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Social Security under India's New Labour Codes: Inclusion of Gig and Platform Workers

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ABSTRACT

The Gig economy is increasing rapidly with a unpredictable growth and digital platform has also drastically changed the working conditions in India. Through digital platforms like food delivery apps, ride, hailing services, and online freelance marketplaces, workers are getting flexible working hours; however, they are also facing job insecurity, irregular incomes, and no statutory social security protection. The Indian labor and social security laws, mainly designed for the traditional employer employee relationship, have failed to a large extent in dealing with these types of non, standard employment. Considering the issues of the labor market, the Government of India passed four New Labour Codes to update and unify Employment laws. The Code on Social Security, 2020, among them, holds utmost importance as it recognizes gig workers and the aim of platform worker is to grant benefits to those who were earlier denied legal protection. The evaluation of Social Security, 2020 code effectively extends the social security coverage to both gig and digital platform workers . This analysis covers legal definitions, extent, and

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welfare provisions under the Code, including the government, run welfare schemes and the suggested framework for the digital platform aggregators' contributions .This research points out major issues like the schemes being at the discretion of the government, no minimum guaranteed benefits, low aggregator's responsibility, and poor law implementation. The article argues that the Code reveals a policy shift towards improving the well-being of both platform and gig workers. However, change in law and enforcement is preconditions to these workers actually getting their rights in India.

Introduction

India has seen a major shift in the employment pattern because of the fast expansion of the gig and platform economy. Various digital platforms like book a ride through an App-based logistics and transport services, ordering food through digital delivery apps like Swiggy and Zomato, and online freelancing market have brought new types of work that cannot be classified as traditional employer, employee relationships. From the other perspective these platform grant the workers flexibility and additional sources of income, and on the other hand, gig workers and those working on platforms are exposed to risks such as job insecurity and uneven earnings, and they lack social security benefits.

The labour law of India was established before independence and after the independence these phases and were centred on stable, long, term employment relationships. Therefore, these rules were largely powerless to govern non, standard employment, including gig and platform work. A very large part of the workforce, especially those in the unorganized and digital sectors, was deprived of adequate statutory protection because of the legal vacuum.

2. GIG AND PLATFORM WORKERS: LEGAL BACKGROUND

2.1 Meaning of Gig and Platform Workers

The gig and platform economy is giving a significant aspect about how an India's labour market is functioning. Gig work is one where a labour market consists of part -time, task -based, and highly flexible engagements, and the workers are also offering their services via digital platforms as opposed to receiving regular fulltime employment contracts. Typically, gig and platform workers offer their services in the areas of ride, hailing, food delivery, logistics, house services, and online freelancing through apps like Uber, Ola,

Swiggy, Zomato, and Urban Company. Indian labour law has given the first time ever about the legal definitions of the workers in Code on Social Security, 2020. Gig worker in section 2(35) is identified as a worker who is performing the task and apart from this the worker are also takes part in a work which is falling outside the traditional work which is given by employer according to employment contract i.e. employer employee relationship.

Under Section 2(60) platform worker is someone who receive their task and performs their work and get paid through a digital platform. This work is basically based and is used through an online platform that links the service providers with the users. These definitions recognize the kind of work that is carried out via platforms, in which control is maintained through algorithms rather than direct supervision.

India's gig workforce has been growing significantly, and it is estimated to have expanded around 7.7 million to 12 million workers from 2020 till 2025, with a prediction of nearly 23.5 million workers in 2029 or 2030. The development can be attributed to improved digital connectivity, urbanisation, and increased, demand for on, demand services, which have made gig workers an indispensable part of India's service economy.

2.2 Exclusion under Traditional Labour Laws

Traditional Indian labour laws were conceived during the colonial era and the early post, Independence period. They were mainly based on the assumption of a stable employer, employee relationship. The provisions for wages, provident fund, gratuity, and employee insurance were enforced only when a clear contract of employment existed. Since gig and platform workers were considered independent contractors, they were excluded from this legal framework.

Because gig workers were not included in the law, they were denied a number of vital protections such as basic wages, standard working hours, well being benefits and also there was lack of system for addressing complaints. Although they worked extra hours and made a significant contribution to the local economies, they were still viewed as members of the informal sector. Their insecurity was increased with the lack of employment contracts, letters of appointment, and employer responsibility. This gap in regulation became more and more visible with the mounting stories of unstable earnings, hazardous working conditions, and unfair practices by the platform, e.g., sudden deactivation of accounts.

2.3 Policy Rationale for Inclusion under the Consolidated Labour Laws:

The Indian government has implemented a significant labour law reform by merging 29 separate labour laws into four main Labour Codes, which were passed in the month of November 2025. As the main goals were to bring labour regulations up to date, make it easier for businesses to comply with the laws, and broaden social security coverage for those workers who were left out of the system. The Code on Social Security, 2020, which is the main part of this reorganisation, plainly identifies gig and platform workers as persons eligible for social security benefits. It makes perfect sense that these groups are added to a policy which, primarily, acknowledges the need for adapting the new ways people are working now besides thus ensure the welfare of those engaged in non, standard forms of employment.

Furthermore, the Code projects government, authorised welfare programmes for health, accident insurance, maternity benefits, old, age protection, and disability support, which will be financed partially through contributions from the aggregators.

The goal is to keep the balance between both the worker and business under the new code of labour law. This policy shift represents a positive development. Nevertheless, these welfare programs need to be efficiently carried out, the responsibilities of the aggregators need to be well defined, and the regulatory authorities need to be strictly enforced for the success of the inclusion. The issues raised above shall be elaborated in detail in the following chapters.

3.Social Security Reform – Key Provisions

The main goal of the new consolidated law is to unite and simplify various different welfare rules that were spread out across the country. It merges nine central labour legislations on social security into one single all, inclusive code in order to warrant social protection on a universal and inclusive basis for all categories of workers. The Code goes a step further in providing social security to the informal independent and App-based Workers who are employed on contract basis who provide the services on demand, who work only when they are hired and needed like a delivery ride through an online digital application; they were excluded from the ambit of statutory welfare regimes., apart from the extension of coverage of social security to organised workers only.

The primary aim of the Code is to make compliance simple, increase the efficiency of administration as the goal is to use online systems so that the workers must get their benefits quickly and without any confusion. These Code through the adoption of a single approach attempts to address the dynamic nature of work along with employment relationships of modern wealth, at the same time, it tries to keep a balance between worker welfare and economic growth and ease of doing business.

3.2 Recognition of Gig and Platform Workers under Sections 113 and 114

One very significant difference in the recent labour laws is the inclusion of gig workers and platform workers under the Code on Social Security, 2020. Section 113 gives the Central Government the power to create and announce suitable social security schemes for unorganised workers, gig workers, and platform workers. These schemes were implemented to provide benefits which cover life, illness and disability of a person , and also health related issues and maternity benefits for women , provident fund, benefits are also given when any injury occur during the course of the employment , and other welfare measures are also given as may be prescribed.

Section 114 goes on to add greater force to the provisions by empowering the creation of schemes specifically focused on gig and platform workers, whether at the central or state level. Such a provision indicates that the lawmakers have recognized the particular disadvantages of non, standard work and, therefore, a change has been made from labour regulation that excludes workers to one with a welfare, oriented inclusion.

3.3 Registration and Unique Identification of Workers

To make sure that social security schemes run smoothly, the Code allows for enrolment of unorganised worker who work under without any contract in App-based platform and work also a Freelancer through a national portal.

Registered workers receive a Unique Identification Number that is Aadhaar, based and valid throughout the country. This arrangement makes it easy for the benefits to be portable especially for migrant and mobile workers.
Besides, it also allows for the establishment of a National Database of Unorganised Workers which is useful for targeted policy formulation and implementation.

3.4 Gig Worker and Platform Worker

The law uses new official names to show exactly who is protected. A gig worker is someone who earns a living through flexible tasks instead of a regular routine office job with a boss. A platform worker is someone who uses an app or website to find customers and get paid for their services which they provide. By defining them the government can finally provide them with a digital 'safety net' that includes health insurance, accident cover, and retirement savings.

3.5 Social Security Fund Provisions

The Code has provisions to set up a Social Security Fund, which will finance Welfare Programs for unorganized, Independent workers and online earners. The money for contribution came from both Central and State Governments, collections from aggregators, Corporate Social Responsibility funds, and also fines imposed through the compounding of offences. The Fund is envisaged to be a special financial vehicle that will facilitate the provision of social security benefits but at the same time it will not hinder the flexibility of platform, based work.

3.6 Role of Aggregators under the Code

Under the 2020 Code, app-based companies are known as **aggregators** in a legal way, that have a Specific part which is recognized as the ones who organize gig work, Social Security Code 2020 reveals.

An aggregator is basically a digital intermediary or marketplace that through the use of technology interfaces identifies the two parties: service providers (workers) and users.

The Code does not treat aggregators as normal employers but instead it gives them certain duties in the social security system.

4. Critical Analysis of Social Security Protection in India: Moving from Discretionary Welfare to Rights-Based Security

Social security is universally accepted as a universal right of human. It is necessary to provide people with dignity, health and economic security against the risk contingencies of old age, unemployment, sickness and death. India is a case in point where, aside from constitutional guarantees with the **launch of the 2020 Social Security Law,** consolidating nine labour laws (which are slated to be fully operative by November 2025), a large segment of the workforce is still not covered.

According to ILO figures, India's social security coverage has increased to more than 48%, (if in, kind benefits are considered the government claims 65% coverage), however, the system is frequently reproached for being disjointed, arbitrary and poorly financed.

The social security framework of India and the existing major structural and implementation gaps, especially the hazards inherent when welfare is seen as a discretionary policy option and not a legally enforceable right.

4.1 Discretionary Nature of Welfare Schemes

Among all the countries, social security is treated as one of the basic rights of a human being which is very important for people to stay healthy, maintain their dignity and be economically secured. Social security protects people when they face any unfortunate event like old age, being unemployed, getting sick, or death.

India is a country where, although the Constitution promises social security, there are still many workers who have no social security cover. Recently, the government has done a great job trying to simplify and rationalize the complex social security laws by merging nine labour laws into the Code on Social Security (CSS) 2020 (which comes into force in November 2025). According to some data provided by the ILO, the social security coverage of India has increased up to more than 48%, while the government asserts 65% if you consider welfare law in the form of services and benefits, however, the system gets blamed for being divided, discretionary and financially insufficient.

This paper debates the significant loopholes in the social security system that are related to its structure and implementation in India. Specifically, it highlights the risk of them deciding social security as a welfare program and not recognizing it as a right because it creates a dangerous situation of arbitrary decision making and denial of justice to the needy people.

In Part fourth of the Indian constitution, Directive Principles of State Policy (DPSPs) especially Articles 38, 39, 41 as well as article 46, lay down that it is the duty of the state to advance the welfare and ensure social justice to the people. However, DPSPs are expressly non justifiable in the sense that the state's employees cannot legally force the state to grant helps.

The consequence is that several welfare schemes intended for the unorganized workers are mostly regarded as policy options that can be changed at the will of the executive and are therefore subject to budgetary constraints, instead of being treated as legitimate rights. For instance, even though national government approved the Independent earners Welfare law in 2008 and provide social security to an unorganized workers, t ground level implementation still largely differs from one state and scheme to another, reflecting the political priorities, available fiscal space, and the will of the administration.

Generally, the discretionary character of welfare schemes is revealed through delays in rolling out various components of the programs, very limited coverage, and irregularity in the payment of benefits. Such discretion, in effect, means that the state possesses the power to determine whether the people can access the benefits or not.

4.2 Absence of Minimum Guaranteed Benefits

A major gap in the existing social security system is that no minimum guaranteed benefits are ensured for independent workers. While the regular office employees are protected by retirement and insurance laws from 1952 and the benefit act for Maternity of which is passed in 1961 which provide wage security, retirement savings and maternity protection, people who are employed in the informal jobs does not get facilities even to enjoy . Their exclusion is neither accidental nor incidental; it results from structural design and policy choices which view informal employment as temporary or secondary in nature.

Various labour laws were enacted post, Independence, for example, the Minimum Wages Act, 1948 and the Payment of Gratuity Act, 1972, but still, Informal workers hardly get benefit from these acts because of exclusions based on the size of enterprise, employment status, or sector classification. Hence, the coverage of essential protections like provident fund contributions, pension, paid leave, overtime compensation, and a legally guaranteed minimum wage is not uniform.

Such a lack of assured benefits only keeps the cycle of economic insecurity going. Those workers who are not provided with social insurance tools are exposed to various risks, such as sudden loss of income, health problems, and poverty at old age, without a government safety net. Since their work is casual or unregulated, the usual social security methods which are linked to formal employment contracts are either impossible for them to use or do not fit their situation.

4.3 Limited Accountability of Aggregators –

The emergence of the digital economy and platform work (ride, hailing, delivery services, and app, based tasks) has resulted in the creation of a new form of unorganized labor: gig workers. While a Millions of workers engaged in platform labor, the mechanism of holding aggregators and digital intermediaries accountable is still very weak. The 2020 Social Security law Created rules for the protection and welfare of App-based and freelance workers but the implementation of these programs has been inconsistent and delayed.

Platforms usually label workers as independent contractors thus placing them outside traditional employer liability frameworks. Aggregators barely make contributions to provident funds, health insurance, or paid benefits arguing that the workers are independent contractors. The absence of firm employer obligations that can be enforced allows platforms to escape responsibility even when workers are economically dependent on them. If there is no vigorous enforcement and legal certainty, the social security provisions in the Code will only be lofty goals rather than ground reality.

4.4 Weak Enforcement Mechanisms

Enforcement mechanisms for social security provisions targeting unorganized workers are significantly deficient. In formal employment sectors, labour inspectorates, statutory authorities, and grievance redressal bodies are well, established with clearly defined powers of enforcement; however, the unorganized sector does not have such structures.

Registration with welfare boards or social security schemes which is often necessary for getting benefits remains low. Most unorganized workers do not know about enrolment procedures, eligibility criteria, or the existence of schemes. Checking employer or aggregator compliance becomes a huge challenge even when workers are registered because of the wide geographical spread and informal nature of employment relationships.

Non-compliance penalties that are put into place to limit social security contributions or benefit disbursement are usually minimal, not properly enforced, or are not effective enough to deter offenders. The lack of periodic audits, unannounced inspections, or composition officers with sufficient authority substantially deteriorates enforcement. As a result, socially protective provisions that are backed by law turn out to be mere words without any real effects on the ground.

4.5 Issues surrounding the implementation and worker awareness,

Social Security scheme implementation for unorganized sector workers is hampered by the workers low awareness levels, language problems, and their environment. Workers, especially daily wage earners and migrant labourers, are ignorant of the law and the benefits of the different schemes. This lack of understanding is worsened by the fact that the paperwork, such as documentation, identity proof, bank accounts, and registration, is quite complicated and therefore the majority of informal workers cannot fulfil these requirements.

Unorganized labor force exists in a variety of sectors and locations, i.e. in every corner of the nation, comprises Harvest labourers, and often migrant workers; therefore a single approach to implementation is not possible. There are not enough outreach programs and the government's communication methods don't usually reach the people who are in most need. Consequently, even if the schemes are good, they are not fully used, and those who should be the beneficiaries of the schemes continue to be left out.

4.6 Risk of Social Security Becoming a Policy Choice Rather Than a Legal Right

A key concern in the social security debate is the risk that protections for unorganized workers still be regarded as a matter of policy choice rather than as legal rights.

Non-justifiability of DPSPs, discretionary implementation of welfare schemes, weak enforcement, and limited accountability make social security often a matter of administrative convenience rather than an enforceable entitlement.

The Court, at times, has expanded the scope of legal right to live with dignity under Article 21 of constitution .. However, judiciary has mostly been cautious in ordering the state to come up with specific policy interventions or budget allocations because the state has the prerogative in welfare policy. This position of the court, while acknowledging the separation of powers, gives more discretion to the executive.

Without a change in the legal framework that would transform the main social security measures into binding rights with clear standards, compulsory employer or aggregator obligations, and strong compliance mechanisms, social security for unorganized workers might be dependent on the political will rather than a constitutional guarantee.

5. Comparative and Judicial Perspective

While the Indian government has introduced new labour codes to address gig work, judicial

Pronouncements have been crucial in interpreting the rights of these workers. The judiciary

Has often been a key advocate for gig workers, pushing for their inclusion in social security

Schemes and challenging the ambiguous the ambiguous “independent contractor” status.

Although India’s is on-demand workforce and is increasing rapidly at high speed, legal structure system is still evolving. Several important court cases have highlighted the gaps in protection and pushed for stronger safeguards, while laws like the Social Security Code, 2020, have only made initial progress and efforts. These judicial court decisions are significant because they challenge the traditional “independent contractor” model idea and support the basic fundamental rights of gig workers.

5.1 International case laws:

UK Supreme Court's Uber BV v. Aslam, EU rulings

In the year 2021, the United Kingdom Supreme Court gave an important ruling in “Uber BV v. Aslam”, which has changed how the gig work is seen worldwide. The Court has ruled that Uber drivers from now onward are legal workers they are now entitled to benefits and not just as independent contractors. This means the gig worker must avail and get their basic rights like minimum wages and paid holidays. The

judges looked at the real working condition of worker and then gave this decision regarding worker so that they can get benefits not just what was written in the contract terms. The Court found and noticed that Uber has a significant control over its driver who are engaged in working most things like fixing fares, setting rules, and even limiting how the drivers could communicate 'showing that drivers were not truly independent and they were dependent on the platform . The ruling created a middle category of "workers," who are not full employees but still get better protections than contractors. The Court also said that drivers are considered "working" whenever they are logged into the app and ready to take rides, not just when they are actually driving. This judgement is really important because it affects how the workers are paid and compensated.

The circumstances in the UK are comparable to those in the EU. Many EU courts have ruled that freelancers should be classified as employees or partially reliant workers if the corporation controls their work, despite the fact that national laws differ.

Additionally, the European Court of Justice ruled that gig platforms are more than just tech firms; they are also delivery or transportation corporations. In order to grant gig workers the same rights across all EU nations, the EU introduced the 'Platform Work Directive'.

According to this regulation, gig workers should be considered employees if their job is managed by a firm. The business must then demonstrate that they aren't. The goal is to prevent businesses from making erroneous calls.

5.2 Analysis of courts' reasoning on employment status

The method employment is proven in law was altered by the Supreme Court of India's ruling in **Joint Secretary, CBSE & Anr. v. Raj Kumar Mishra & Ors**. According to the Court, official records rather than merely examining who manages or oversees an individual's work should serve as the primary evidence of whether or not that individual is directly employed. The understanding of employment relationships, particularly for contract workers, is significantly impacted by this ruling.

Background and the Supreme Court's Findings

The case concerned Mr. Raj Kumar Mishra, a temporary contract employee who was employed by a third-party firm to operate as a Junior Associate for CBSE. At the end of his employment, he asserted that he was an official member of CBSE since the Board managed and oversaw his day-to-day activities. At initially, the

Court of Labour and the High Court both agreed with him, citing the standard "control test" to back up his assertion.

However, the Supreme Court overturned these decisions, establishing four key principles:

Control alone is not enough

1. **Control is insufficient on its own:** A worker is not necessarily an employee of a firm just because it oversees or guides their actions.

2. The most important documents are: Documents such as pay stubs, appointment letters, or human resources records from the primary employer are currently the primary means of proving an individual's direct employment.

3. Structured contracts stand firm: When agreements clearly identify that the third-party agency is the employer, and this framework is consistently followed, the worker will be considered contract labour.

4. No remand without documentary basis: When there is no reliable written evidence, then there is no need to investigate the employment relationship any further.

Shift in Legal Approach & Implications

This ruling demonstrates a clear shift from the outdated "control test" to the more recent "document-based" approach. Control and participation in the work are still crucial, but they are insufficient to establish an employment relationship on their own. The Court's perspective is also in line with the modern workplace, where outsourcing is widespread and client supervision is normal.

This change has several implications for stakeholders:

- **Employers:** The Companies must make sure that their manpower contracts are carefully written and clearly stating that all job responsibilities must belong to the contractor not the main company. Companies should also avoid doing things that make contract workers look like their own employees for example, giving them company ID cards, including them in HR policies, or treating them like permanent staff. Keeping proper records, like contractor bills and compliance reports, is also very important that show the contractor is following all legal rules.

- **Contract Workers:** The Worker must understand that only simply being supervised by the company does not grant them direct employment status of employees. Supervision is not a reason to prove an employment relationship. If the worker need to claim, their right as an employee's they must need a strong formal written evidence, this evidence could be like appointment letter or salary slip records from the company or other employment records.

Legal Practitioners: Lawyers should always focus on using proper documents as the main support in their legal cases rather depending only on arguments about how the work was done or supervised is no longer enough. Having strong evidence which is in written proof, like contracts, appointment letters, salary slips, or any compliance records, which going to carry more weight in the court. They must also proactively advise their clients on the Necessity of Legalising all details of the employment relationship detail of the work should be in writing, whether it is about hiring, payment, or responsibilities. By formalising everything through clear documents, clients can easily avoid confusion and protect themselves in any case of disputes

5.3 CHALLENGES OF INDIA'S GIG ECONOMY

India on-demand labor market offers workers the freedom to choose when and how much they work. However, this freedom comes with serious problems, Primary concern is job insecurity. Gig work is usually short-term period, and any workers can lose their income anytime well this instability can cause anxiety about the future earnings and financial security.

Another important major issue is low and unpredictable salary. Unlike the regular employees, App-based workers hardly get Welfare measures such as Medical cover, pension, or paid leave. That means if gig worker fall sick, or may face any accident, or going through a family emergency, well they have no financial support to fall back on. In the absence of these safeguards, gig workers continue to be at risk, particularly in emergency situations.

Additionally, gig workers are less likely to advance in their careers. Gig workers must largely learn their abilities on their own, in contrast to normal positions where they can learn from seniors and other employees. They find it more difficult to advance in their careers as a result. The digital gap in India is another significant issue. Many workers lack Smartphone's, digital skills, and reliable internet, particularly in rural areas. Without these, many workers are unable to take advantage of possibilities on digital platforms and find it difficult to enter or thrive in the gig economy.

5.4 COMPARATIVE ANALYSIS

Examining the ways in which other nations regulate gig workers reveals a variety of strategies and provides India with insightful lessons.

United Kingdom (UK)

There are three categories of employment in the UK: self-employed, worker, and employee. In one of the famous case of "**Uber BV v. Aslam (2021)",** the final judgment stated that worker who work through digital mode fall under the middle category of "workers." Basic rights like paid time off and minimum salary are granted, but not all staff protections, such the ability to avoid wrongful termination, are. The court made this determination after considering the actual circumstances and determining that Uber had considerable control over the drivers, preventing them from being fully independent.

European Union (EU)

The Platform Employment Directive is a bold move by the EU. If a platform has certain influence over a worker's work, this legislation presumes the person is an employee. The onus then shifts to the platform to demonstrate that the employees are actually self-employed. Stopping fraudulent self-employment and ensuring workers have rights including minimum salaries, union membership, and openness regarding the impact of algorithms on their work are the objectives of the directive.

6. WAY FORWARD & CONCLUSION

6.1 Mandatory Social Security Guarantees: The Basic Need

Giving labor protections to freelancers is a major step for India's job market under the Social Security code of 2020. Recognition, however, is just the beginning. The existing system allows the government to have complete freedom in creating and running the welfare schemes. For the implementation of worker welfare schemes to be effective, introduction of mandatory and minimum welfare measures guarantees On-demand service providers is indispensable.

Law should specifically and clearly lay out the minimum statutory benefits, including accident insurance, health insurance, compensation for disability, maternity benefits, and retirement savings, rather than leaving it to the authorities to issue notifications in the future. A right, based model should have the gig workers free from being at the mercy of changes in the policy or waiting for the administration to grant their basic rights. Apart from this, setting minimum guaranteed benefits would bring India's system to the level of the developing international norms that position social security as a core element of decent work.

6.2 Strengthening Enforcement Mechanisms

Strengthening Enforcement Mechanisms Essentially, the effectiveness of legislative provisions relies on proper enforcement. A major flaw in the current framework is the lack of a system for compliance monitoring and accountability that is effective and strong enough for the aggregators. It is imperative that contribution timeline, method of calculation, reporting requirements, and non, compliance penalties be clearly defined, notified, and strictly enforced.

Specific enforcement bodies or advanced digital monitoring systems could be created to allow real, time tracking of aggregator contributions and worker registrations. Public reporting on an ongoing basis and transparency in the usage of funds would help strengthen accountability. Also, the access to grievance redressal procedures should be easy, quick, and friendly to the gig workers so that they do not face any procedural difficulties in seeking remedies.

If India looks at the examples of the United Kingdom and the European Union for guidance, it can also make it more clearly through presumptions or tests about the extent to which the platform has control and the level of dependence. Enhanced enforcement will bring social security obligations out of their current state of symbolism and into the state of practical operation, ensuring that they work for the benefit of the people.

6.3 Making Social Security a Right

One of the main things that labour reform should try to do is make Social Security as important as other legal rights instead of just thinking of it as something the government gives to people who need help. The Supreme Court says that the right to life and freedom that is guaranteed by Article 21 of the Constitution means people should be able to live with dignity and have a job. Social Security is a part of this because it helps people live with dignity.

If we do not include gig workers in the group of people who have rights that can be enforced by law then talking about growth that includes everyone is empty words. If we make these rights part of the law and the courts support them then workers will not have to rely on the government to be kind to them they will have the right to claim what they deserve.

We also need to think about how we classify workers. Now the system says that gig workers are like their own bosses but maybe we can create new categories that give them some protections. The goal is not to limit what people can do but to make sure they do not have to worry about not having money. We need to

think about Social Security and how it can help workers, especially gig workers have lives. This way Social Security will be a right, for everyone, including gig workers.

CONCLUSION –

The gig and platform economy has brought about drastic changes in India's labour market and at the same time has revealed how little traditional labour laws based on the employer, employee relationship can offer. While digital platforms allow flexibility and the creation of new sources of income, gig and platform workers still struggle with Lack of job safety, without fixed pay scale, and there is no legal protection, based rights.

Social Security Code 2020 is a significant move in that it acknowledges Digital platform staff as a category of workers and it provides for welfare schemes which are to be financed by contributions from aggregators. Nevertheless, the overall system is mostly left to the discretion of the parties and there are no assured minimum benefits, very limited aggregator liability, and poor regulatory mechanisms.

Social security can only be truly beneficial if it shifts from a welfare, oriented policy initiative to a legal rights, based entitlement grounded on the constitutional norms of dignity and social justice. It is only by way of explicit statutory provisions, their proper implementation, and tighter institutional accountability that India will be able to guarantee the necessary protection of gig and platform workers in the digital economy.

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