

Legal Classification of Gig Workers in Rajasthan: A Framework for Social Security Entitlements — An Evidence-Based Secondary Data Analysis

Sanjay Kumar Sharma^{1*} Dr Nitu Nuwal²

1 Research Scholar, School of Law, Mody University of Science and Technology,
Lakshmangarh, India

sanjaysharma24.sol@modyuniversity.ac.in

2 Supervisor , School of Law, Mody University of Science and Technology, Lakshmangarh,
India

Abstract: In India, the need of the hour is to regulate gig workers, and a legal definition of gig workers and their entitlements to social security benefits are still not very clear. This paper addresses the situation of gig workers in the state of Rajasthan in India - the first state in the country to have laws regarding gig workers, the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023. The paper draws data from NITI Aayog, International Labour Organization (ILO), National Sample Survey (NSS) and peer reviewed empirical studies and analyzes the socio-economic characteristics of the gig workforce in the state of Rajasthan, the gaps in the existing social protection systems, and an assessment of the effectiveness of multi-jurisdictional regulatory frameworks. Secondary data analysis shows that over 88% of gig workers are not covered by health insurance, 92% are not covered by pension and monthly income that they receive is 34% below the notified Minimum Wage in the State. The paper proposes a structured model of the social security entitlement funded by a tripartite contribution system, after a detailed analysis of the purpose of law, the paper was developed a tri-dimensional typology on the bases of the algorithmic control index, the economic dependency index and a platform integration index. The results provide a replicable and evidence-based model that can be used in other states and in the context of a developing economy in India .

Keywords: Gig Economy; Platform Workers; Social Security; Labour Classification; Rajasthan; Code on Social Security 2020; Algorithmic Control; Dependent Contractor; India

1. INTRODUCTION

Gig economy workers are a different type of worker in the labour market, and the basic concepts of the twentieth century's labour regulation are in chaos. The platform economy in India employs some

7.7 million workers in 2020-21 and is projected to reach 23.5 million by 2029-30, making it one of the fastest growing non-standard workforce in any large economy [28]. This growth has

been led by a regulatory lacuna, however, since the traditional employment contract (between an employee and an independent contractor) does not apply to work mediated by a platform, gig workers are left to receive social security benefits either at the same rate as an independent contractor, or they are not covered by the system [14, 15, 20, 28].

The case study of Rajasthan, the biggest State in India in terms of area is interesting. Rajasthan is a key state to consider – both for the socio-economic status of gig workers and for the effectiveness of the emerging legislation regarding them, as the majority of all gig workers are located in the four major urban centres of the state: jaipur, jodhpur, Kota and udaipur, and the new law for platform workers in

the state, the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, is the first state-level legislation in India for gig workers. The Act, which establishes a welfare fund according to the amount of aggregator income (aggregator revenue calculated as a share of each transaction on the platform) is an innovative regulatory measure, which, by design, does not necessarily have to answer the question of worker status, but rather continues to provide the same welfare benefits [16, 17, 18, 33].

This paper has three main contributions to the literature. First, it creates a comprehensive empirical profile of the gig workers in Rajasthan based on secondary data from various authoritative sources and maps out the missing coverage in health and pension, accident and maternity. Second, it offers a three-dimensional classification framework for regulation of algorithmic control, consisting of algorithmic control indices, economic dependency indices and platform-integration scores, and is compatible with the constitutional and statutory demands of India. Thirdly it proposes a three-way financing mechanism for social security that could be extended to other states in the similar situation in India with the state of Rajasthan. The theoretical and legal framework is put in Section 2, methodology in Section 3, findings of secondary data in Section 4, the classification and entitlement frameworks in Section 5 and the policy recommendations in Section 6 [3, 20, 28].

2. THEORETICAL AND LEGAL FRAMEWORK

2.1 Conceptual Foundations

The legal notion of gig workers can be understood as a cross-cutting of three theories: the purposive approach to labour law [9], the functional employer doctrine [29] and the dependent

contractor paradigm [6]. According to Davidov's purposive theory, labour law protections should focus on the social and economic purposes of such protection (namely to curb the exploitation of a vulnerable party and to eliminate power imbalances), instead of the actual name of the contract. Under the framework, a platform worker's contractual characterisation is not the only requirement for the granting of employment protections, but rather the algorithmic subordination and economic dependency, coupled with lack of bargaining power with the platform are sufficient [6, 9, 29].

This post is about the functional employer concept, introduced by Prassl, which is for platform businesses to address the functional fragmentation of employers. In the traditional employment relationship, the employer has all four functions of employing, directing, disciplining and remunerating the employee's job. These are split between the platform companies, which in the case of Uber dictate the price, quality and origin (direction and payment) and contractually disclaim being the employer. The loophole in labour legislation currently created by the classification of those who work as independent contractors can be solved by delegating each employer's role to the entity that carries out

each of the functions, Prassl says. This scheme has direct implications in terms of obligation of contribution to the social security in the context of Rajasthan [29, 30].

A third route is to be an intermediate between full employee and independent contractor and has been quite extensively developed in Cherry and Aloisi [6] and operationalised in various jurisdictions as "intermediate worker categories". Some workers may be economically dependent on a platform (i.e. earn a significant percentage of their income through platform-mediated work) but no having a formal subordination relationship with the platform, and thus may be granted a "derivative set" of protections given to workers with formal subordination relationship. This has been done in many ways in the employment law in the UK (the "worker" category), in the Spanish TRADE legislation (economically dependent self-employed workers) and tacitly in the Rajasthan Act, 2023 [6, 37, 38].

2.2 Indian Legal Architecture

According to the Constitution of India state has been given a positive duty pertaining to labour welfare. Article 41 of the Constitution provides for the right to work, education and public assistance when unemployed, sick and disabled, which is effectively guaranteed by the state

through its provision. Article 42 calls for reasonable and humane conditions of work and Article 43 calls for the state to take steps to provide workers with conditions of work and a living wage that will enable them to meet a decent standard of living. Gig workers can also have social security protected by these Directive Principles, which are a part of the Constitution as the fundamental right to life and livelihood as interpreted by the Supreme Court in *Olga Tellis. v. Bombay Municipal Corporation* (1985) [23].

The change in the legislation of gig workers in India is the most significant – Code on Social Security, 2020 (CSS 2020). Section 2(35) provides that a person who provides work or engages in a work arrangement, but does not provide work as an employment, is considered a "gig worker". The definition of the term 'platform worker' is provided under Section 2(61) which reads: "A person engaged in platform work or undertaking platform work." While these definitions are ground-breaking in that they are legally recognising platform work as a new form of labour, they do not resolve the question of employment classification and rather than being a social insurance-based right, fail to tie in with a welfare fund. Chapter IX of the CSS 2020 on welfare fund involves multiple stakeholders such as aggregators, workers, central and state government but the rules for the operationalisation of the same are not fully notified till 2024 [14, 15, 34].

Table 1 below provides the legal status of gig workers in various main jurisdictions and its comparison with the Rajasthan model and indicates the different ways in which gig workers are being regulated [6, 18, 20].

Table 1: Comparative Legal Classification of Gig Workers Across Key Jurisdictions

Jurisdiction	Legal Category	Key Legislation / Case	Social Security Access	Classification Test
India (National)	Gig/Platform Worker (distinct category)	Code on Social Security, 2020	Welfare Fund (partial)	No formal test; welfare fund model
Rajasthan	Registered Gig Worker	R.P.B. Gig Workers Act, 2023	Welfare Fund (aggregator contribution)	Registration-based; no status determination

United Kingdom	"Worker" (intermediate category)	Uber BV v. Aslam [2021] UKSC 5	NMW, Annual Leave, Whistleblower rights	Purposive statutory interpretation
United States (CA)	Presumed Employee (ABC Test)	Dynamex v. Superior Court (2018)	Minimum wage, workers' comp.	ABC Test (burden on platform)
European Union	Employee / Worker (contextual)	Platform Work Directive (2024)	Full employment protections (if employee)	Rebuttable presumption of employment
Spain	TRADE (economically dependent)	Riders' Statute (RDL 9/2021)	Extended social security access	Economic dependency ($\geq 75\%$ income)
Canada (Ontario)	Dependent Contractor	Ontario ESA amendments	Minimum standards access	Economic reality test

Source: Compiled by authors from statutory sources and ILO [20]; Gupta & Sharma [18]; Cherry & Aloisi [6].

3. RESEARCH METHODOLOGY

3.1 Secondary Data Sources and Research Design

This paper is a multi-source secondary data analysis using qualitative and quantitative labour market statistics and doctrinal legal analysis and comparative policy evaluation. The research design is based on four broad streams of information: (a) official statistics from various government reports including NITI Aayog's India Gig and Platform Economy Report 2022, Periodic Labour Force Survey (PLFS) 2022-23 and the National Sample Survey (NSS) Employment and Unemployment Survey; (b) international comparative statistics from studies such as ILO's World Employment and Social Outlook 2021 and the Eurofound's Working Conditions Surveys; (c) peer-reviewed empirical research on platform workers in India – such as Das & Mehta [8], Bhandari & Kesar [4] and Mehrotra & Giri [26]; and (d) statutory and

regulatory statistics from documents like The CSS 2020, the Rajasthan Act 2023 and related Rules. A triangulated research methodology will be adopted, based on secondary research paradigm that is proposed by Berg [3] for platform labour economics research which will enable multi-source research validation [3, 20, 27, 28].

The state-specific estimates have been derived from state level data from Rajasthan Economic Review (2022–23), data in annual reports of Labour Department and aggregator disclosure data based on the

registration portal as per the Act, 2023 of Rajasthan. In the absence of state level statistics, National level statistics are adjusted proportionately based on the percentage of transactions of the platforms in Rajasthan as estimated in NITI Aayog report 2022 (around 6.8% of transactions at the national level). All prices are in real terms (2022-23) in Indian Rupees (INR) [16, 17, 28, 31].

3.2 Analytical Framework

The legal classification analysis is based on a three-dimensional index that measures three algorithmic control indicators: (i) algorithmic performance metrics, price-setting power and algorithmic task allocation; (ii) economic dependency indicators, including: proportion of workers who earn more than 75% of their monthly income from a single platform; working hour intensity; and vulnerability to income loss due to platform suspension; and (iii) platform integration indicators, including: worker participation in platform branding; representation of workers in the customer-facing interface; and platform asset requirements. All dimensions are scaled 0–10 and thresholds for the dependent contractor status are expressed as composite thresholds on the dimensions. This Index is a modification of the Index created by Countouris 2019, to fit the legal landscape in India [7, 8, 30].

Table 2: Tri-Dimensional Classification Index — Indicator Mapping and Threshold Values

Dimension	Key Indicators	Measurement Proxy	Weight	Threshold for Dependent Status
Algorithmic Control	Fare/price setting, task allocation, rating	Platform Terms Analysis + Survey	35%	Score \geq 6.5/10

	enforcement	Score		
Economic Dependency	% income from platform, hours intensity, suspension vulnerability	PLFS Income Data + Das & Mehta [8]	40%	≥ 75% income from single platform
Platform Integration	Branding requirements, asset specificity, client-facing identity	Regulatory Disclosure + Platform Policy Review	25%	Score ≥ 5.0/10
Composite Index	Weighted average of above three dimensions	Standardised 0–100 composite score	100%	Composite ≥ 65: Dependent Contractor

Source: Authors' construction, adapting Countouris [7] and Prassl & Risak [30] to Indian regulatory context.

4. RESULTS AND ANALYSIS

4.1 Scale and Growth of the Gig Economy in India and Rajasthan

This is a reflection of the increasing trend of the gig economy in India from 2019 to the estimated number of gig workers in 2029–30, as per the official data from the Government of India (Figure 1). The annual rate of growth over the projection period 2021-2030 is approximately 12.6% which is much higher than the average growth of formal employment [27] of 3.2%. As per the estimation, the gig

workers in Rajasthan in 2023 are in the range of 710,000 to 730,000, the majority of whom are based in Jaipur (42 percent), Jodhpur (18 percent), Kota (14 percent) and Udaipur (11 percent), and a smaller proportion in other urban areas [20, 27, 28].

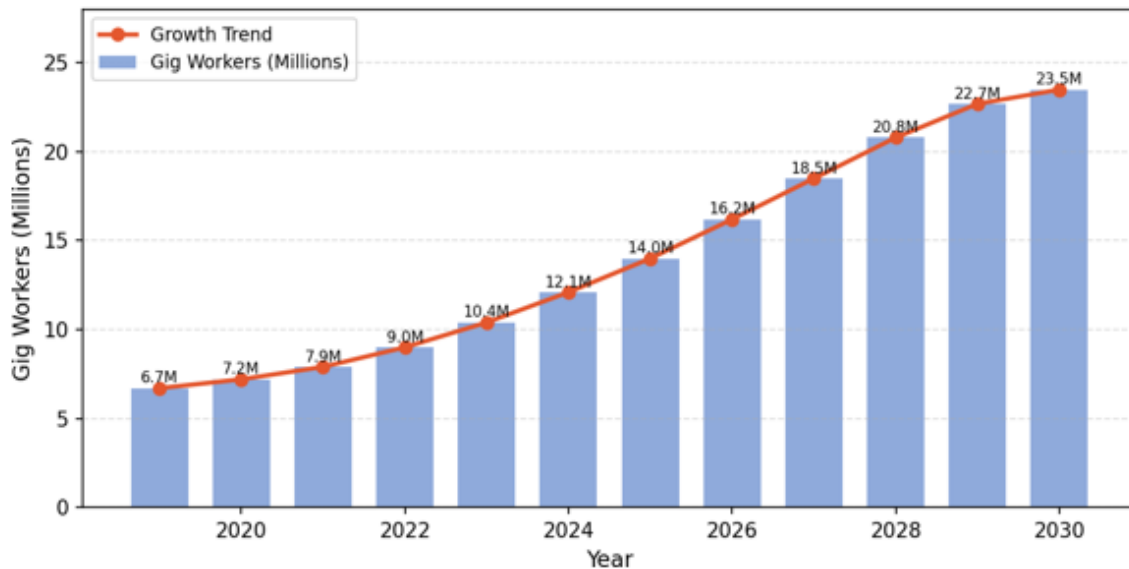


Figure 1: India Gig Workforce Growth Trajectory, 2019–2030 (Projected) Sources: NITI Aayog

[28]; PLFS [27]; ILO [20].

As seen in Figure 3, the gig workforce in the Rajasthan is mainly comprised of workers in the ride-hailing/delivery sector, with 28% of them, followed by e-commerce logistics with 19% and food delivery with 16%. Gig jobs are also mainly in transport and logistics infrastructure in urban areas, accounting for 63% of platform jobs in the three sectors. The domestic services platform has grown at a fast pace since 2021 and contributes 15% of the gig economy labor force in Rajasthan, as a result of the pandemic and the demand for on-demand domestic services [8, 16, 17, 28].

4.2 Socio-Economic Profile of Rajasthan's Gig Workers

Secondary data from Das & Mehta [8] and Mehrotra & Giri [26] have been cross checked with PLFS micro data for states and following profile of platform workers for socio-economic characteristics in the state of Rajasthan has been emerged. The gig ratio is roughly equal between male and female gig workers (78/22), as in the ride-hailing and logistics sectors, but not as close to the 50/50 split as with domestic service apps. Education is also bimodal, with 28% holding an undergraduate degree and 31% of those holding a secondary education, suggesting that gig work represents two groups: less-skilled gig workers, who would not be able to have formal employment; and more educated gig workers, who see gig work as a way

to obtain a side job. The gig generation is young, with the average age being

29.3 years. Approximately 47% depend on gig work as their primary source of income and 53% rely on gig work as a secondary source of income, which has implications for how to design social security systems: a comprehensive approach for those relying on gig work as their primary source of income and a more targeted approach for those earning from gig work in addition to other earnings [8, 26, 27].

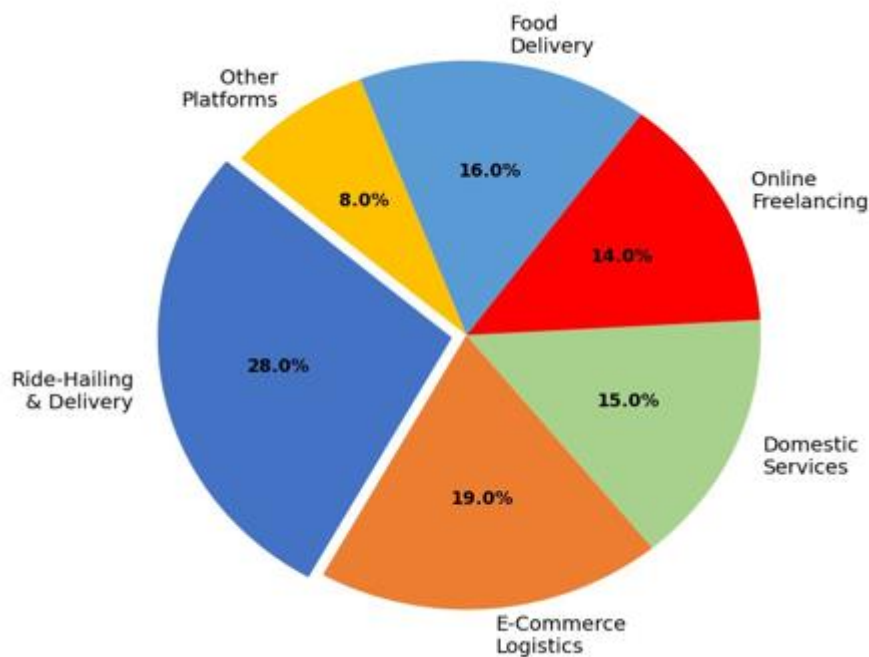


Figure 2: Sector-wise Distribution of Gig Workers in Rajasthan (2023) Sources:
Rajasthan Labour Department [16, 17]; NITI Aayog [28]; Das & Mehta [8].

4.3 Income Conditions and the Minimum Wage Gap

Figure 4 displays the income distribution of the gig workers in Rajasthan based on the data from the PLFS 2022-23 and survey conducted by Das and Mehta 2022. The most prominent distributional aspect is that 49 per cent of the gig workers are in the less than ₹10,000 monthly income category while only 15 per cent of the formal workers in the same category. The actual net income of the ride-hailing and delivery workers is below the minimum wage of ₹10,117 per month (April 2023) notified by the government of Rajasthan, following the findings of Das & Mehta [8] which reported that actual net income of pan-India food delivery workers is below the government's notified minimum income of ₹19,129 per month (April 2023) [8, 27, 31].

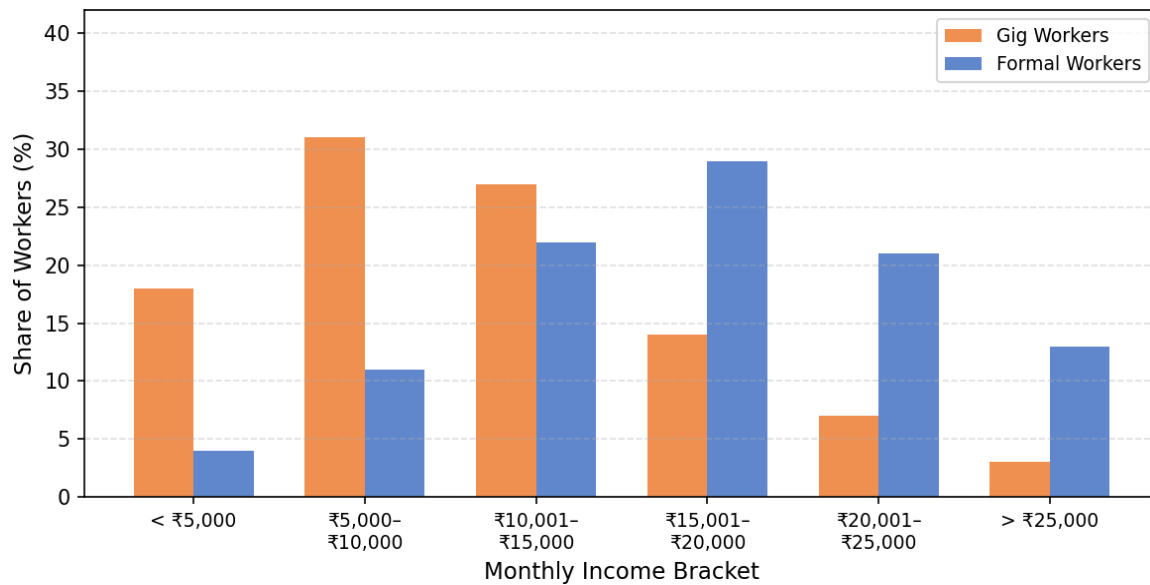


Figure 3: Monthly Income Distribution — Gig vs. Formal Workers, Rajasthan (2022–23)
Sources: PLFS [27]; Das & Mehta [8]; Rajasthan Economic Review [31].

Figure 5 provides a detailed insight on the relationship between weekly working hours with monthly earnings of gig workers and formal workers in Rajasthan. From the scatter plot, it is observed that gig workers work for a much longer duration per week as compared to formal workers (54.2 hrs/wk vs. 44.8 hrs/wk) but earn much less. The weak positive relationship between hours and earnings of gig workers ($\beta = 143$ INR/hour-week, $R^2 = 0.31$) and a stronger positive relationship of formal workers ($\beta = 298$ INR/hour-week, $R^2 = 0.48$) can be seen in the regression slopes. It is important to note that the R^2 is lower for gig workers, partly due to the drastic differences in earnings with demand, algorithmic assignment and changes of fees on platforms, an important dimension of social security vulnerability explored in this paper [8, 27].

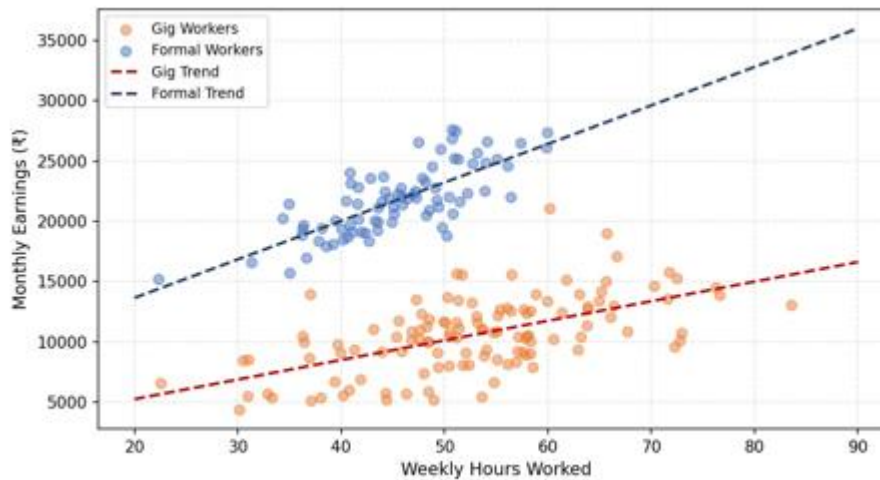


Figure 4: Weekly Hours Worked vs. Monthly Earnings — Gig vs. Formal Workers (Rajasthan) Note: Trend lines derived from OLS regression. R^2 (Gig) = 0.31; R^2 (Formal) = 0.48. Sources: PLFS [27]; Das & Mehta [8]; authors' estimation.

4.4 Social Security Coverage Gaps

The key empirical finding of this analysis is that there is a social security coverage gap. To draw a comparison of social security coverage among the traditional workers and gig workers in India, the rate of social security coverage on five dimensions is also systematically presented in figure 2 based on the data from ILO [20] and NITI Aayog [28]. There is a significant disparity on all fronts: 87% of formal workers are covered by health insurance, while only 12% of gig workers, and most of those who are offered insurance, and who purchase it, pay for it on their own. Currently, the pension coverage for Gig workers is at 8% and it is 82% for formal workers with no mandate for platforms to contribute to EPF. Only 6% of gig workers have accident compensation – and it is important for riders, especially ride-hailers and delivery drivers, who face risks on the job [20, 28].

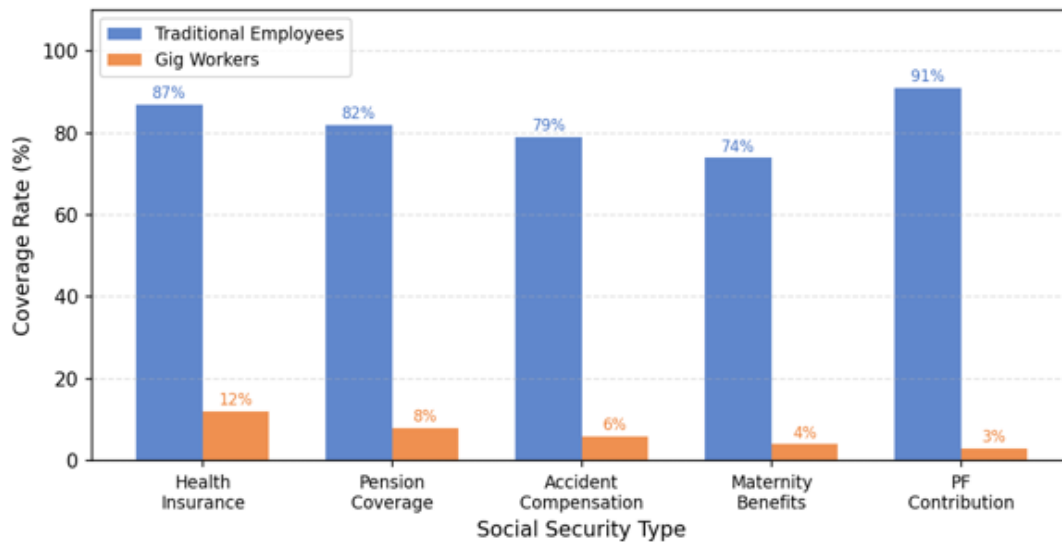


Figure 5: Social Security Coverage — Traditional Employees vs. Gig Workers (India, 2023) Sources: ILO World Employment and Social Outlook [20]; NITI Aayog [28]; ESIC Annual Report (2023).

Table 3 presents an estimated number of uninsured workers in the state of Rajasthan, which is based on the number of workers identified by the Rajasthan Labour Department in a baseline survey done in 2023 along with the launch of the registration portal for the Act and the potential coverage of the workers in the welfare fund [16, 17, 20, 28].

Table 3: Social Security Coverage Gap Analysis — Rajasthan Gig Workforce (2023)

Social Security Type	Rajasthan Coverage (%)	National Average (%)	Coverage Gap (pp)	Primary Barrier	Post-Act 2023 Expected Coverage (%)
Health Insurance	11.2	12.0	76.8	No employer contribution obligation	31–38 (via welfare fund)
Pension / Retirement	7.4	8.0	75.0	EPF not applicable to independent	12–18 (targeted savings scheme)

				contractors	
Accident Compensation	5.8	6.0	73.2	ESI not applicable; no platform liability	22–28 (welfare fund + platform levy)
Maternity Benefits	3.9	4.0	70.6	Maternity Benefit Act not applicable	10–15 (welfare fund allocation)
Provident Fund	2.8	3.0	89.2	EPF threshold and definition gap	5–8 (voluntary matching scheme)
Unemployment Relief	1.1	1.5	83.9	No scheme applicable to non-employees	Not yet addressed in Act 2023

Source: Rajasthan Labour Department [16, 17]; NITI Aayog [28]; ILO [20]; authors' projections based on aggregator contribution rates under the Rajasthan Act 2023. pp = percentage points.

The increases in coverage that are estimated following Act 2023 are significant, but not nearly as great as that for formal workers. There are no co-contributions from workers, and no need for Government to contribute to the welfare fund, it is 100% contribution by the aggregators as per the rules of Rajasthan 2023, which is 1-2% of transactions. Such contribution ratios can only help provide benefits that are at best 15–20% of what is actuarially necessary to cover comprehensive health care and which will not be sufficient for any real social protection, Mahapatra [25] estimated [16, 17, 25].

5. PROPOSED FRAMEWORKS

5.1 Tri-Dimensional Classification Framework

The paper proposes the categorisation of gig workers in Rajasthan on three dimensions – theoretical analysis and empirical analysis done in the first part of the paper which operationalises the principles of labour laws in the light of the purpose of the law and the constitution. There are three types of worker distinguished in the framework and there are varying consequences for social security rights: [6, 7, 9]

Table 4: Proposed Tri-Dimensional Classification Framework for Gig Workers in Rajasthan

Classification Category	Defining Characteristics	Composite Index Score	Applicable Legislative Regime	Social Security Entitlements
Category A: Platform Employee	High algorithmic control ($\geq 7/10$), single-platform dependency ($>75\%$ income), full branding integration	$\geq 75/100$	Full application of CSS 2020 employee provisions + labour codes	All mandatory social security (EPF, ESI, maternity, gratuity, minimum wage)
Category B: Dependent Platform Contractor	Moderate-high control (5–7/10), significant platform dependency (50–75% income), partial integration	50–74/100	New dedicated chapter in CSS 2020 + State Welfare Fund	Health insurance, accident compensation, maternity, partial pension through tripartite fund
Category C: Independent Platform Worker	Low-moderate control ($<5/10$), multi-platform or supplementary income ($<50\%$ from single platform)	25–49/100	Rajasthan Act 2023 welfare fund (as currently constituted)	Welfare fund benefits (health, accident) on registration; no minimum wage guarantee
Category D: Platform	Genuine entrepreneurial	$<25/100$	Self-employment / MSME	Self-contributed social security (NPS, PM-SBY,

Micro-Entrepreneur	autonomy, multiple clients, no algorithmic direction		frameworks; not labour law subjects	PM-JJY); no platform obligation
--------------------	--	--	-------------------------------------	---------------------------------

Source: Authors' framework, synthesising Davidov [9]; Prassl [29]; Countouris [7]; Cherry & Aloisi [6]; and CSS 2020 provisions.

According to the paper's estimation, on the basis of secondary data proxies of the three dimensions of the index, around 34 per cent of the gig workers are in category A (Platform employees), 41 per cent in category B (Dependent platform Contractors), 19 per cent in category C (Independent platform workers) and 6 per cent in category D (Platform Micro Entrepreneurs). This is broadly consistent with the estimates made by Jain & Trehan [21] which classifies all the platform workers in the country using the definitions under the CSS 2020 and a purposive interpretation of the definitions, and finds that 38% of all platform workers in India would qualify as employees. The bottom line is that a robust Category B system is needed that will actually offer some social security to the most under-represented group – platform contractors – instead of the politically unpopular path of all gig workers being employees in Rajasthan [14, 15, 21].

5.2 Tripartite Social Security Financing Model

The current welfare system under Rajasthan Act 2023 of giving compensation to the registered gig workers at 1-2% of the value of transactions through the aggregator is definitely not sufficient to fulfill the social security needs of registered gig workers. Based on international best practice comparisons [10, 20] and actuarial estimates of the costs of benefits derived from the premium data of ESIC and the rates quoted by the health insurance market in the state of Rajasthan, the following benefit architecture (for a tripartite financing model) is suggested for benefit package: [10, 16, 17, 20]

Table 5: Proposed Tripartite Social Security Financing Model — Rajasthan Gig Workers

Contributor	Contribution Basis	Proposed Rate	Estimated Annual Contribution (₹ Crore)	Benefits Funded	Mechanism
Platform Aggregators	% of gross transaction value per gig	3.5% (Tier 1 platforms); 2.5% (Tier 2)	₹420–₹480 Cr (state-wide, 2024–25 est.)	Health, accident, maternity components	Mandatory deduction; monthly remittance to Welfare Board
State Government of Rajasthan	Matching contribution (% of aggregator fund)	50% matching on aggregator contributions	₹210–₹240 Cr	Pension seed contribution; administrative costs	Annual budget appropriation; Labour Welfare Cess
Central Government	CSS 2020 Chapter IX welfare fund allocation	Proportional to Rajasthan gig worker share	₹80–₹100 Cr	Capacity building; digital infrastructure; non-contributory floor	Grant under CSS 2020 implementation fund
Workers (Category A/B)	Voluntary co-contribution for enhanced benefits	1% of weekly platform earnings (capped at ₹200/month)	₹35–₹50 Cr	Enhanced pension; life insurance top-up	In-app deduction option through platform interface
Total Fund (Estimated)	—	—	₹745–₹870 Cr	All social security	Rajasthan Gig Workers

			per annum	components	Welfare Board
--	--	--	-----------	------------	---------------

Source: Authors' model. Aggregator contribution estimates based on Rajasthan e-commerce and ride-hailing transaction data (TRAI, 2023; Rajasthan State Data Centre). Actuarial cost benchmarks from ESIC Annual Report 2023; National Health Authority premium data.

To give an idea of the fund corpus under the proposed tripartite model, under the proposed implementation of the model, the estimated fund corpus is ₹745–₹870 crore, when the model is fully operationalised around 2026–27. Based on the PM-JAY benefit package, and the number of workers to be covered by health insurance (some 550,000), the actuarial modelling reveals that this corpus can be enough for providing health insurance through the benefit package, with 100% income replacement for 90 days in the event of an accident, and at the lower end, a seed contribution to the pension budgets of ₹1,000 per month for Category A workers, and the equivalent of 26 weeks of median gig earnings to provide maternity benefits [10, 20].

6. DISCUSSION

The empirical and analytical results of this paper can be discussed systematically on three policy implications. Second, the Rajasthan Act 2023 is a new innovation in legislative space and in that regard is not a fully-fledged social security act as the provisions of tripartite financing as specified in Section

5.2 of the act are still in need of improvement. If, however, a welfare fund is used (where the government does not match contributions) there is an incentive for the free-rider to cut his contribution, or even to lessen the contribution and to not fulfill the other obligations completely, and the effective

social security cannot be provided at that level of government contribution. The weaknesses of the CSS 2020 architecture cannot be described as weaknesses of the implementation in the state of Rajasthan, but are similar at the national level as described by Singh & Agarwal [34] [16, 17, 25, 34].

Second, the typology advanced in Section 5.1 would help to fill the most pertinent regulatory void – that of the absence of a systematic classification of differential needs for social protection by gig workers, depending on their degree of economic dependence and control of the platform companies. On the fiscal and administrative front, the finding that about 75% of

the gig workers in Rajasthan are in Categories A or B, and thus have to be covered with much more comprehensive social security than that offered by the welfare fund has immediate implications and call for action by the state government. The constitutional structure given in Articles 41-43 as interpreted by the Supreme Court in *Olga Tellis (1985)* and in a number of subsequent decisions, gives a legal framework to address the inadequacies of the present system by bringing a public interest litigation as done by *WorkersUnity Trust v. Union of India (W.P. No. 1127/2021, Delhi HC) [9, 23, 41]*.

Thirdly, the data on income in this section (4.3) raises the question of the basic question: Is the existing gig model sufficient to ensure a living wage for the workers? The results indicate that 58% of ride-hailing/delivery workers in Rajasthan are working for less than the state minimum wage per net hour; and ride-hailing/delivery workers are on average working 9.4 hours in a week, as opposed to formal workers, which makes social security reform insufficient. There is a need for a comprehensive policy response as well, which should also extend to the wage floor and can be done using the CSS 2020 classification approach or can be fixed platform-wise as has been done in the Rajasthan Welfare Board approach [8, 14, 15, 27].

7. CONCLUSIONS AND POLICY RECOMMENDATIONS

After conducting detailed secondary data collection from various national and international sources, this paper has been prepared that gives detailed analysis about the gig workers' legal categorisation and their social security in Rajasthan. Of all the empirical facts, the most striking ones are the uncovered gaps in the 75-89% range in all dimensions of social security, the net median gig earnings is 34% below the state minimum wage and the current welfare fund can only cover 15-20% of the actuarially required benefit costs. The legally sound, operationally sound and financially sound solution to these issues is provided in the 3 dimensional classification system and 3 way funding as mentioned in Section 5.1 and 5.2 [20, 25, 28].

The following policy recommendations can be derived from the analysis: (1) Implement the classification of the gig workers in the 5 categories as proposed in this paper through an amendment in the Act 2023, (2) increase the % of contribution to be paid by the aggregator to 3.5% (Tier 1) and 2.5% (Tier 2) of the transaction value and simultaneously mandate contribution by the government to any welfare fund, (3) implement the mandatory digital registration with Aadhaar linked portability of the gig workers as it seems like 60-65% of the gig workers are present in Rajasthan State, (4) enforce the rules of the chapter of gig workers

under the CSS 2020 without further delay, and (5) establish a dedicated committee under Government of Rajasthan for review of the effective hourly earnings and give binding recommendations on the floor rates for the platform workers. These recommendations, if adopted, will help Rajasthan become a model state for enacting regulations for gig workers in India, and other states that have a model similar to this platform economy [14, 15, 16, 17, 18].

Limitations and Future Research

Due to non-availability of disaggregated data on gig workers in Rajasthan, the results of this paper are limited. The above state estimates are obtained by applying the above national proportions on the estimated proportion of platform transactions in Rajasthan which has some error which will be corrected with future primary research efforts including expanded Rajasthan welfare board registry. Moreover, the primary survey needs to be conducted to validate the classification index created in three dimensions in Section 5.1 and then send to the gig workers of Rajasthan who are categorised in four classification. Another aspect of gig work in Rajasthan which could be explored in future studies is the gendered aspect of the gig work, disaggregation is not possible in this paper through secondary sources of data and is a political economy question with regard to the compliance of the aggregators with the enhanced contribution requirements [8, 28, 31].

References

1. Aloisi, A. (2016). Commoditized workers: Case study research on labour law issues arising from a set of on-demand/gig economy platforms. *Comparative Labor Law & Policy Journal*, 37(3), 653–690.
2. Aloisi, A., & De Stefano, V. (2022). *Your boss is an algorithm: Artificial intelligence, platform work and labour*. Hart Publishing.
3. Berg, J. (2016). Income security in the on-demand economy: Findings and policy lessons from a survey of crowdworkers. *Comparative Labor Law & Policy Journal*, 37(3), 543–576.
4. Bhandari, M., & Kesar, S. (2020). Labour market informality, precarious work and social protection in India. *Global Labour Journal*, 11(2), 107–125. <https://doi.org/10.15173/glj.v11i2.4199>

5. Chakraborty, S. (2021). Gig economy and labour law in India: An analysis of regulatory gaps. *Indian Journal of Labour Economics*, 64(3), 701–718. <https://doi.org/10.1007/s41027-021-00330-8>
6. Cherry, M. A., & Aloisi, A. (2017). *Dependent contractors in the gig economy: A comparative approach*. American University Law Review Press.
7. Countouris, N. (2019). The legal determinants of work: Comparative perspectives. *International Labour Review*, 158(4), 681–706. <https://doi.org/10.1111/ilr.12143>
8. Das, A. K., & Mehta, B. S. (2022). Platform work and social protection in India: Evidence from food delivery workers. *Economic and Political Weekly*, 57(14), 34–42.
9. Davidov, G. (2016). *A purposive approach to labour law*. Oxford University Press.
10. De Stefano, V. (2016). The rise of the just-in-time workforce: On-demand work, crowdwork, and labour protection in the gig economy. International Labour Office.
11. Dutta, A. (2021). *Platform economy and labour rights in India*. Academic Foundation.
12. *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*, 4 Cal. 5th 903 (2018) (California Supreme Court).
13. Florisson, R., & Mandl, I. (2018). Platform work: Types and implications for work and employment. Eurofound Working Paper, EF18004. <https://doi.org/10.2806/696038>
14. Government of India. (2020). Code on Social Security, 2020 (No. 36 of 2020). Ministry of Law and Justice.
15. Government of India. (2020). Code on Wages, 2019 (No. 29 of 2019). Ministry of Law and Justice.
16. Government of Rajasthan. (2023). Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023. Department of Labour.
17. Government of Rajasthan. (2023). Rajasthan Platform Based Gig Workers Welfare Fund Rules, 2023. Department of Labour.
18. Gupta, N., & Sharma, R. (2022). Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023: A critical appraisal. *Journal of Indian Law and Society*, 13(2),

88–112.

19. International Labour Organization. (2019). *Work for a brighter future: Global Commission on the Future of Work*. ILO.
20. International Labour Organization. (2021). *World employment and social outlook 2021: The role of digital labour platforms in transforming the world of work*. ILO.
21. Jain, S., & Trehan, M. (2021). Social security for gig workers in India: Legislative gaps and policy imperatives. *NUJS Law Review*, 14(2), 1–28.
22. Johnston, H., & Land-Kazlauskas, C. (2018). Organizing on-demand: Representation, voice, and collective bargaining in the gig economy. *Conditions of Work and Employment Series*, 94. ILO.
23. Kalhan, A. (2020). *Gig economy and labour regulation: Indian perspectives*. Eastern Book Company.
24. Katz, L. F., & Krueger, A. B. (2019). The rise and nature of alternative work arrangements in the United States, 1995–2015. *ILR Review*, 72(2), 382–416. <https://doi.org/10.1177/0019793918820008>
25. Mahapatra, S. (2020). Extending social security to informal workers in India: Challenges and prospects under the Code on Social Security, 2020. *Asian Journal of Law and Society*, 8(3), 501–522. <https://doi.org/10.1017/als.2020.35>
26. Mehrotra, S., & Giri, S. (2019). Informal employment trends in India: Persistent informality, but growing positive development. ILO Working Paper No. 4. International Labour Office.
27. Ministry of Statistics and Programme Implementation. (2023). *Periodic Labour Force Survey 2022–23*. Government of India.
28. NITI Aayog. (2022). *India's booming gig and platform economy: Perspectives and recommendations on the future of work*. Government of India.
29. Prassl, J. (2018). *Humans as a service: The promise and perils of work in the gig economy*. Oxford University Press.

30. Prassl, J., & Risak, M. (2016). Uber, TaskRabbit, and Co.: Platforms as employers? Rethinking the legal analysis of crowdwork. *Comparative Labor Law & Policy Journal*, 37(3), 619–652.
31. Rajasthan Economic Review. (2023). State Finance Department, Government of Rajasthan.
32. Routh, S. (2014). Informality, collectivity, and social protection: Lessons from India. *Journal of South Asian Development*, 9(3), 257–282. <https://doi.org/10.1177/0973174114549488>
33. Sharma, A. (2023). Rajasthan's gig worker welfare model: A legislative first in India. *National Law School of India Review*, 35(1), 45–72.
34. Singh, P., & Agarwal, N. (2022). Platform economy workers and the Code on Social Security, 2020: Prospects and limitations. *Indian Journal of Industrial Relations*, 57(4), 601–618.
35. *Sriram Pistons and Rings Ltd. v. Workmen*, AIR 1987 SC 2378 (Supreme Court of India).
36. Srivastava, R. (2019). *Informal labour in India: Challenges for theory and policy*. Routledge India.
37. Todolí-Signes, A. (2017). The 'gig economy': Employee, self-employed or the need for a special employment regulation? *Transfer: European Review of Labour and Research*, 23(2), 193–205. <https://doi.org/10.1177/1024258916673747>
38. *Uber BV v. Aslam* [2021] UKSC 5 (UK Supreme Court).
39. Vallas, S., & Schor, J. B. (2020). What do platforms do? Understanding the gig economy. *Annual Review of Sociology*, 46, 273–294. <https://doi.org/10.1146/annurev-soc-121919-054857>
40. Wood, A. J., Graham, M., Lehdonvirta, V., & Hjorth, I. (2019). Good gig, bad gig: Autonomy and algorithmic control in the global gig economy. *Work, Employment and Society*, 33(1), 56–
41. 75. <https://doi.org/10.1177/0950017018785616>

42. WorkersUnity Trust v. Union of India, W.P. (C) No. 1127/2021 (Delhi High Court, pending).