaningful transition from purely contractual governance to a framework grounded in public law, and its transaction-linked funding mechanism charging a welfare fee on each order placed through registered platforms offers a sustainable and proportionate model for social security financing that the central government should consider adopting nationally. However, the Act does not extend minimum wage protections, working time regulations, or retrenchment safeguards, and leaves the fundamental classification question unresolved. Rajasthan has shown that state-level action is possible. What it has not shown is that welfare registration and a cess fund, without minimum wage protection or retrenchment safeguards, are sufficient. They are not.

E. Constitutional Dimensions: Articles 14, 19, and 21

The constitutional questions raised by gig worker misclassification are not novel the Supreme Court answered the relevant ones decades ago. What is novel is that nobody has yet applied those answers to the platform context in a decided case. These landmark decisions furnish the constitutional foundation. ***In Maneka Gandhi v. Union of India [1978] 1 SCC 248***[19], the Supreme Court held that Article 21 must be read conjunctively with Articles 14 and 19, and that any procedure depriving a person of life or personal liberty must be not merely prescribed by law but just, fair, and reasonable a requirement carrying substantive, not merely procedural, content. ***In Olga Tellis and Ors. v. Bombay Municipal Corporation (1985 Supp. 2 SCR 51)***[20], a five-judge Constitution Bench held that the right to livelihood is integral to the right to life under Article 21, reasoning that depriving a person of their means of livelihood is the most direct route to depriving them of life itself. ***In Francis Coralie Mullin v. Administrator, Union Territory of Delhi [1981]***

[18] Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023, ss 8, 17
[19] *Maneka Gandhi v. Union of India* [1978] 1 SCC 248
[20] *Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors.* (1985 Supp 2 SCR 51); AIR 1986 SC 180

1 SCC 608[21], Article 21 was held to encompass the right to live with basic human dignity, including access to food, clothing, shelter, and minimum amenities of life.

Read together, these three decisions produce a framework that directly implicates what platforms do to gig workers every day. First, algorithmic account deactivation effected without notice, a hearing, or a reasoned determination deprives workers of their primary means of livelihood through a procedure that is neither just nor fair, engaging both the substantive content of Article 21 as interpreted in Olga Tellis and the procedural guarantees of Article 14. ***In Union of India v. Tulsiram Patel (1985) 3 SCC 398***[22], the Court affirmed that natural justice, including the right to be heard and to receive a reasoned decision, applies wherever a person's livelihood is at stake. The principle of ***"****audi alteram partem****"*** applies with full force to deactivation decisions that terminate a gig worker's access to their sole means of income. Second, maintaining a statute that promises social security whilst leaving every operational detail unresolved for five years is not administration it is the positive obligation under Article 21 discharged in name only. Under Article 19(1)(c), the right of gig workers to form associations and bargain collectively is constitutionally protected; the present regulatory framework, which provides no mechanism for platform recognition of worker associations or collective negotiation of algorithmic parameters, effectively renders this right nugatory for the platform labour force.

The Supreme Court's jurisprudence further reflects a settled concern with situating workers' rights within a framework of competing social and economic interests. ***In Steel Authority of India Ltd. v. National Union Waterfront Workers (2001) 7 SCC 1***[23], the Court, whilst affirming the fundamental importance of the right to form associations and bargain collectively in a democratic constitutional order, held that such rights may be subject to reasonable regulation where the public interest so demands. For gig workers, this precedent underscores that the right of association under Article 19(1)(c) though not absolute must be given meaningful content through legislative recognition of platform worker associations as statutory collective bargaining agents empowered to negotiate algorithmic parameters and minimum pay structures with platform companies.

[21] *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* [1981] 1 SCC 608
[22] *Union of India v. Tulsiram Patel* (1985) 3 SCC 398
[23] *Steel Authority of India Ltd. v. National Union Waterfront Workers* (2001) 7 SCC 1

IV. PART 2 – SOCIO-LEGAL ANALYSIS: THE HUMAN COST

A. Financial Precarity: Gross Earnings versus Net Take-Home Pay

The most important number in a gig worker's month is not the one the platform shows on his earnings screen. It is what remains after he has paid for fuel, maintenance, his data plan, and the EMI on the phone he cannot work without. The Economic Survey reports that approximately 40 per cent of gig workers earn below ₹15,000 per month despite engagement in some of India's most commercially dynamic sectors. Beyond the earnings gap, irregular income means irregular credit history, which means no loans, no insurance on reasonable terms, and no financial cushion when the bike breaks down or the platform suspends the account.

A large-scale descriptive study of 2,547 active and 114 inactive two-wheeler delivery drivers provides a granular account of the underlying financial arithmetic[24]. Average gross earnings of approximately ₹170 per hour are reduced by roughly 32 per cent once fuel, maintenance, and repair costs are deducted, yielding average net earnings of approximately ₹115 per hour. For "consistent" drivers whose patterns most closely approximate full-time employment, net earnings fall further to around ₹75 per hour. This is not a paradox. The DERII study explains that the higher overall average of ₹115 per hour is inflated by drivers who log in selectively during surge-pricing windows and exit when demand falls. Consistent drivers, by remaining active through all price fluctuations peak and off-peak alike do not benefit from this selective arbitrage, and their sustained participation across lower-demand periods depresses their effective hourly yield. The ₹75 figure is therefore the more realistic indicator of platform work as a primary livelihood. While this nominally exceeds estimated casual urban wages of ₹62.3 per hour, it is broadly comparable to remuneration in low-paid sales and service occupations and must be assessed against the extended hours and comprehensive absence of employment benefits that characterise gig work.

The Nagpur auto-ethnography makes the arithmetic uncomfortably concrete[25]. In one documented case, a delivery partner with gross monthly income of ₹14,000 incurred monthly costs of ₹7,700 fuel (₹5,100), maintenance (₹800), data (₹600), smartphone loan repayments (₹1,200), and

[24] DERII Research Team (n 4)
[25] Suresh Kumar, Auto-ethnographic Study of Food Delivery Work in Nagpur (2023).

additional fines and repairs yielding net income of approximately ₹6,080, or ₹200 per day for shifts exceeding ten hours.

The Pune primary survey corroborates these findings. Respondents reported average daily hours of 10 to 12, with net monthly income clustering around ₹20,000 after fuel and maintenance. Twenty thousand rupees a month sounds workable until you spread it across a twelve-hour day and subtract what the bike is costing you in depreciation and repairs. When Pune respondents were asked to score whether their pay matched their effort, the average came in between 2.5 and 3 out of 5. They were not ambivalent they were describing a deal they regarded as unfair but had no power to renegotiate.

B. The Physical and Mental Toll: Health, Safety, and Dignity at Work

The financial pressure does not exist in isolation. It sits alongside a working environment that is genuinely dangerous and largely unregulated. The Economic Survey registers mounting concerns regarding "algorithmic biases and burnout" as direct consequences of algorithmic control over work allocation and performance monitoring. Ten-minute delivery is a marketing promise. The rider is the one who pays for it in fuel, in fines, and in accidents.

On New Year's Eve 2025, more than 200,000 delivery workers participated in a coordinated nationwide strike protesting ultra-fast delivery models[26]. Strikers argued that minute-measured timeframes directly cause traffic accidents, workplace injuries, acute mental stress, and income instability, and that delays result in reduced ratings, financial penalties, and diminished order allocation. Platforms deny timing pressure. Workers on the ground are less persuaded: if declining an order risks your rating and missing a window costs you the night's bonus, the incentive to run a red light is not manufactured by the rider it is built into the system.

Field accounts lend empirical substance to these allegations. The Nagpur auto-ethnography records regular temptations to contravene traffic regulations, with workers incurring substantial fines and chronic back pain. An undercover investigation by a Member of Parliament documents earnings as low as ₹44 for 40 minutes of work, with net monthly incomes frequently below ₹10,000 once

[26] 'Gig Workers' Nationwide Strike Disrupts Delivery Services' (*The Quint*, 1 January 2026)

costs are deducted[27]. Delivery agents describe late-night shifts, incessant pressure to meet targets, and routine public humiliation when delays occur due to factors beyond their control.

Platforms advertise insurance. Worker bodies and independent investigations consistently find that platform insurance functions as a reputational line item rather than a real safety net: IFAT and the ITF documented that 95.3 per cent of app-based workers lacked any form of insurance coverage, while a multi-city investigation found that a majority of those nominally covered reported their claims fully or partially denied, with processes too complicated for many workers to pursue at all[28]. Consequently, many workers bear full accident costs out of pocket, deepening structural precarity.

Beyond immediate accident risks, gig work imposes subtler but pervasive harms. Research documents high incidences of musculoskeletal disorders, road injuries, and urinary tract infections attributable to sustained traffic exposure, heavy loads, and systematic absence of accessible toilet facilities. Workers describe being compelled to defer basic bodily needs or resort to unsanitary alternatives to avoid missing orders failing to secure even elementary standards of bodily integrity and human dignity.

C. Algorithmic Control: The Invisible Employer

The algorithm is the employer. It sets the pace, determines the pay, and decides whether the worker continues to have a job. It does all of this without a face, a name, or any obligation to explain itself. The Economic Survey explicitly states that platform algorithms "control work allocation, performance monitoring, wages, and supply-demand matching" a description that, in any other context, would constitute an unambiguous characterisation of managerial authority. A Delhi-based qualitative study of gig workers identifies "online platform policies" and "job security" as two of the seven principal dimensions shaping workers' experiences of platform employment[29]. Commission rates change without notice. Rating methodologies shift. Workers describe trying to

[27] Kasim Saiyyad, *'Twenty Rupees for Twenty Minutes': What I Learned Working in India's Gig Economy* (2025)
[28] Varsha Bansal, 'This delivery app takes away health insurance when workers don't meet quotas' (*Rest of World*, 26 April 2024)
[29] Bhavani et al. (n 6)

plan around a system whose rules they cannot fully see and which can alter without warning budgeting becomes guesswork.

The Nagpur account reveals how acceptance rate thresholds operate as coercive mechanisms: workers who decline more than a small number of orders within a given shift find themselves ineligible for bonuses or subject to outright penalties, effectively compelling them to accept tasks that would otherwise be rationally declined. Workers cannot review customer locations or complete route details prior to accepting an order, thereby rendering informed consent illusory. Platforms dispatch persistent notifications urging workers to log in during peak periods or participate in promotional campaigns and operate internal marketplaces that encourage the expenditure of earnings on platform-linked goods and services a mechanism that functions to deepen rather than attenuate economic dependence on the platform.

What this is, in legal terms, is management. The fact that it is conducted through code rather than a supervisor's voice does not change its character. Opacity is not a technical limitation of these systems it is operationally useful. A workforce that cannot understand the rules governing it cannot effectively organise against them.

D. Deactivation as Dismissal: Natural Justice and the Right to Livelihood

When a worker in a conventional employment relationship is dismissed, the law requires notice, reasons, a hearing, and in many cases compensation. This is not a courtesy it is a right. Gig workers, by contrast, are routinely "terminated" through the deactivation or permanent blocking of their platform credentials. The Delhi qualitative study records considerable anxiety among workers regarding abrupt account cancellations following customer complaints or algorithmic flags, with those affected afforded little or no meaningful opportunity to contest the allegations made against them or to present their version of events.

Among inactive drivers surveyed in the DERII (Dvara E-Registry And Inclusion Research Institute) study, a range of reasons for leaving platform work was reported low earnings and competing personal or professional obligations predominated but a non-trivial proportion (approximately 5 per cent) indicated that they had been terminated by the platform. A number of those individuals subsequently re-joined the platform during periods of financial crisis or during lean periods in alternative employment.

The Pune survey suggests that workers regard job security as effectively non-existent: average ratings for perceived job security ranged from 1 to 2 on a five-point scale, and a substantial number of respondents described the fear of sudden deactivation as a persistent and background source of anxiety. Workers recounted instances in which colleagues had lost access to their platform applications without formal notice or intelligible explanation.

From a constitutional perspective, algorithmic deactivation effected without notice, a hearing, or a reasoned determination raises serious questions under the principles of natural justice and under Article 21 of the Constitution, which has been interpreted by the Supreme Court to encompass the right to livelihood and to dignity. Platforms call it deactivation. The rider calls it losing his job. The law, at the moment, sides with the platform on the terminology and with that, on everything that follows.

E. The Gender Dimension of Algorithmic Management

The harms documented in the preceding sections fall unequally. Women who work on these platforms encounter all of the same pressures as their male counterparts and additional ones the algorithm makes worse. The 7 per cent hourly earnings gap between male and female drivers documented in the DERII (Dvara E-Registry And Inclusion Research Institute) study does not come from a single cause[30]. At least three mechanisms are at work. First, zone assignment algorithms that allocate high-demand and high-earning zones on the basis of historical acceptance rates systematically disadvantage women who, for reasons of physical safety, decline late-night or high-risk area orders generating an acceptance rate record that algorithmic assignment interprets as a performance deficit, perpetuating the disadvantage in a feedback loop. Second, customer rating aggregation systems that process all evaluations without controlling for gender-biased inputs may systematically depress the ratings of women workers in contexts where social prejudice shapes customer behaviour. Third, bonus and incentive structures calibrated to peak-hour availability disproportionately exclude workers predominantly women who bear primary domestic and care responsibilities that constrain their platform availability during those periods.

Women's structural barriers to platform work participation extend beyond algorithmic design: the physical danger of lone working, particularly at night; the absence of safe rest infrastructure; and

[30] DERII Research Team (n 4)

social stigma documented in the Pune survey, where even male delivery work commands negligible social recognition. Platforms have not invested in the infrastructure safe rest facilities, accessible washrooms, and secure cluster points at night that would make platform work viable for more women. The DERII (Dvara E-Registry And Inclusion Research Institute) study recommends de-stigmatisation campaigns and mentorship networks. These are reasonable suggestions. They require legislative backing before a platform will act on them.

Article 14 does not only prohibit deliberate discrimination. It prohibits facially neutral rules that produce systematically unequal outcomes for identifiable groups. An algorithm that consistently assigns lower earnings to women regardless of intent satisfies that description. The Constitution already provides the ground for a challenge. The regulatory architecture to support one does not yet exist.

F. Gig Workers and the Digital Personal Data Protection Act, 2023

The governance of platform work is fundamentally data governance. Platforms continuously collect, process, and act upon workers' location data, performance metrics, customer ratings, behavioural patterns, and transaction histories to make consequential decisions about their livelihoods. The Digital Personal Data Protection Act, 2023 (DPDP Act) and its Rules, 2025 (notified 13 November 2025) constitute India's first comprehensive data protection framework and have significant but largely unexplored implications for gig workers[31].

Under the DPDP Act, every gig worker is a 'data principal' with rights to access information about personal data processed about them (Section 11) and to correct inaccurate or outdated data (Section 12). These rights are, in principle, capable of enabling workers to access and challenge the algorithmic profiles that platforms use to determine their earnings, ratings, zone assignments, and account status. In practice, the DPDP Act's protections are substantially weaker than they appear for three reasons. First, Section 7(i) permits data processing without consent for 'employment-related' purposes an exemption so broad it effectively authorises comprehensive algorithmic profiling without meaningful worker knowledge or consent, and whose scope the Rules do not narrow. Second, the DPDP Act contains no right not to be subject to decisions based solely on automated processing, no requirement that platforms provide intelligible explanations for

[31] Digital Personal Data Protection Act 2023; Digital Personal Data Protection Rules 2025 (notified 13 November 2025)

algorithmic deactivation or earnings reduction decisions, and no requirement for human oversight of such decisions before implementation. Third, the epistemic opacity of algorithmic management means that even if workers exercise their access rights, the data received will rarely enable them to understand why their ratings fell or their accounts were suspended, because the decision logic is typically undisclosed. A rider whose account is deactivated by an algorithmic flag cannot use the DPDP Act to find out why, cannot challenge the decision on data protection grounds, and cannot demand a human review. The Act that should be his most powerful tool in this context is, for the moment, largely decorative.

V. PART 3 – PUBLIC POLICY RECOMMENDATIONS

A. Legal Recognition: A Presumption of Employment and a Robust Third Category

Every reform proposed in this section runs into the same wall: gig workers are not, in law, employees. Giving legislative effect to the primacy-of-facts principle codified in ILO Recommendation No. 198 (2006), Paragraph 11 which India is urged, under Article 51(c) of the Constitution, to honour as a persuasive interpretive standard Parliament should enact a statutory rebuttable presumption of employment for platform workers whose income from a single aggregator exceeds ₹10,000 per month or whose weekly platform engagement exceeds 25 hours, thresholds calibrated to distinguish primary livelihood workers from genuinely occasional service providers. Such an approach would treat riders and drivers whose income and working hours exceed specified thresholds as employees in law, extending to them the full suite of minimum wage protections, working time limits, social security entitlements, and procedural safeguards against dismissal.

A more incremental legislative path one closer to the Rajasthan model would be the construction of a robust "third category" of worker, situated between full employee status and genuine independent contracting, but equipped with a legally guaranteed floor of baseline rights. At a minimum, such a category should encompass:

- A statutory minimum earnings floor, calculated on net earnings after the deduction of reasonable work-related expenses, inclusive of unpaid waiting time, and expressed either per hour or per task;

- Occupational health and safety protections specifically calibrated to the conditions of platform work, including maximum daily and weekly working hours, mandatory rest break entitlements, and enforceable safe-work obligations binding on platforms;
- Procedural fairness guarantees in connection with account suspension and deactivation, including the provision of notice, written reasons, and access to a credible and independent appeals mechanism; and
- Access to contributory social security schemes financed through aggregator-linked levies as well as direct public funds.

Either approach would require a fundamental reconsideration of the CSS's foundational decision to define gig workers as persons situated outside traditional employment. It would also require a concerted effort at coordination between central and state governments to harmonise platform-specific welfare legislation with the broader architecture of the central labour codes.

B. Algorithmic Transparency and Deactivation Due Process

Algorithmic management cannot be regulated if its workings cannot be seen. Transparency is not a secondary reform it is the precondition for every other one. At a minimum, platforms should be required by law to:

- Disclose, in comprehensible and accessible form, the principal factors that determine work allocation, fare calculation, incentive eligibility, and the criteria for deactivation subject to appropriately circumscribed protections for genuinely proprietary commercial information;
- Provide workers with meaningful and intelligible explanations when significant adverse decisions including extended suspensions or permanent deactivation are taken, and to afford workers a genuine opportunity to contest such decisions before an internal review body and, where necessary, before an independent regulatory authority or labour tribunal; and
- Conduct regular algorithmic audits to identify and remediate discriminatory or systematically biased outcomes, including differential earnings or deactivation rates disaggregated by gender, geographical location, or other protected characteristics a concern given particular urgency by the documented 7 per cent hourly earnings gap between male

and female drivers identified in the DERII (Dvara E-Registry And Inclusion Research Institute) study.

Telangana's draft gig worker legislation, which proposes a right to information about automated decision-making, shows that state governments have recognised this problem and begun to act on it[32]. Central legislation should not wait for them to finish. Embedding equivalent obligations in central legislation would ensure that the algorithmic systems through which gig workers are managed are subject to the same foundational norms of reasonableness, fairness, and accountability that the law has historically applied to human managers operating within conventional employment relationships.

C. Universal and Portable Social Security

The CSS promised social security in 2020. In 2025, the scheme rules are still being drafted. This is not a delay it is a decision, and it should be treated as one. This requires, at a minimum:

- The finalisation and formal notification of detailed scheme rules specifying contributory rates for aggregators for example, 1 to 2 per cent of annual turnover, subject to a minimum floor calibrated to typical benefit costs and setting out with clarity the respective financial obligations of central and state governments;
- The design of benefit structures that are fully portable across platforms and across state boundaries, so that workers who operate across multiple platforms or move between locations are not penalised for the mobility that the platform economy both requires and rewards; and
- An express guarantee that coverage is not conditional upon a worker's current "active" status on any particular platform, but continues during periods of reduced activity or temporary exit from the platform in accordance with the DERII (Dvara E-Registry And Inclusion Research Institute) study's recommendation to promote government-sponsored schemes such as PM-SYM (Pradhan Mantri Shram Yogi Maan-dhan), PMSBY (Pradhan Mantri Suraksha Bima Yojana), and PMJJBY (Pradhan Mantri Jeevan Jyoti Bima Yojana), which are structurally independent of any current employment relationship.

[32] Telangana Gig and Platform Workers' Union, Draft Gig Worker Welfare Bill (2024) (unpublished draft)

An order-linked cess on each platform-mediated transaction, along the lines of the mechanism contemplated under the Rajasthan legislation, could furnish a predictable and self-sustaining funding base that does not rely exclusively upon annual turnover calculations. Over the medium term, social security contribution obligations for gig workers should be progressively aligned with the contribution levels applicable to regular employees, thereby reducing the structural incentives that currently impel employers to rely disproportionately on gig arrangements as a device for minimising legal obligations.

D. Enforcement Architecture: From Aspiration to Accountability

Five years of the CSS's existence underscore a foundational legal maxim: a statute without an enforcement mechanism functions merely as a statement of intent and statements of intent cannot remedy a rider’s occupational injuries. The following institutional and enforcement elements are essential to the reform agenda.

A dedicated Gig and Platform Workers Regulatory Authority should be established at the central level, with statutory powers to receive and investigate worker complaints, conduct algorithmic audits, impose fines, and publish annual transparency reports. A fixed penalty that a platform earning ₹7,000 crore in a quarter can absorb as a cost of doing business is not a deterrent. Penalties must be calibrated to transaction value large enough that non-compliance is genuinely more expensive than compliance. Access to the existing labour tribunal system must be facilitated, either by amending statutory definitions of 'workman' and 'employee' under the Industrial Disputes Act and the relevant labour codes to include gig workers, or by establishing a dedicated small claims mechanism with online filing, no-fee access, and power to grant interim relief including suspension of deactivation pending the outcome of a hearing.

Collective bargaining rights must be extended to gig worker associations. Article 19(1)(c) of the Constitution guarantees the right to form associations; legislation should recognise gig worker associations as statutory collective bargaining agents empowered to negotiate minimum pay rates, incentive structures, maximum working hours, and the parameters of algorithmic management with platform companies, with platforms required to engage in good-faith bargaining under penalty of sanctions imposed by the Regulatory Authority. Financial literacy programmes addressing savings strategies, investment options, and tax compliance developed in collaboration between the government, platforms, and worker associations.

The recommendations above cannot take effect without concrete changes to existing law. Section 2(35) of the CSS must be amended first the phrase 'outside of a traditional employer-employee relationship' treats the very question the law should be asking as already answered, and it needs to be replaced with a definition that looks at how work actually functions rather than what a contract claims it is. The definitions of 'workman' under the Industrial Disputes Act, 1947 and 'employee' under the Code on Wages, 2019 and the Occupational Safety, Health and Working Conditions Code, 2020[33] must be broadened to cover platform workers satisfying two or more indicators under ILO Recommendation No. 198, Paragraph 13. The Code on Wages, 2019 must fix the minimum wage calculation to actual take-home earnings after fuel, maintenance, and data costs not gross platform payments. Section 7(i) of the DPDP Act must be tightened so that algorithmic deactivation and earnings decisions cannot shelter behind the 'employment-related purposes' exemption without human review and a reason the worker can understand. Beyond these amendments, three obligations must fall directly on aggregators: a plain-language onboarding disclosure in the worker's own language covering contract terms, pay calculations, deactivation conditions, and grievance redressal options; mandatory EPF and ESI enrolment for workers meeting the thresholds in Part 3A; and contribution rates calculated on net rather than gross earnings. The Pune and DERII data confirm that much of the gig workforce arrives from rural and peri-urban backgrounds with no experience of formal employment protections they do not know what they may be entitled to, and the current framework is built around that ignorance. Parliament should consolidate all of this in a single Platform Workers' Rights Act, ending the patchwork of Labour Codes that platforms exploit to avoid accountability.

VI. PART 4 – PRIMARY SURVEY: A PUNE CASE STUDY

A. Research Methodology

A structured survey was conducted among food delivery and quick-commerce workers employed by Swiggy, Zomato, Blinkit, and Zepto in Pune, ***N=50***, through brief in-person interviews carried out during workers' waiting periods at platform-designated cluster points, popular restaurant hubs, and residential delivery zones over four weeks. A purposive sampling strategy captured workers across different shift patterns, income levels, and platform affiliations. Interviews were conducted

[33] Code on Wages 2019 (No 29 of 2019), s 2(y); OSH Code 2020 (No 37 of 2020), s 2(u)

in Hindi and Marathi to ensure genuine comprehension. The survey instrument comprised structured Likert-scale items (scored 1-5, where 1 = very dissatisfied or very insecure and 5 = very satisfied or very secure) and open-ended qualitative questions across four themes: working hours and income; job security and platform governance; subjective assessments of working conditions; and workers' own reform priorities. Participation was entirely voluntary and anonymous. The findings are not statistically representative of India's national gig workforce limitations include the single-city scope, absence of longitudinal data, and reliance on self-reported income figures but offer textured, first hand evidence from a major urban platform labour market that corroborates patterns documented in larger national studies including the DERII (Dvara E-Registry And Inclusion Research Institute) survey, the Delhi qualitative study, and the Nagpur auto-ethnography.

B. Work Timings, Hours, and Income

Workers reported that their daily labour was organised around distinct shifts broadly aligned with platform-defined peak-demand windows. Typical schedules included early-morning-to-afternoon shifts (for example, 6 a.m. to 3 p.m.), afternoon-to-late-evening shifts (3 p.m. to 11 p.m.), combined day-long stretches (7.30 a.m. to 6.30 p.m.), and dedicated night shifts. Many respondents alternated between these patterns depending on anticipated order volumes and personal obligations. The flexibility, in other words, runs in one direction: the worker can choose when to be unavailable, but cannot afford to.

Across these differing schedules, reported working hours converged consistently at the upper bound of full-time employment. Average daily hours ranged between ten and fifteen hours, with the majority of respondents falling within the ten-to-thirteen-hour band, and several reporting thirteen-to-fifteen-hour days during periods of heightened demand. The DERII (Dvara E-Registry And Inclusion Research Institute) Survey found consistent full-time drivers averaging 51 hours a week, with some at 95[34]. The Pune respondents' numbers are not outliers they are the norm. Net monthly income in Pune clustered around ₹20,000 after deducting fuel and basic vehicle maintenance. When distributed across typical daily hours, this implies a markedly low effective hourly wage particularly once longer-term costs such as vehicle depreciation, health expenditure,

[34] DERII Research Team (n 4).

and uncompensated waiting time are factored in. This is consistent with national-level findings that a substantial proportion of gig workers earn at or below minimum-wage benchmarks once occupational expenses are properly accounted for.

When asked to rate their satisfaction with the correspondence between effort expended and remuneration received, most respondents placed themselves between 2.5 and 3 on a five-point scale, signalling pervasive and settled discontent. Workers described a consistent pattern: more orders expected per shift, tighter implicit timing requirements, more competition from other riders on the same app and a base rate per order that has not kept pace with any of it.

Table 1: Working Hours, Income, and Satisfaction (Survey Results)

Metric	Pune Finding	National Comparator
Average daily working hours	10–13 hrs (majority of respondents)	DERII (Dvara E-Registry And Inclusion Research Institute) Survey: 51 hrs/week average
Maximum reported daily hours	13–15 hrs during high-demand periods	DERII (Dvara E-Registry And Inclusion Research Institute): some workers log 95 hrs/week
Net monthly income (post-expenses)	~₹20,000	Nagpur study: net ~₹6,080/month (low-end)
Effort-to-pay satisfaction	2.5–3.0 / 5	Delhi qualitative study: comparable discontent
Perceived job security	1.0–2.0 / 5	DERII (Dvara E-Registry And Inclusion Research Institute): ~5% of drivers terminated by platform
Access to realised insurance	Majority report claims unrealised	National: 'hardly any' realise claims

C. Job Security and Perceived Challenges

Perceived job security among the surveyed workers was strikingly low. On a five-point scale, average ratings for job security lay between one and two. Respondents described a version of job security that amounts, in practice, to the absence of deactivation. Several recounted watching colleagues lose platform access overnight following a customer complaint, an algorithmic flag, or no explanation at all with no avenue of appeal and no warning it was coming. These perceptions align squarely with the DERII (Dvara E-Registry And Inclusion Research Institute) Survey's finding that a proportion of formerly active drivers had been terminated by platforms, and that a

broader cohort of active workers lives under persistent anxiety about the prospect of arbitrary deactivation.

In response to open-ended questions about the most significant challenges they faced, workers identified a cluster of interrelated and mutually reinforcing concerns:

- **Inconsistency of income and absence of financial stability**, driven by volatile order volumes, frequently revised incentive structures, and intensifying competition among workers on the same platforms
- **Absence of employment benefits**, including health insurance, paid leave, and any form of retirement provision
- **Excessive working hours and the erosion of work-life balance**, particularly acute for those working consecutive shifts or combining platform work with domestic and family responsibilities
- **Competition from fellow workers and platform proliferation**, which respondents perceived as fragmenting available orders across an expanding number of delivery applications, thereby depressing individual earnings
- **Inadequate per-order pay**, which workers regarded as disproportionate to the distances covered, time invested, and fuel costs incurred
- **Occupational safety risks**, arising specifically from the pressure to drive at speed or take unnecessary risks to meet tight delivery windows and avoid algorithmic penalties; and
- **Deficit of social recognition**, with several respondents observing that their labour commanded little respect or public acknowledgment despite its integral role in sustaining urban consumption patterns

The Delhi qualitative study identified seven dimensions of gig work experience: economic stability, platform policies, government policies, job security, work flexibility, gig-economy influence, and inconsistency of available work[35]. The Pune respondents, unprompted, described

[35] Animesh Kumar Sharma and Rahul Sharma, 'The Gig Economy and the Evolving Nature of Work in India: Employment, Policy, and Platform Realities in the Age of Convenience' (2025) 4 *Journal of Digital Economy* 156.

all seven. The flexibility that platforms advertise appeared in their accounts not as an attraction but as the condition that makes everything else harder to manage.

D. Workers' Demands for Change

When invited to articulate reforms that would render their working conditions more sustainable and dignified, the Pune respondents put forward a set of demands that correspond directly to the policy interventions discussed in Part 3. The most consistently voiced among these were as follows:

- **Better and more predictable pay**: workers sought higher base rates per order, calibrated to reflect distance, time, and prevailing fuel costs, alongside fixed income components that incentive payments would supplement rather than replace entirely. Respondents explicitly called for pricing and promotional structures competitive with rival aggregators, recognising that the platform's own pricing strategy has a direct downstream effect on per-order compensation.
- **Rationalisation of platform competition**: several respondents argued that the proliferation of multiple delivery platforms operating simultaneously within the same localities had fragmented order volumes across applications, reducing the work available to each individual worker. They called for measures whether adopted voluntarily by platforms or imposed through regulatory coordination to prevent excessive demand dilution and maintain viable per-worker order volumes.
- **Defined shifts and structured division of labour**: workers expressed a clear preference for allocation into defined shifts such as day and night rotations rather than being expected to remain indefinitely available. Predictable scheduling, they emphasised, would enable them to organise rest, family time, and personal commitments in a way that open-ended availability makes practically impossible.
- **Safer working conditions**: respondents called explicitly for a safe working environment as a matter of right, rather than as an incidental feature of platform marketing. Several drew a direct connection between ultra-fast delivery promises, speed-centric brand campaigns, and the road risks they bore as a consequence a concern that intersects with the ongoing national debate over ten-minute delivery models and the Economic Survey's

recommendation that gig-economy incentive structures be reoriented towards worker welfare.

- **Greater income stability and access to basic benefits**: workers sought more predictable earnings patterns with reduced day-to-day and month-to-month volatility, as well as access to foundational protections such as health insurance and accident coverage. They did not, by and large, reject platform work as such, but articulated a clear and reasonable expectation that such work be structured in a manner compatible with long-term financial security and physical wellbeing.

Table 2: Principal Challenges and Workers' Reform Demands (Survey Results)

Rank	Challenge Identified	Workers' Reform Demand
1	Income inconsistency and volatility	Fixed per-order floor; income stability mechanisms
2	No health insurance, leave, or retirement	ESI/EPF access; accident cover
3	Excessive hours; no work-life balance	Defined shifts; maximum hours regulation
4	Inadequate per-order pay	Net earnings floor inclusive of waiting time
5	Safety risks from speed mandates	Algorithmic impact assessments on safety
6	Arbitrary deactivation without notice/appeal	Notice, hearing, and appeal rights
7	No social recognition for platform labour	Statutory worker status; classification reform

The Pune data does not surprise. It confirms what the DERII (Dvara E-Registry And Inclusion Research Institute) study, the Nagpur auto-ethnography, and the Delhi qualitative research all found: that gig work in India, as currently structured, involves long hours, real physical risk, low and unpredictable net income, and a relationship with the platform that workers experience as dependency rather than partnership. The demands articulated by these workers higher and more predictable pay, defined shifts, safer conditions, income stability, and access to social security correspond directly to the doctrinal and legislative reforms argued for in the preceding Parts of this article. What the Pune workers asked for predictable pay, defined hours, accident cover, a fair process before their accounts are closed is not radical. It is what employment law already provides to everyone else.

VII. CONCLUSION

India's gig economy has created jobs. It has also created a category of worker who has a job in every practical sense but none of the protections the law attaches to having one. The objection that will be raised against every reform proposed in this paper is the same one: cost. Reclassification would raise per-order labour costs. Algorithmic transparency requirements would slow deployment cycles. A transaction-linked cess would be passed on to consumers through higher delivery fees. These are not dishonest objections they reflect genuine commercial pressures. But Eternal Limited reported ₹7,167 crore in a single quarter whilst a rider in Nagpur was netting ₹6,080 a month. The question is not whether reform is affordable. On those numbers, it plainly is. The question is who bears the cost of the current arrangement and the answer, on every dataset this paper has examined, is consistently the person least able to bear it. The constitutional framework is already in place. *Hussainbhai* says that where a person's labour creates value for another's business, that other is the real employer. *Olga Tellis* says that depriving a person of their livelihood without due process is a constitutional wrong. *Maneka Gandhi* says that procedures affecting life and liberty must be just, fair, and reasonable. Algorithmic deactivation without notice or hearing meets none of those criteria.

The five-year implementation gap of the Code on Social Security, 2020 is not merely an administrative failure; it is a constitutional one. The positive obligation implicit in Article 21 to protect the right to livelihood through effective public policy cannot be discharged by a legislative framework that promises protection whilst systematically declining to enforce it. The pending petition *in Indian Federation of App-based Transport Workers v. Union of India (WP(C) No. 1068/2021)* is the first serious judicial opportunity to apply this jurisprudence to the platform context.

The reform agenda set out in Part 3 is neither radical nor novel. A statutory presumption of employment, gender-disaggregated algorithmic impact assessments, worker-specific data rights under the Digital Personal Data Protection Act, 2023, a transaction-linked welfare cess, and a dedicated regulatory authority with meaningful enforcement powers are each individually achievable within India's existing legislative and constitutional framework. Their combination would constitute the minimum necessary response to a labour market failure that the State's own

Economic Survey has acknowledged and documented. The fundamental choice before India's legislature and courts is not between economic growth and worker protection. It is between a model in which the extraordinary commercial value generated by platform labour continues to be built upon the systematic externalisation of risk onto the workers least able to bear it, and a model in which that value is shared in accordance with the constitutional promise of social justice.

The moment of recognition has arrived. The moment of rights must follow.

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