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Beyond The Binary: Legal Classification of Gig Workers in India's Evolving Labour Law Architecture

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Abstract: Since 2023, the nature of gig and platform workers – whether they are *"employee"* or *"independent contractor"* has become a multi-level regulatory battle in India. In India, the amount of legal activity has never been greater, from the Welfare Fund statute passed in the State of Rajasthan in 2023, various State laws and draft bills in Karnataka, Telangana, Jharkhand and Bihar, the delay in the implementation of the Code on Social Security (2020), all four central Labour Codes (21 November 2025) to the Supreme Court challenge of Indian Federation of App-based Transport Workers (IFAT) against the Union of India. As of now, the registration of workers, including the number of gig/workers and platform workers, is also not centralized as only 3.37 lakh of the total 30.98 lakh workers registered on e-Shram portal are categorized as gig/platform workers, while NITI Aayog estimates it at 23.5 million by 2029-30. This paper aims at doctrinal, comparative and policy analysis of this situation which is swiftly changing. It draws parallels with more elaborate Karnataka act and further with more detailed Code of Central Government and recent judicial decisions made in India and overseas and introduces a multi factorial classification system which could have been integrated into the existing Welfare Board system in Rajasthan. It is based on solid government, legislative and journalistic sources in the analysis period (2023-2026). The figures and tables depict the following: Growth in workforce, sectoral structure and skill type, e-Sharam registration deficit, classification time line and comparative international classification tests and proposed classification route.

Keywords: *Gig Economy; Platform Workers; Code on Social Security, 2020; Rajasthan Platform-Based Gig Workers Act, 2023; Labour Law Classification; Algorithmic Management; India.*

1. INTRODUCTION

It is estimated that 7.7 million labourers were employed in the concept of platform economy in 2020-21 which will grow to 23.5 million by 2029-30 [1] and that the dichotomy of 'employee' and 'independent contractor' forms the backbone of India's labour law system. The gig-worker provisions of the Code have been on the statute book ever since the introduction of the Code on Social Security, 2020 ("CSS Code") [15,23], but without being enacted. The Union Government had announced that the limbo would come to an end at least officially on 21st November 2025, when it issued a notification for the implementation of the new codes as mentioned above [11,22]. On 30 December 2025 [12] on the eve of a coordinated strike by delivery and ride-hailing workers in various cities across India, these central rules on eligibility and benefits norms were prepared.

Rajasthan's uniqueness comes into play in this story. It was the first State in India to enact welfare measures for gig-workers by enacting the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 ("Rajasthan Act") welfare tax on transactions made by aggregators and a Welfare Board was imposed in Rajasthan on 24 July 2023 [1,2,3]. Karnataka and Telangana have passed similar state laws, while the draft bill in Jharkhand is almost similar, and the bill of 2025 in Bihar, which is not as institutionalized in nature, but not as well drafted either, is generally considered to be the most detailed of the state models, particularly because it explicitly provides for the freedom of the gig worker to refuse a task [9]. The gamut of overlapping solutions, both at the central and State levels, brings two important questions to mind: What does harmonize? and double contribution risk; more importantly, can the coverage under the welfare-fund based on the presumption of employment or the non-specification of the question of employment provide sustainable protection?

This paper has three related aims: Firstly, it gives a legal perspective on Indian laws after 2023 and its application to gig workers and social security. Secondly, it pays attention to classification of gig workers and social security in India. Updates State Central of changes since January 2023. Second, it uses data from the entire country, which it deems reliable, like estimates of workforces from NITI Aayog, registrations on e-Shram and the lack of data from the Periodic Labour Force Survey (PLFS) to measure the mismatch between the law's intent and reality. Thirdly, it suggests a multi-factor classification system, based on the recent international schemes, such as the U.K. worker category, the Californian ABC test and the EU Platform Work Directive (EU) 2024/2831), which can be implemented within existing Welfare Board framework of Rajasthan without modifying the legislation.

2. REVIEW OF RECENT LITERATURE

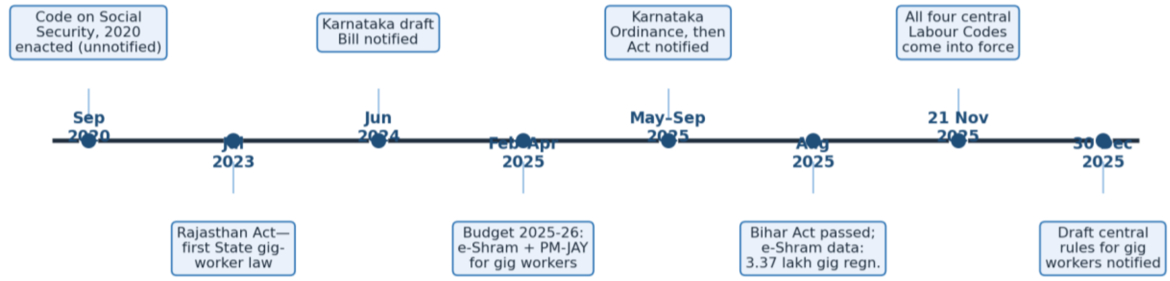
The Indian law on gig-worker classification can be classified into three strands after 2023. The first is doctrinal criticism of the 'welfare-fund architecture' of the CSS Code, a few of whose authors have called the Code a recognition without any status; the Code allows for recognition of welfare funding but does not require it or define any benefits, nor does it set any time limits [31]. Similarly, Bali's comparative critique contrasts the approach of the European Union where the rebuttable presumption is more effective to “correct the imbalance of power in platform work” with the less comprehensive half measures of jurisdictions having the fiction of independent contracting [29].

The second set of factors is associated with the wave of State legislation. Practitioner and policy literature on the Karnataka Ordinance and Act 2025 highlights the more detailed institutional set up, e.g. the right to refuse task, as compared to that of the Rajasthan Act, and the explicit recognition of the difference in the approach between the State welfare-fee and the ‘total contribution payable' under the CSS Code which is meant to prevent double payment when the central rules come into effect [7,9,10]. Recent changes in the legislation in similar draft models or enacted models in Telangana, Jharkhand and Bihar suggest a more or less uniform adoption of the Rajasthan model.In recent years, one can see a more or less similar adoption of the Rajasthan model in the updates of similar draft/enacted models in Telangana, Jharkhand and Bihar.

The third cluster discusses the statistical invisibility of gig work. The PLFS, the most important indicator to measure the labour force, “does not have a dedicated category for gig workers,” as noted by analysts, the plans to issue union identity cards, eShram registration and Ayushman Bharat coverage for gig workers were introduced in the Union Budget 2025-26. Recent quantitative study based on descriptive and linear-projection approach shows the extent of this mismatch in the number of projected and registered gig workers as observed by NITI Aayog and e-Shram series respectively [23]. Lastly the development of an emerging literature investigates algorithmic management as a new area of legal analysis, and suggests that algorithmic control of ratings and dynamic pricing, and automatic deactivation, is a logical extension of the traditional supervisory control which has long characterized the spectrum of potential for employment under Indian doctrine [32].

3. THE CENTRAL LEGAL AND REGULATORY FRAMEWORK

The following discussion will concentrate on the milestones discussed in this Section and Section 8 and compare them on the same timeline: since the enactment of the CSS Code in 2020 until the date for sending the draft central rules for comments is set for December 2025. Figure 1. In this course, students will be introduced to some of the most important legislative/policy developments in India on Gig workers and Social security (2020-2026).



Source: compiled from official gazette notifications, PIB releases and legal-practice updates cited in References [1–19].

Figure 1. Timeline of key legislative and policy milestones governing gig-worker classification and social security in India, 2020–2026 [1, 2, 5, 9, 11, 12, 16, 18]

3.1 The Code on Social Security, 2020 and its 2025 Commencement

The CSS Code, which was enacted in September 2020, for the first time introduced Sections 2(35), 2(60), 2(61) and 113–114 which define ‘gig worker’ and ‘platform work’ as separate legal concepts and consider a Social Security Fund that would be funded by aggregator, worker and government contributions. However, the provisions relating to the gig workers have not been notified for over five years. For the first time, on 21st November 2025, the Union Government launched all four labour codes into India's labour-law space for three groups of workers - IT workers, ITES workers, Audio-visual and Digital media workers [11,13,14]. These rules begin to specify the eligibility criteria and benefits, but commentators have pointed out that “these rules do not address all demands made by the workers” and that a Universal Social Security Account (USSA) which incorporates EPFO, ESIC, e-Shram and PM-JAY is still a proposal in the draft Shram Shakti Niti, 2025 [11,12].

3.2 The e-Shram Portal and the Registration Deficit

Along with this, Union Budget 2025-26 stated that the workers have to get registered on e-Shram portal and Ayushman Bharat – PM-JAY health cover for eligible workers [17,29] to get registered on the online platforms. As of 3 August 2025, over 30.98 crore workers had registered on e-Shram of which only 3.37 lakh (0.11 per cent) had registered as gig or platform workers [18,19] as against the estimated one crore workers as gig or platform workers as of 2024-25 as estimated by NITI Aayog. The point here is that, as detailed in Section 6, the current unregistration (or any classification without a related identification process) will not be very effective.

3.3 Comparative Overview of the State-Level Legislative Wave

Based on the official gazette notifications, bill briefs from PRS Legislative Research and legal-practice commentaries from the last few years [1–6, 9, 10, 16] the key instruments in the state and central legislatures identified from this review have been summarised in table 1.

Table 1. Comparative Overview of Central and State Gig-Worker Legislation in India (position as of January 2026)

State	Instrument	Status (as of Jan 2026)	Aggregator Contribution	Distinctive Feature
Rajasthan	Platform Based Gig Workers (Registration & Welfare) Act, 2023	In force since 24 Jul 2023; first such law in India	Welfare cess on aggregator transactions; Rs 200 crore initial corpus announced	First mover; unique worker ID and central database
Karnataka	Platform Based Gig Workers (Social Security & Welfare) Act, 2025	Ordinance 27 May 2025; Act notified 12 Sep 2025 (eff. 30 May 2025); Rules 19 Nov 2025	Welfare fee 1%–5% of per-transaction payment; 12% p.a. interest on default	Explicit worker right to refuse a task; welfare-fee offset against CSS Code liability
Telangana	Draft Gig and Platform Workers (Registration, Social Security &	Draft/consultation stage	Proposed, rate not yet finalised	Modelled on Rajasthan; registration-linked welfare board proposed

	Welfare) Bill, 2025			
Jharkhand	Draft Platform Based Gig Workers (Registration & Welfare) Bill, 2024	Draft stage	Proposed	Follows Rajasthan template
Bihar	Platform Based Gig Workers (Registration, Safety & Welfare) Act, 2025	Passed by State legislature, 2025	Proposed contribution mechanism	Explicit safety-standard provisions
Union of India (CSS Code)	Code on Social Security, 2020, Ss. 113–114	In force from 21 Nov 2025; draft rules 30 Dec 2025	1–2% of aggregator turnover / annual payout (indicative)	National Social Security Fund; interoperability envisaged with State schemes

4. INTERNATIONAL COMPARATIVE PERSPECTIVE

India's challenge with gig-workers is not the only one in the world. The Supreme Court of the United Kingdom (UK) decided unanimously that the Uber drivers were ‘workers' because they had been subjected to some degree of control by the company that did not conform with the independent contractor relationship, they were required to rate the Uber drivers and the company disabled them when they rated them negatively, and the company-imposed conditions on them. In the United States, the Californian Supreme Court in Dynamex has created the ‘ABC test’ whereby the presumption of employee status can only be overcome if the hiring entity can 'affirmatively demonstrate' that the worker is not acting in any way independent of the hiring entity. The EU has since followed suit, having introduced a rebuttable legal presumption of employment to all cases where there is evidence of control and direction of the platform (Council, 14 October 2024, published in December 2024) and new transparency and human oversight requirements for algorithmic management systems, which will apply to the Member States from 2 December 2026 onwards (35,36,37).

To illustrate how these three regimes fit around the proposed three criteria (control, dependency, integration), these regimes have been compared next to the three factor framework proposed in Section 7 of this paper, though the procedure differs (a presumption-and-rebuttal in the UK/EU/California models, against an additive scoring framework proposed here for the Indian and welfare-fund linked.

Table 2. Comparative Judicial and Legislative Tests for Platform-Worker Classification

Jurisdiction	Key Instrument	Test / Mechanism	Outcome for Workers
United Kingdom	Uber BV v Aslam [2021] UKSC 5	Purposive interpretation; intermediate 'worker' category	National Minimum Wage, paid leave, whistle-blower protection
United States (California)	Dynamex Operations West v Superior Court, 4 Cal.5th 903 (2018); AB5	'ABC test' – presumption of employee status, burden on hiring entity	Reclassification of many drivers as employees, subject to later carve-outs

European Union	Directive (EU) 2024/2831 ('Platform Work Directive'), adopted 14 Oct 2024	Rebuttable presumption of employment where indicators of control are present; algorithmic-management transparency duties	Member States to transpose by 2 Dec 2026; correction of misclassification
India (proposed – this paper)	Multi-factor test synthesising CSS Code §§113–114 with Dharangadhara, Silver Jubilee and Sriram Pistons doctrine	Four-factor control/dependency/variability/integration test (Fig. 3)	Tiered access to State Welfare Board and CSS Code Fund benefits

Comparative picture show that the recent Indian model of welfare fund (which is neither statutory nor judicially defined in the UK) is more conservative than the EU model of welfare which is statutory and the UK model where welfare is judicially defined without taking into consideration the status. But this has been highlighted by the Indian commentators who see that "passages on classification were intentionally omitted in the Acts of Rajasthan and Karnataka, although there is some good, albeit limited, welfare coverage in the Acts. [16].

5. JUDICIAL DEVELOPMENTS: THE PENDING SUPREME COURT REFERENCE

The Indian Federation of App based Transport Workers (IFAT), Tulasi Jagdish Babu and Kaushar Khan on behalf of the government and aggregators such as Uber India, Ola (ANI Technologies) and Zomato companies have filed a writ petition in the country that will get the earliest hearing before the court. The petition seeks to find out whether gig workers are covered by the protections of the Unorganized Workers' Social Security Act, 2008; whether their exclusion from the protection of that Act is unconstitutional because it is in breach of their right to equality guaranteed under Article 14; whether it is their right to life guaranteed under Article 21 and the right against forced labour guaranteed under Article 23 of the Constitution that is being violated because there is no social security for them. It is noteworthy that the notice was sent by the bench of Justices L. Nageswara Rao and B.R. Gavai in December 2021 and the Supreme Court has also been in touch with the subject and gave them a few notices to Union and the States governments and the aggregators identified by the governments for the platform workers [25].

IFAT is of doctrinal significance for two reasons.The pendency of IFAT is crucial in two regards. An examination of the constitutionally based classification result, which is not under the constitutionally based welfare provisions of the CSS Code but is under Article 14, 21 and 23, opens a space for a rights-based classification result which will overrule and, perhaps, impact the central Code as well as the State Acts examined in Section 3. Second, it illustrates the continuity of doctrine between the classical Indian tests of control/integration (as seen in Dharangadhara Chemical Works v State of Saurashtra, Silver Jubilee Tailoring House v Chief Inspector of Shops and Establishments, Sriram Pistons and Rings Ltd v Workmen) and how it can be applied in the case of algorithmically mediated control of platforms. No one employer had to make such decisions, but these decisions had been made based on a structure of the relationship from which control was implied – something that can readily be turned into algorithmic and ratings-based task allocation.

6. Data and Analytics: Measuring an Officially Invisible Workforce

The literature reviewed in section 2 once again highlights the need to focus on the issue of inadequacy of official statistics in capturing the gig workforce in India. The NITI Aayog report of 2022 had speculated that the number of gig workers and platform workers would reach 7.7 million in 2020-21, which has been revised to 23.5 million (2.35 crore) by 2029-30 [1,20]. In the government estimation of 2024-25 the number of workers engaged in the country was estimated more than 1 crore [18,19]. These are plotted in figure 2 and of the three reference points these three have been checked.

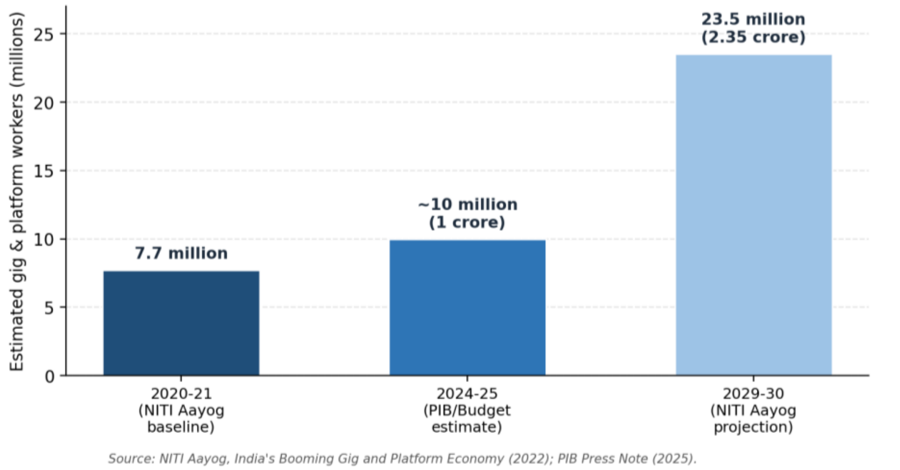


Figure 2. Projected growth of India's gig and platform workforce, 2020-21 to 2029-30 (Sources: NITI Aayog, 2022; PIB Press Note, 2025) [1, 18, 20]

In this projected scale there is a tremendous gap between the number of registered and actual users. Its previous government had set up an online platform for unorganised workers, but the Ministry of Labour and Employment (MTE) had introduced a National Database called e-Shram to connect unorganised workers, which had registered over 30.98 crore self-declared unorganised workers as of 3 August 2025, while only 3.37 lakh workers were registered as gig or platform workers (0.11 per cent of self-declared unorganised, and less than 3.4 per cent of estimated 1 crore gig or platform workers). The size of this gap is indicated by the gap in figure 3.

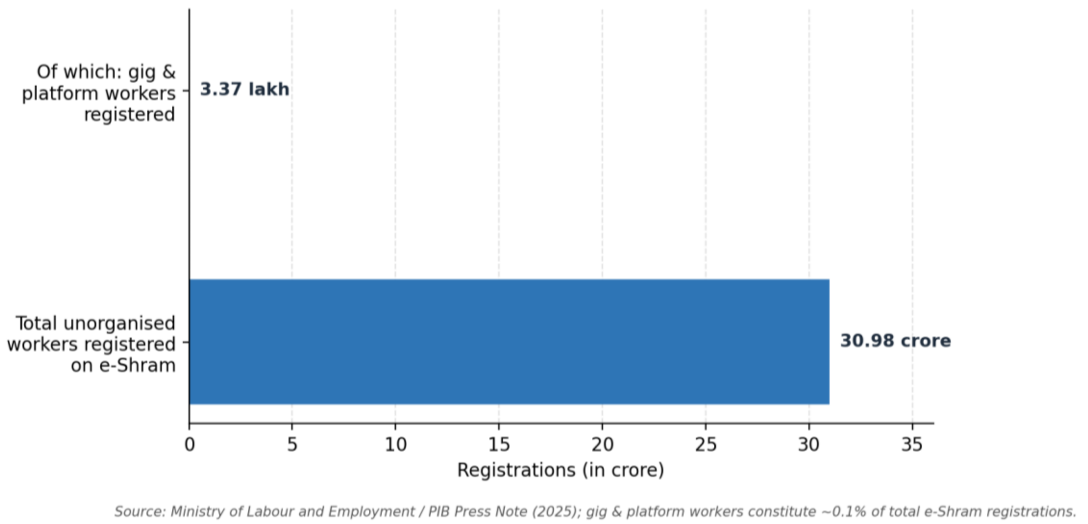


Figure 3. The gig-worker registration gap on the e-Shram portal, as of 3 August 2025 (Source: PIB Press Note, 2025) [18]

There are two reasons for this lack of supply, related to the structure. First, the PLFS is the most important survey instrument to measure the Indian labour market and doesn't have a dedicated category for gigs, but rather falls under ‘self-employed' and ‘casual labour' [21,22] as one recently commented, ‘statistically invisible'. Secondly, even in case of self-declaration of registration, they might not be added to the national e-Shram registration database if they are registered with the Rajasthan or Karnataka welfare-fund registration formalities. Similarly, recent applied research into the linear-projection techniques carried out in the series of NITI Aayog and e-Shram found out that the higher the difference between projected and recorded gig workers would be in the coming decade from 2025 to 2030 [23]. This paper suggests that the registration system of the Welfare Board, as part of the registration requirements, is a better design for capturing data than the voluntary self-declaration, which warranted further empirical research, and could be centralized.

6.1 Composition of the Workforce: Sector and Skill

The data from NITI Aayog shows that there were 68 lakh gig workers in India during FY22 baseline (2019-20) and that this is not limited to platforms that can be seen in the public discourse. The other services, such as information technology and real estate, services, construction and education jobs accounted for about 4.4 per cent, 2.4 per cent and 4.2 per cent of the workforce, respectively, and had the largest employment figures in the retail trade and sales (around 39 per cent) [1,38]. This distribution is subsequently represented in Figure 4, and the distribution of skill levels in Figure 5, in terms of the percentage of gig work in medium-skilled (delivery, ride-hailing), low-skilled (categories) and high-skilled (freelance, professional) categories.

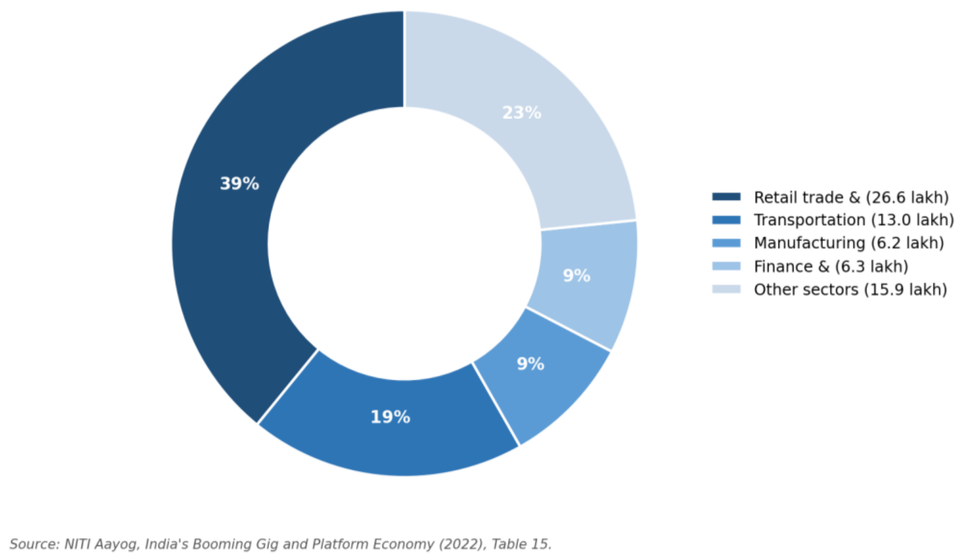


Figure 4. Sector-wise distribution of India's gig workforce, FY 2019-20 baseline (Source: NITI Aayog, 2022, Table 15) [1, 38]

The composition of the classification is quite sensitive to the control patterns of the ride-hailing and food delivery jobs, and is not adequately representative of the algorithmic/dependency aspects of the jobs in retail trade and sales/ecommerce logistics. Therefore, the Welfare Board of Rajasthan should ensure that the reach and registration of the sector does not provide undue privileges to the ride-hailing and delivery sub-sector which is the most visible sub-sector.

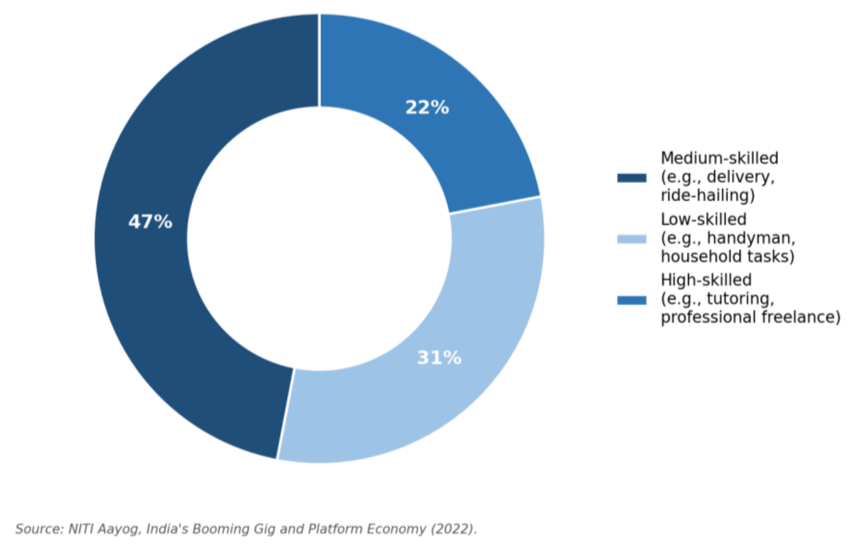


Figure 5. Skill-level composition of India's gig workforce (Source: NITI Aayog, 2022) [38]

6.2 The Workforce's Growing Share of Total Employment

The second lens used will be NITI Aayog's projections of the number of gig workers as percentage of total jobs and non-agricultural jobs as given in figure 6. The number of gig workers in 2020-21 accounted for an estimated 2.6 per cent of the non-agricultural workforce (or 1.5 per cent of the total workforce) and are expected to make up 6.7 per cent of the non-agricultural workforce (or 4.1 per cent of the total workforce) by 2029-30 [1,38]. As can be seen in Fig.7, the relevance of a policy to gig work is not just numbers, it is the increasing proportion of gig work in the total employment structure in India as captured in a separate study by VV Giri National Labour Institute (VVGNLI) which predicts that the gig workforce would account for about 61.9 million jobs by 2047 [39].

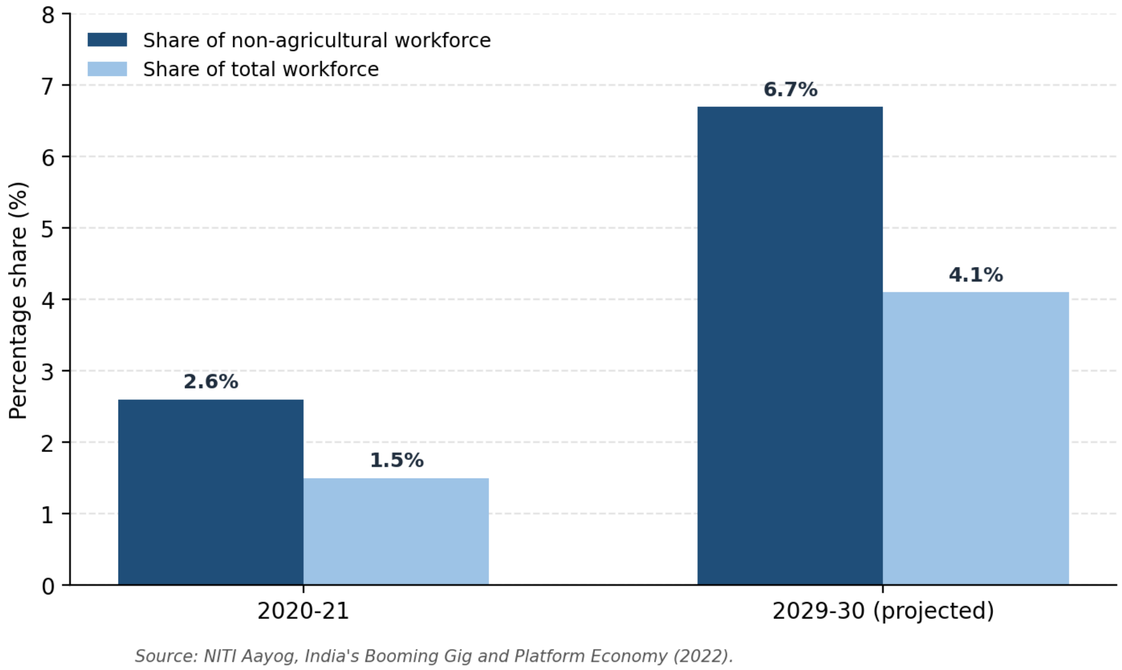


Figure 6. Gig workers as a share of India's workforce, 2020-21 vs. 2029-30 projected (Source: NITI Aayog, 2022) [1, 38]

7. A PROPOSED MULTI-FACTOR CLASSIFICATION FRAMEWORK FOR RAJASTHAN

This paper aims to suggest a four factor classification pathway (Figure 7) which is to be administrative, based on the doctrinal continuity discussed in Section 5, and on the existing models explored in Section 4, which are going to be implemented under the existing rules of the Platform Based Gig Workers Welfare Board in Rajasthan without any fresh primary legislation. For every registered relationship between a worker and an aggregator the following questions are asked: (i) Does the platform algorithmically determine the prices? (ii) Does it provide an algorithmic distribution of tasks or does it provide an algorithmic distribution of tasks based on the performance of the worker? (ii) Does the worker have an economically meaningful relationship with the platform in terms of his income from the activity in the platform? (iii) Can the platform, without giving any reason, change the rules without any justification and cancel the access to the worker or cancel the worker account? (iv) Does the worker's activity have a role in the platform's core business model or does it merely take place as an incidental? They are based on the control test recommended by recent writers on platform control [32,33] in the case of Dharangadhara Chemical Works Ltd v State of Saurashtra, the integration test (as modified for platform control) in Silver Jubilee Tailoring House v Chief Inspector of Shops and Establishments and the economic-reality/purposive approach (as modified for platform control) in Sriram Pistons and Rings Ltd v Workmen.

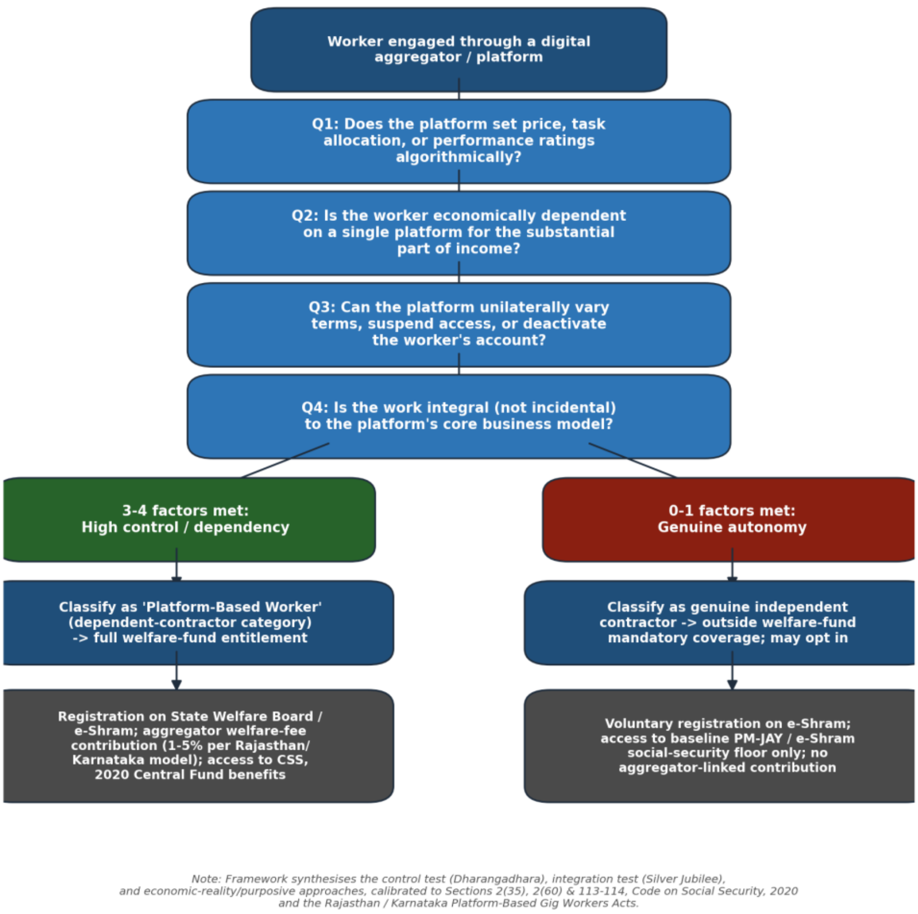


Figure 7. Proposed multi-factor classification pathway for gig workers registering with Rajasthan's Platform Based Gig Workers Welfare Board

This design would make 3 or 4 of the 4 indicators fulfilled by a worker and it would be considered a 'platform-based worker' for mandatory registration with Welfare Board and a worker would become welfare-fund entitlement worker as per the existing welfare fee mechanism of Rajasthan and Karnataka. Even if the worker does not make any contribution from any of the indicators, he/she can still register voluntarily on e-Shram and contribute towards basic coverage but not aggregator's compulsory contribution. This is not an "either-or" presumption model like in the UK, California or the EU (as it is in India, both the CSS Code and the State Acts are used and are not the solution).

8. CASE STUDY: RAJASTHAN'S WELFARE-FUND MODEL IN OPERATION

In the initiative of the then CM, the Rajasthan Platform Based Gig Workers Welfare Board is created and a State-wide Database is generated with a unique Identification Number of each registered Gig worker along with the engagement history with each of the Gig workers with aggregators. The Social Security and Welfare fund will be fed from capitalisation by levying a cess on the transactions of the aggregators, along with contributions from the workers, grants-in-aid and other sources, and was estimated to have a corpus of Rs 200 crore in the 2023-24 State budget [6]. The process of consulting industry stakeholders on the implementation of the rules has been underway since the beginning of 2024 and is continuing in 2025 [5] and will involve the proposed Central Transaction Information and Management System (CTIMS) that will include tracking of aggregator payments and welfare-cess deductions.

The second generation model of this Rajasthan model could be the following Ordinance and Act of Karnataka (2025). The Karnataka Rules (notification 19 November 2025) provide for a tiered welfare-cess (1 to 5 per cent of the amount paid to a gig worker per transaction) and also introduce a penalty for failure to pay the welfare-cess (interest) of 12 per cent per annum after the payment is made to the gig worker. The state welfare-cess will also be explicitly reimbursed to the aggregator on the "total contribution payable" column in the CSS Code [7,10] and will be reconcilled annually in the Rules. This reconciliation process, by itself, will give assurance that there will be no double contribution risk for the aggregators after November 2025, when the central Code's aggregator contribution provisions will come into effect and will be a model for the aggregators in Rajasthan Rules, as well.

The study has resulted in three lessons.The following are practical lessons as taken out of the comparative study of these cases for Rajasthan. First, a welfare-cess model, which does not take into account control imbalance between aggregator and the worker as it does in the current scenario in Karnataka where the aggregator is under the worker's rights to refuse a task. Secondly, there is the possibility of a double liability on the aggregators in Rajasthan on the State Act and a new CSS Code, which the State Government should consider to amend, rather than enact a new primary law. Third, if such an interoperability of the CTIMS style transaction tracking platform with UAN of e-Shram is achieved, it would be a great contribution to the problem of data capture identified in Section 6 and could be a real data-capture advantage for Rajasthan.

9. DISCUSSION AND POLICY RECOMMENDATIONS

In Sections 3–8 four recommendations are made for Rajasthan policy makers and hence for the design of rules that can be implemented under the now-inoperative CSS Code. These recommendations are summarised in figure 8 before they are discussed individually.

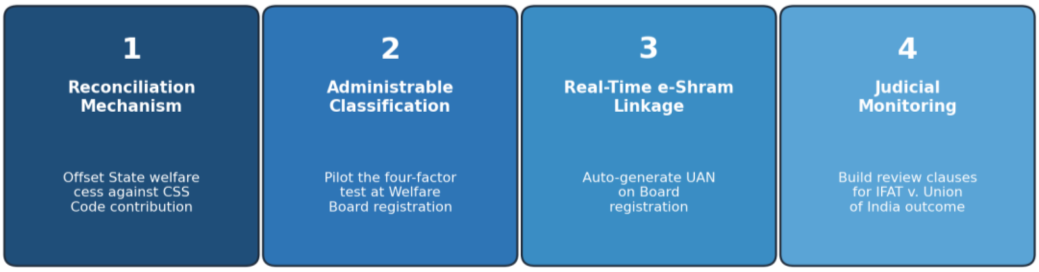


Figure 8. Four policy recommendations for Rajasthan (summary)

1. Adopt a reconciliation mechanism. To incentivise compliance, the State Welfare cess in the Welfare Fund Rules should be offset with the central contribution obligation, as outlined in the CSS Code, in the same manner as it was done in Karnataka so as to not discourage compliance by penalising with double charges.

2. Operationalise the proposed classification pathway administratively. The four-factor framework (Figure 3) can be piloted by the Welfare Board as a registration time questionnaire to be completed together by the aggregator and the worker and does not require amendment of the parent Act in accordance with the existing data collection role of the Welfare Board.

3. Link State registration to e-Shram in real time. The potential linkage of an application programming interface (API) between the database of the Rajasthan Welfare Board with the e-Shram would directly address the measurement gap highlighted in Section 6 as the same would trigger the generation of an e-Shram Universal Account Number (UAN) for every Board registration.

4. Monitor the IFAT proceedings for downstream statutory impact. The constitutional definition of ‘unorganised workers' in the CSS Code rules would need to be amended on the basis of the Supreme Court's eventual ruling on IFAT, as would also be the case with the Rajasthan Act in the event that gig workers are recognised as such in the Act.If the Supreme Court ultimately decides that gig workers are ‘unorganised workers' under the 2008 Act, or that the entitlement to ‘unorganised workers' is expanded, then both the CSS Code rules and the Rajasthan Act would need to be amended accordingly; however, the legislators should have incorporated review clauses in the rules-making process for the 2008 Act to allow for such changes without the need for yet another Act.

10. LIMITATIONS

The analysis is doctrinal and policy analytical and does not include any new empirical primary research; the figures are sourced from government press releases, government gazette notifications, bill briefs provided by PRS Legislative Research, and contemporaneous commentary on the legal practice, which are cited and not provided as original research findings by the authors. The numbers cited here (contribution rates, coverage thresholds) may change with the finalization of the draft instruments that have been notified under the central Labour Code or the State instruments in Telangana, Jharkhand and Bihar due to the pending IFAT litigation and finalization of draft instruments where the legal architecture remains unchanged. Readers using this analysis post mid-2026 should check the latest text of rules with the Ministry of Labour and Employment and State gazette notification.

11. CONCLUSION

In the process, India shifted from just one un-notified central provision on gig-worker social security to a truly plural model, with the first State Act of Rajasthan, the second-generation approach in Karnataka, and other State measures under way, a functioning central Code with draft implementing rules, and a constitutional challenge underway in the Supreme Court, all where the issue was gig-worker social security. The increase in empirical visibility has not been as quick as the increase of e-Shram registrants: At present, less than four out of a thousand e-Shram registrants are recorded as gig workers or platform workers, while the number of workers on these platforms is expected to grow over two times in the coming years [1,18,20]. This paper has suggested that the gap can be filled not by making additional primary laws but by making specific changes in the existing rules based on the reconciliation mechanism used in Karnataka, which is a multi-factor classification approach that can be administered and is made real-time through existing Welfare Board and national e-Shram database in the state. This would turn the first-mover legislative edge into a first-mover data edge for Rajasthan and offer a blueprint that can be replicated at the central level as the Central rule making process kicks off following the commencement of the Code on Social Security, 2020 in November 2025.

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