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# GIG AND PLATFORM WORKERS IN INDIA: LEGAL RECOGNITION, SOCIAL SECURITY, AND EMERGING CHALLENGES

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***Abstract:***

The rapid growth of the gig economy in India has disclosed structural gaps in the country's labour and social security framework. Gig and platform workers, while contributing essentially to the digital economy, often remain outside traditional employment protections. The code On Social Security 2020, pursues to address this gap by formally recognizing gig workers and introducing a supportive welfare framework supported by platform collectors. However, the capability of this framework depends on digital registration through Aadhar-linked systems and on aggregators compliance with contribution responsibilities. This paper examines the implementation architecture intended for 2025, with particular emphasis on Aadhar-linked registration through the eShram portal and the segregated risks arising from registration failures. It also reviews whether the legal framework creates an enforceable right to social security or entirely a scheme-based entitlement dependent on exclusive discretion.

***Keywords:*** ocial security, framework

## 1. Introduction

Digital platforms have modified the nature of work in India by enabling short-term, adaptable and task-based utilization through app-based facilities. While gig work grants income opportunities and adaptability, it also reveals workers to economic instability, absence of employment gains, and lack of accessibility to social security. Traditional labour laws, designed around constant employer-employee to reconcile this new classification of workers.

Acknowledging this challenges, the Indian legislature enacted the Code on Social Security 2020, which for the first time conventionally acknowledges gig workers and platform workers within the statutory framework. The code aims to enlarge social security assistance through government – notified schemes supported partly by mandatory consolidator contributions. However, the practical success of this framework relies on effective implementation, particularly digital engagement and compliance techniques. This paper critically examines whether the execution model proposed for 2025 achieves significant inclusion for gig workers.

## 2. Background and Problem Statement

The central problem approached in this paper is their breach between legal recognition and factual access to social security for gig workers. Although the Code on Social Security, 2020 provides a legislative basis for expansion of welfare benefits, its beliefs on Aadhar – linked digital registration and platform-based funding initiates significant enforcement risks.

Two corelated concerns emerge. First, Aadhar-linked registration through the eShram portal may eliminate workers who face OTP failures, mobile number mismatches, or lack accessible to facilitation centers.

Second, the success of welfare scheme hangs on consolidator contributions, which may be undermines by improper classification, data capacity and weak enforcement. Together, these challenges raise challenges about whether the current questions about whether the current scheme delivers substantive social security protection on merely symbolic inclusion.

**3. Legal Framework: Code on Social Security,2020**

The Code on Social Security,2020 strengthens multiple labour welfare legislations and presents new categories of workers, including gig workers and platform workers. It defines consolidators as digital mediator is that connect service providers with users through online platforms.

The Code encourages the Central Government to notify social security schemes covering life and disability insurance, health and materiality benefits, old-age protection, and other welfare measures for gig and platform workers. Importantly, the code does not categorize platforms as employers but contrary creates a separate contribution mechanism.

Aggregators are required to contribute between 1% and 2% of their annual turnover, subject to a cap of 5% of the amount paid or payable to gig and platform workers. These contributions are intended to finance welfare schemes without altering the contractual nature of platform work. However, the Code largely adopts an enabling approach, leaving scheme design, eligibility, and enforcement to executive notification.

**Case Law**: Randhir Singh V. Union of India

The constitutional reasoning in this case provides a critical normative anchor for evaluating the adequacy of protections afforded to gig workers under the Code on Social Security, 2020. By affirming that wage equality must be determined by the substance of work performed rather than formal classification, the Supreme court rejected the use of artificial labels to justify economic inequality. While the code marks a significant step by recognizing gig and platform workers as beneficiaries of social security, it retains a classification-based framework that withholds corte wage protections. Read in light of Randhir Singh, this framework must be interpreted to prevent exclusionary outcomes where gig work mirrors standard employment in function, control, and economic dependence. The judgement thus reinforces the constitutional imperative that emerging labour regulations governing gig work must advance substantive equality, ensuring that statutory recognition translates into meaningful economic justice rather than symbolic inclusion.

**Implementation Architecture in 2025**

The implementation architecture proposed for 2025 realize on the creation of the national data base of unorganized, gig and platform workers through the eShram portal, registration on eShram generate a unique identification number link to the workers Aadhar, enabling portability of benefits across platforms and geographic locations.

This digital – first architecture is intended to improve targeting reduced duplication and facilitate coordination between multiple welfare schemes. At the same time, aggregative contributions are expected to be pooled into welfare funds administered by the government.

The effectiveness of this architecture depends on seamless digital on boarding, accurate data reporting by the platforms and adequate administrative capacity for monetary and enforcement,

**Aadhaar-Linked Registration and failures**

A strategic flaw in the implementation framework found in Aadhaar-linked registration requirements. Many gig workers encounter difficulties during registration due to non-receipt of OTPs, outdated or unlinked mobile numbers, network issues or data mismatches. Settling these problems often requires physical visit to authorize Aadhaar centers for biometric updates.

These requirements inflict additional costs in terms of time, travel and lost income, which are particularly burdensome for informal and low-income workers. As registration is the gateway to every downstream benefits. Failure at this stage results in complete exclusion from social security policies. This raises concerns of "exclusion by design", where the most vulnerable workers are least able to access the protection designed for them.

The decision in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) sets out privacy as a principal constitutional value stranded in dignity, autonomy and substantive equality. By adopting the tests of legality, necessity and proportionality the Supreme court created a powerful framework to assess state and private intrusion in individual's lives. This reasoning is especially significant in the context of the platform and gig economy which deals with extensive data collection, algorithmic surveillance and profiling of workers, are central to business models. Puttaswamy argues that no amount of technological efficiency and contractual consent can take away our fundamental rights as guaranteed by the Constitution. The judgement provides a constitutional minimum for regulating digital labor platforms to ensure economic innovation does not infringe on privacy, dignity, and individual autonomy.

**Objectives:**

1. To analyze the legal state of gig and platform workers in India within the constitutional and statutory architecture.
2. To examine the relevance of constitutional doctrines of equality, dignity and privacy developed in Randhir Singh v. Union of India and Justice K.S. Puttaswamy (Retd.) v. Union of India, to the regulation of gig work.

3. To critically evaluate the effectiveness of the Code on Social Security, 2020 in addressing wage protection, social security and data-related issues of gig workers.
4. To assess whether existing classification-based labour regulations conform to constitutional guarantees when applied to gig and platform labour.
5. To identify gaps in the present legal framework and suggest doctrinally stranded measures for empowering gig workers' rights in India.

**Research Questions**

This paper is guided by the following research questions:

How does Aadhaar-Linked registration through the eShram portal affect the inclusion or exclusion of gig workers in social security schemes?

Does the Code on Social Security,2020 create an enforceable right to social security for gig workers or merely a policy-based entitlement?

Are aggregator contribution requirements adequate and enforceable in practice, given platform business design and data asymmetry?

What are the implementation voids which undermines the delivery of social security advantages to gig workers?

**Research Methodology**

This study uses a doctrinal and qualitative research methodology. Primary sources used are Code on Social Security,2020, relevant rules, policy documents and government notifications. Secondary sources consist of academic literature, policy reports and judicial commentary on gig work and social security.

This paper also draws on implementation-focused analysis by examining reported registration obstacles and compliance issues discussed in policy debates and litigation. This method enables as assessment of both the legal framework and its practical implications.

**Recommendations**

To enhance inclusion and effectiveness following measures are recommended:

First, alternative and assisted registration mechanisms should be introduced to address Aadhaar-related failure likeoffline facilitation centers and non-Aadhaar onboarding pathways.

Second, accessible grievance redressal systems planned for gig workers should be established to address registration and benefit-related issues.

Third, tough disclosure, auditing and implementaion mechanisms are needed to ensure aggregator compliance with contribution obligations.

Finally, transparent statutory entitlements linked to registration, instead of purely discretionary policies, would strengthen gig worker's right to social security.

## 4. Conclusion

The Code on Social Security,2020 marks a important step towards recognizing gig workers within India's social welfare framework. However, the success of this reform depends on effective implementation in place of formal recognition only. Aadhaar-linked registration failures and aggregator compliance risk create terror to undermine the objectives of inclusion and protection.

Failure to deal with these issues will mean that the 2025 implementation will be incomplete and gig workers will still remain vulnerable. The implementation of social security for gig workers requires more than just the right intentions in legislation.

## References

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2. Primary sources used are Code on Social Security,2020