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Readdressing Legal Blind Spot: A Policy Blueprint for Gender Justice in India's Gig Economy

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Readdressing Legal Blind Spot: A Policy Blueprint for Gender Justice in India's Gig Economy

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Abstract

The myth of India's economy and India Inc's focus on women platform workers in the evolving landscape. Women engaged in gig work, such as food delivery, ride-hailing, domestic services, and beauty, face specific risks like sexual harassment; lack of protective measures around maternity leave; algorithmic discrimination; and exclusion from social security. These risks are worsened by their structural invisibility in labour laws that remain male-centred, reflecting traditional views of formal employment. This paper critiques the gendered legal neglect of platform workers in India. It raises the question: How must India's legal and policy frameworks change to achieve gender justice in gig work? Its goal is to identify existing gaps and offer practical, targeted options for institutional and legislative reform to address the vulnerabilities women gig workers face. The paper departs from existing research by deploying a combination of doctrinal legal analysis, comparative policy review, and case-based study methodology on platforms such as Uber, Zomato, and Urban Company to show how Indian law overlooks the systemic disadvantages unique to women gig workers. Using statutory interpretations and secondary sources, this article examines the gaps in law present in India and outlines the legal outcome and the need to address them. The paper responds to this by advocating for a four-pronged policy framework that extends the POSH Act.¹ To also cover platform-based work, setting up a publicly financed maternity and care allowance for non-salaried women, mandating workplaces to put in place grievance redressal mechanisms and workplace safety measures, and auditing algorithms for gendered bias in ratings, as well as pay. This paper proposes a feminist future of work legal intervention, by way of responding to the ILO Centenary

Keywords: *Algorithmic discrimination, gig economy, labour legislation, posh.*

Introduction

The last decade has seen the radical transformation of labour markets following ICT advances, with the emergence of new digital mediating platforms for services and work. These platforms and neoliberal economic restructuring nexus products have accelerated the casualisation of labour, commodifying work into short-term, task-based contracts. This has resulted in a market increasingly dominated by the gig economy, where the worker no longer enjoys stable employment but lives in temporary 'gigs' in order to make a living. The trend of digitalisation is most apparent in the cities, whereby the platform economy has quickly taken over daily transactions related to mobility, provision of food, care labour, and personal services. Its proponents are fond of boasting about its technological prowess and the supposed independence it gives the labour force. But behind the myth lies a more complex reality. Gig work is defined by scattered employment, algorithmic hegemony, and a legal gap in which workers are not considered employees but as 'independent contractors' a label that conveniently strips them of social protection and collective bargaining rights. Gig labour generally exists in two forms: crowd work and on-demand app-based work. Crowd work is conducted entirely online, and app-based work consists of physical services facilitated by an online intermediary. Both forms involve platforms as middlemen,

¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

Declaration call for a 'human-centred agenda' around labour law that respects 'dignity', places 'gender equality at the core', and values recognition.

bringing workers and consumers together, taking a share of the wage, and exercising control over work conditions without taking on employer status. The platforms are not impartial technologies; they condition access, set wages, and create opaque systems of evaluation that provide limited choice to workers.²

India is the second-largest market of freelance professionals in the world, with ~15 million, second only to the United States, with 53 million.³ In the 2019 Noble House Report, 81 per cent of the major corporations surveyed reported using gig workers for at least one major organisational issue in the past year. In the 2020 Code on Social Security,⁴ which finally recognised gig workers as a class under the welfare net, its enforcement has been tedious, and data on gig workers, particularly disaggregated by gender, is still limited.

The gig economy now extends from beauty services to house cleaning, logistics, food delivery, and so forth. Perhaps most importantly, the autonomy of gig work has brought many women into the sector, particularly in low-skilled sectors. For women with committed paid and unpaid work, gig work may appear to provide autonomy and income without fixed timetables. Thus, the majority of women platform workers remain in limbo outside of conventional labour protection, on the periphery of regulatory data, and at the mercy of exploitation.

This paper starts from that lacuna. It asks questions about policy and legal blind spots enabling the gig economy in India from a gendered lens, and suggests reforms that are not merely protective, but transformative, founded in dignity, recognition, and equality for women in platform work.

Women In the Gig Economy

The emergence of digital platforms has kept at least 85% of India's workforce in the unorganised sector by most counts. To this note, women work predominantly in caretaking and cleaning professions traditionally, but also have taken on the gig economy. The growing trend is strong because of the ability of women to work for only 4 to 5 hours a day and manage things effectively, providing adequate income for their families.⁵ Nowadays, they are trying to find multiple short-hour working opportunities that can be done from home or far away at a time convenient with other domestic responsibilities. Another factor contributing to a high attrition rate of women in the workforce is the persisting tension around managing paid employment along with home-related work.⁶

Being a gig worker is a more feasible way of striking a balance between work and home life due to flexible schedules. Research has found that such platforms can be instruments to increase female labour force participation; however, actual change from a statistical standpoint remains modest.⁷ Women tend to prioritise jobs that provide them with a certain power and autonomy for controlling and balancing their domestic workload alongside the additional responsibility of earning. It has also presented women with the opportunity to choose between social expectations and personal goals.

In India, women are taking up these gig roles like beauty care, ride-hailing, and domestic workers, etc. challenging the conventional labour norms.⁸ A significant opportunity for India to increase the number

² Anwesha Ghosh et al., 'Women Workers in the Gig Economy in India - An Exploratory Study' (2023) SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4501098> accessed 01 November 2025

³ Dr. Rajat Kathuria et al., *Future of Work in a Digital Era: The Potential and Challenges for Online Freelancing and Microwork in India* (India Council for Research on International Economic Relations, 2017)

⁴ The Code on Social Security, Government of India 2019

⁵ Manu Saigal, 'Opportunities for women in the Gig economy as the sector sees a huge surge in participation from Women' *Times of India* (14 April 2022) <<https://timesofindia.indiatimes.com/blogs/voices/opportunities-for-women-in-the-gig-economy-as-the-sector-sees-a-huge-surge-in-participation-from-women/>> accessed 01 November 2025

⁶ Sakshi Sardana et al., 'A Conceptual Study on Women Workers in Gig Economy in India' (2022) 16 ENVISION - International Journal of Commerce and Management 4 <<https://acfa.apeejay.edu/docs/volumes/envision-2022/paper-10.pdf>> accessed 01 November 2025

⁷ Ria Kasliwal, 'Gender and the Gig Economy: A qualitative study of Gig platforms for women workers' (*Observer Research Foundation*, 24 May 2023) <<https://www.orfonline.org/research/gender-and-the-gigeconomy-a-qualitative-study-of-gig-platforms-for-women-workers-65948>> accessed 01 November 2025

⁸ Mrs Leelavathy H C and Dr Sudha B S 'Women in Gig Economy' (2024) 12(9) International Journal of Creative Research Thoughts <<https://www.ijcrt.org/papers/IJCRT2409180.pdf>> accessed 01 November 2025

of women workers is offered by the gig economy, as per recent studies from UNDP and FICCI, with support from the Government of Japan. The report found that about 57% of firms that were surveyed believed gig work can increase the number of women in the workforce, especially in a post-COVID world where digital platforms and remote work are becoming more common. The PLFS 2024 data also show a change in the composition of employment, with self-employed forming 67.4% of working women now, compared to 51.9% (one in two) in PLFS 2017–18, suggesting an increasing preference for non-traditional, flexible labour. In industries including healthcare, electronics, and fast-moving consumer goods, women’s employment is predicted to increase by 59%, 44%, and 41%, respectively. But according to the surveys, this potential can go unrealised if targeted reskilling isn’t done, as 73% of businesses stressed. Gig employment may be a viable route for Indian women to achieve economic independence with the correct training and policy assistance.⁹

Challenges Faced by Women in This Economy

The combined pressure of paid job and unpaid domestic chores, particularly after starting a family, is a significant factor in women’s workforce dropout rates. This tension was supposed to be lessened by gig platforms, which promised flexible schedules and no fixed workplace. Through gig employment, it was hoped that more women would enter the workforce. The statistics, however, show that female participation has hardly increased. Whether gig labour is a primary or secondary source of income determines its flexibility, and cultural norms continue to influence women’s decisions. Flexibility decreases when earnings are primarily derived from gig work. This helps to explain why gig platforms haven’t increased the FLPR (female labour force participation rate) in India. The rate decreased from more than 30% at the beginning of the year 2000 to 26% in 2018. FLPR decreased between 2011–12 and 2017–18 for urban casual workers from 14% to 13% and urban self-employed women (from 42% to 34%), two groups that include gig workers. Women frequently leave gig employment after their financial difficulties subside, according to UK studies; this pattern is also seen in India’s informal economy. Access to digital resources is another obstacle. In 2019, only sixteen per cent of Indian women had mobile internet access. Despite initiatives like Digital India, women continue to have low levels of tech ownership and digital knowledge, frequently as a result of social constraints. While some platforms offer gadgets, this is insufficient. Long term investments in literacy, access, and digital skills are actually what are required.¹⁰ The ability of women, especially in rural settings, to own and use digital technology is severely constrained by a mix of economic and sociocultural barriers. COVID-19 has driven home the point that connectivity is now essential for everything from communication and knowledge generation to livelihood, and that it is more lopsided than ever. Typically, they are more likely to use in-person and app-based service platforms as urban women have a higher internet penetration compared to rural women. The digital divide, which continues to exist between genders in gig economy engagement, highlights the necessity for further investigation into the economic dividends that could be brought by more female smartphone adoption.¹¹

The gig economy has sparked hope and opportunity for a variety of women seeking to earn alternative income streams, start their own businesses, or become self-employed, yet the financial landscape can still feel volatile. Fluctuating income that depends on demand can also be a hindrance to planning for the long-term budget and financial processes. Talent imbalances, inherent biases on platforms, and inadequate visibility of opportunities continue to interrupt the attainment of better-paying employment opportunities for women. Those serving as the primary caregiver, who already do a disproportionate amount of unwaged work at home, are even more negatively affected by the absence of job-related benefits such as health insurance or retirement schemes. Slow internet speed, lack of infrastructure, and

⁹ ‘GIG economy to boost employment of Indian women in the formal sector’ (*UNDP India*, 23 July 2021)

<<https://www.undp.org/india/press-releases/gig-economy-boost-employment-indian-women-formalsector>> accessed 01 November 2025

¹⁰ Madhavi Jha, ‘Women in the Gig Economy: Between Flexibility and Insecurity’ (*Observer Research Foundation*, 21 April 2025)

<<https://www.orfonline.org/expert-speak/women-in-the-gig-economy-betweenflexibility-and-insecurity>> accessed 01 November 2025

¹¹ Kasliwal (n 7)

shared working spaces in rural and economically backward regions are also the limiting factors for earning capacity. These gaps could be addressed through microinsurance products, portable social security schemes, and skill development programs for the specific segments.

Safety- both online and offline remains at the centre stage of discussion for female workers in gig work, especially women working in home services, ride-sharing, or travel-related work. However, dangerous work environments, invasion of privacy, and a fear for one's safety are the norm wherever you are. Indeed, in many cases, they are denied even basic legal rights that would otherwise be accorded to them under the POSH Act and other sister legislation, which is meant to protect workers from harassment at the workplace. This is just one example of how algorithms lower the economic visibility of women, contributing to gender inequality. Overcoming these dilemmas stretches across the design of solid safety measures, reporting channels for online harassment, support communities, and advocacy to push for labour legislation to become more inclusive.¹²

Existing Laws

Gig workers, including women who provide at-home services, were officially recognised by India in 2020 under the Code on Social Security as people who operate outside of the conventional employer-employee system. The establishment of a social security system for gig workers began with this. They still have a lot of work to do to improve working conditions and protect their rights. The individualised nature of gig employment, the lack of collective bargaining, the unpredictable income, and the lack of job security, according to experts, make regulation crucial.

In 2019, the Indian government combined 29 core labour regulations into four all-inclusive labour codes:

- **2019's Code on Wages:** This Code applies to all employees and incorporates four previous salary and bonus legislation. While state governments are in charge of some industries, such as mining and railroads, the central government determines pay rates for others. It establishes a national base wage that is evaluated every five years and controls overtime, working hours, and wage deductions, which are limited to 50%. Gender-based wage discrimination is illegal, and violators face fines of ₹1 lakh and up to three months in jail.
- **The 2020 Industrial Relations Code:** Hiring and firing practices are now more flexible as the threshold for required standing orders has been increased from 100 to 300 employees. Closings, layoffs, or retrenchments involving more than 300 employees require government clearance. Strikes are now forbidden during and 60 days following tribunal proceedings and must be announced 60 days in advance. Employers must contribute the equivalent of 15 days' last-drawn earnings to a reskilling fund established under the Code for laid-off workers.
- **Social Security Code 2020:** With this Code, all workers, including those in the gig and platform economies, are now covered by social security. It offers health and maternity benefits, old-age security, and disability and life insurance through programs announced by the federal or state governments. Although platform and gig workers are now officially recognised, their actual use will rely on how policies and procedures are framed.

The 2020 Code for Occupational Safety, Health, and Working Conditions: Facilities with 20 employees (using power) and 40 employees (without using power) are now included in the definition of a factory. The Code eliminates labour restrictions for hazardous sectors and applies to contractors with 50 or more employees. As long as safety precautions are taken, it allows women to work in all enterprises, including night shifts, and establishes a daily maximum of eight working hours. Appointment letters must be sent by employers. Although the previous option for temporary housing has been eliminated, migrant

¹² Yoganandham Govindharaj, 'CHALLENGES AND OPPORTUNITIES FOR WOMEN IN INDIA'S GIG ECONOMY: FUTURE INNOVATIONS, INFRASTRUCTURE, AND STRATEGIES FOR INFORMAL WORKERS' (2014) 14(12) JuniKhyat

workers from other states who make up to ₹18,000 a month are now eligible for portability for ration benefits and a journey payment for travelling from their home state to the workplace.¹³

At the state level, there has been some advancement. The first state to enact laws specifically addressing worker welfare was Rajasthan in 2023, when it passed the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act.¹⁴ In its unpassed draft Platform-based Gig Workers (Social Security and Welfare) Bill, 2024,¹⁵ Karnataka took a more technologically focused tack. Draft bills have also been drafted by Telangana and Jharkhand. Rajasthan's structure is mostly focused on labour, but Karnataka's is designed to accommodate swift advancements in technology.¹⁶

Drawbacks

Indian labour legislation, for all its apparent sophistication of law books, ignores the labour force as a formal male. This kind of organisation has the tendency to ghettoise women, especially those working in informal sectors like home-based work, gig economy work, or unorganised sectors. This is what usually results in them being excluded or unable to benefit from rights such as equal remuneration, paid maternity leave, or retrenchment protection. Protective policies that exist are rarely implemented, unable to make up for the social constraints & legal ambiguities that employers exploit, rendering most women vulnerable to exploitation & working in low-paid sweatshops often under hazardous conditions with very limited rights.

Labour Laws: Anyone who performs labour or participates in a work arrangement and makes money outside of the conventional employer-employee relationship is considered a gig worker, according to the Labour Codes of 2019.¹⁷ The Codes do not cover important protections like occupational health and safety, even while they provide some benefits like the right to a minimum salary. The current draft Code will also make gig workers eligible for programs like life and disability insurance that have been announced by the federal and state governments.

New insurance plans will have to be developed as gig workers become increasingly dependent on insecure work, just as unfair competition has, and we will need tough regulations to make sure they get the same rights and access guaranteed under existing labour legislation. Technology will move the needle on the work itself, which means labour disputes are going to get harder and more frequent. Well-targeted legislative proposals should be drafted, policy regimes reinforced, and the Code examined in detail to ensure that it protects the rights of gig economy workers.¹⁸

Social Security Code 2020¹⁹: According to the Central Government, gig and platform workers will be officially recognised as a separate occupational category under the Social Security Code 2020²⁰, which would provide them with a variety of social security benefits. These workers do not fall within the typical employer-employee paradigm. It is anticipated that these benefits will include health and maternity care, death and disability insurance, accident insurance, old age protection, creche facilities, and other welfare programs. A fee on app-based platforms, equal to one to two per cent of their yearly turnover and capped at five per cent of the total payments given to these workers, will help fund these provisions. The Social Security Code was ratified by Parliament in 2020, but it hasn't been put into effect yet since certain states haven't finished the legislative processes necessary to make it enforceable. Along with the Occupational Safety, Health, and Working Conditions Code, the Code is one of four key labour codes

¹³ Radhika Dinesh & Tathya Sarkar, 'WORKERS RIGHT IN GIG ECONOMY- LEGAL FRAMEWORK AND CHALLENGES' (*Manupatra*, 12 August 2024) <<https://articles.manupatra.com/article-details/WORKERSRIGHTS-IN-GIG-ECONOMY-LEGAL-FRAMEWORK-AND-CHALLENGES>> accessed 01 November 2025

¹⁴ Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act 2023

¹⁵ Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill 2024

¹⁶ Esha Mitra, 'IS INDIA'S GIG ECONOMY FAILING ITS FEMALE WORKFORCE?' (*The Established*, 17 January 2025) <<https://www.theestablished.com/community/business/is-indias-gig-economy-failing-itsfemale-workforce>> accessed 01 November 2025

¹⁷ Labour Codes of 2019

¹⁸ Malavika Rajkumar, 'The Law for Gig-Workers in India' (*Nyaaya*, 14 February 2022)

<<https://nyaaya.org/guest-blog/the-law-for-gig-workers-in-india/>> accessed 01 November 2025

¹⁹ *Ibid*

²⁰ Code on Social Security 2020, ss 112, 113 and 114

that were passed between 2019 and 2020 to combine 29 different labour laws into one to simplify regulations, promote job creation, and make conducting business easier.

The unorganised labour is covered in Chapter IX of the Social Security Code; however, only Sections 112 to 114²¹ pertain to gig and platform workers. The government may establish helplines and assistance centres for gig and platform workers under Section 112, which outlines their roles.

Section 113: Requires unorganised workers to register to receive benefits under any government program.

Section 114: Gives the federal government the authority to establish social security programs for gig and platform workers that include health and maternity benefits, old age protection, life and disability insurance, accident coverage, childcare, and more. The federal or state governments, businesses, employees, or a combination of these sources may provide funding for these programs.

None of these clauses, however, provides for consistent or sufficient income. Given their already meagre pay, gig workers frequently choose not to participate in the monthly worker contributions required by many schemes. When employer contributions are required, businesses typically cut back on hiring to save money. When maternity benefits were made available to female gig workers, the same result was seen: instead of enhancing their working circumstances, fewer women were employed for gig jobs.²²

Prevention of Sexual Harassment of Women in the Workplace: In-home services like cleaning, makeup treatments, and hairdressing have left women (the majority of gig workers) particularly exposed to sexual harassment. There, they will be subject to harassment, violence, or assault by male clients, passersby, or others.

Every business in India must comply with the Prevention of Sexual Harassment (PoSH)²³ Act to prevent sexual harassment at work and provide a formal mechanism for dealing with complaints. Details of the Act: As per this act, organisations having 10 or more employees had to form an Internal Complaints Committee (ICC), which can look into various types of complaints. A Local Complaints Committee (LCC) must be established in each district to hear complaints from female employees in companies with fewer than ten employees or in cases without an ICC.

A variety of measures, such as disciplinary actions against the perpetrator, pay deductions to compensate the victim, termination of employment, community service orders, and referring the matter to the police for possible criminal charges, are among the solutions that these committees can suggest.

So, while the PoSH Act defines a 'workplace' in terms of physical spaces like offices and factories, it is unclear if this definition encompasses the digital workspaces occupied by gig- and platform-workers who often have neither a fixed workplace nor a formal employer.²⁴

Maternity Benefit Act 1961 (2017 Amendment):²⁵ The Maternity Benefit Act of 1961 was a famous historical law that aimed to protect the employment and health of women during pregnancy, or prenatal care, as well as in the postpartum period. This allowed for paid nursing breaks, prohibited from firing during pregnancy leave after birth (with a medical allowance to cover delivery), and provided 12 weeks of paid maternity leave. However, it only applied to women who had official, full-time positions; consultants, contract employees, and daily wage earners were not covered. By establishing work-from-home possibilities, requiring crèche facilities in enterprises with 50 or more employees, extending paid leave to 26 weeks for the first two children, and incorporating adoptive and surrogate mothers, the 2017

²¹ *Ibid*

²² Kasliwal (n 7)

²³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

²⁴ Orchie Bandyopadhyay, 'India's female gig workers: digital strike opens new battleground for better conditions' (*British Safety Management*, 09 December 2024) <<https://www.britsafe.in/safety-managementnews/2024/india-s-female-gig-workers-digital-strike-opens-new-battleground-for-better-conditions>> accessed 01 November 2025

²⁵ The Maternity Benefit (Amendment) Act 2017

Amendment further increased rights. These benefits, however, continue to exclude nontraditional workers, such as gig workers and fixed-term employees. To guarantee that maternity benefits reach women in the gig and informal economy, there is a lack of a comprehensive social security framework, ambiguous contract rules, and low knowledge.²⁶

Suggestions

Women belonging to the gig economy or online platforms need full social protection, including pregnancy, sickness, disability, and unemployment coverage. This will guarantee that they have access to secure income and healthcare. Such safeguards are essential to maintaining their entitlement to social security and enhancing labour market resiliency; they are not only welfare measures. Global examples provide distinct policy directions. The EU Parliament approved the Platform Work Directive this April, whereby platform workers are assumed to be employees unless a platform business can prove otherwise. The change carries with it the provision of social security, employment security, freedom to bargain collectively, and labour protection. The information comes as the Canadian government is currently canvassing public opinion on their review of labour law because of the misclassification of gig workers and expanding welfare coverage, which is another step in this direction.

By enacting laws that follow international best practices and are backed by specific financial tools, India can adopt these models. The idea in the 2025 Union Budget to establish special social security funds for gig workers, which would include health insurance and emergency support, ought to be developed into a comprehensive policy framework. This will establish a more equitable and sustainable platform economy and close important protection gaps, especially for women.²⁷

Including Gig Labour in the PoSH Definition of ‘Workplace’: Section 2(o) of the PoSH currently defines ‘workplace’ in a fashion that mostly refers to physical offices, institutions, and some unorganised sectors. Although it refers to ‘dwelling place’ and ‘any place visited by the employee during the course of employment,’ its application to gig work has been ambiguous, particularly when the ‘employer’ is a platform and the job is done in a client’s home or via a digital interface. This gap should be filled by amending Section 2(o) to specifically include ‘locations, physical or virtual, where the worker engages with clients, customers, or the platform for service’ and ‘app-based, platform-mediated, or digital work environments.’ This will clear up any confusion regarding harassment allegations made by female delivery partners, ride-hailing drivers, or home service providers. Furthermore, in accordance with Sections 4–6, the Act should require platforms to set up Virtual Internal Complaints Committees (VICCs), with in-app harassment reporting connected to a round the-clock support staff. Regardless of the location of the occurrence, this guarantees that women have a working grievance procedure.

Creating an Intermediary Category of ‘Worker’ under Labour Law: According to India’s labour laws, such as the Industrial Disputes Act 1947 and the Code on Wages 2019²⁸, you are either an employee or you are self-employed. Because gig workers are classified as independent contractors by platforms in order to circumvent labour requirements, they frequently fall through the cracks. Based on the UK’s *Uber BV v Aslam*²⁹ case, which established a third status known as ‘worker’ under the Employment Rights Act 1996, India ought to include a comparable category in the Industrial Relations Code and the Code on Wages. Individuals who are economically dependent on platforms would be covered by this ‘worker’ status, which would maintain their freedom to choose their own schedules while providing them with statutory rights such as paid leave, social security benefits, Section 109, Social Security Code, 2020, minimum wage, Section 6, Code on Wages,³⁰ and protection from arbitrary termination. To avoid

²⁶ Pearl Narang, ‘MATERNITY BENEFIT ACT: EMPOWERING ALL WORKING WOMEN’ (*Your Legal Career Coach*, 15 February 2025) <<https://yourlegalcareercoach.com/maternity-benefit-act-empowering-all-workingwomen>> accessed 01 November 2025

²⁷ Sardana (n 6)

²⁸ Labour Codes of 2019

²⁹ *Uber BV & Ors v Aslam & Ors* (2021) UKSC 5

³⁰ Code on Wages 2019, s 6

³² The Code on Social Security 2020, s 2(35)

exclusion based on full-time requirements, benefits for part-time or intermittent gig workers should be prorated, guaranteeing that women who are seasonal or care-burdened are not left out.

Carrying Microinsurance and Social Security: In Sections 2(35), 109, and 114 of the Social Security Code, 2020, gig and platform workers are mentioned; however, the programs are still primarily aspirational and frequently demand worker payments that are unaffordable for people with inconsistent incomes. A change to the law should fully platform-funded for employees making less than a specific monthly income threshold (such as ₹15,000). In order for benefits like health insurance, accident insurance, and pension rights to follow an employee between platforms without requiring unique registrations, portability ought to be required. The goal of AB5 in California, before changes undermined it, should be replicated in a statutory provision designating a portion of platform turnover to finance microinsurance programs that provide maternity, childcare, and accident coverage. Women could continue working throughout periods of caring without jeopardising their financial stability because of this.

Including Digital Access as A Required Aspect of Employee Wellness: Even though the gig economy is primarily digital, internet access is not addressed in Section 2(35) of the Social Security Code³¹, which defines gig workers. Considering that only sixteen per cent of Indian women had a mobile internet connection in 2019 (GSMA Intelligence)³², this exclusion is noteworthy. According to Chapter IX of the Code, an amendment should acknowledge ‘digital literacy, device ownership, and internet connectivity’ as essential components of gig worker welfare. Platforms with yearly incomes over a certain threshold have to be required to offer subsidised cell phones, prepaid internet cards, and organised training in digital skills, with a focus on women in rural and peri-urban regions. Large proportions of women will not be able to exploit the potential of online revenue streams in the absence of such policies.

Offering Gig Workers Benefits for Maternity and Caregiving: The Maternity Benefit Act of 1961³³ does not currently protect gig workers; it only applies to women who are considered employees. Under the newly established intermediary category, ‘gig workers’ and ‘workers’ should be specifically covered by an amendment to Section 2³⁴ of the Act. In addition to paid leave, benefits should cover maternity cash allowances for those with erratic schedules. These should be financed by a common maternity fund that is shared by the government and platforms. Childcare credits that can be redeemed at accredited creche centres or through collaborations with nearby childcare providers could provide extra assistance with caregiving. Those reforms would help women to continue working in balance with their family obligations while not detracting too much time away that would jeopardise their economic profile and examination base.

These reforms, part of a package passed by the NSW Legislative Council this past week, aim to remove the systemic barriers (structural and legal) that put women in gig economy jobs at risk of poverty, low wages, and exploitation. More profoundly, these reforms recognise that gig work is a legitimate category of work to be given official recognition and surpasses more than just the unregulated domain of the ‘side hustle.’ The proposals tackle the entire range of obstacles from legal invisibility to technology-driven discrimination by broadening the definitions of workplaces, establishing a category for intermediary workers, making social security truly portable, incorporating digital access into welfare, extending maternity rights, guaranteeing algorithmic fairness, and requiring enforceable safety procedures. As a result, women may engage in the gig economy without having to give up freedom for security, and the law adapts to the reality of labour mediated via platforms.

³¹ Social Security Code 2020, s 109

³² Isabelle Carboni, ‘The Mobile Gender Gap Report 2021’ (GSMA, 24 March 2025) <<https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/programme/connected-women/the-mobile-gender-gap-report-2021/>> accessed 01 November 2025

³³ The Maternity Benefit Act 1961

³⁴ The Maternity Benefit Act 1961, s 2

Conclusion

Observations from the research reveal that there is an immense opportunity in the gig economy to expand women's participation in jobs; nevertheless, existing regulations in India are not adequately equipped to safeguard their interests and achieve real gender parity. While progressive in form, the existing labour laws rest on a formal male breadwinner employment model that is ill-suited to address the structural vulnerabilities faced by working women in this sector. The digital divide, access to capital in the new economy, social security coverage extension, and compliance with workplace safety laws were selected as vulnerability factors where no protection at all was extended for maternity & caring. To fill this gap, legislative and policy reform needs to move beyond the symbolic recognition (as a dimension of humanity) to gender-aware/ sensitive, robust, and enforceable safeguards. These include an expansion of the PoSH Act to digital and client-based companies, a new category for intermediaries called 'workers,' mandated platform-financed and portable social security schemes, integration of digital literacy in welfare policy, and enhancement of maternity benefits and caregiving support. Based on these policies, which are derived from global lessons in the context of platform-mediated work, the labour architecture of India will be modernised without ignoring the principles of equality, respect, and dignity. In the absence of structural alteration, the gig economy will be able to further embody new forms of feminised and precarious work, ultimately reproducing the very inequalities which it claims to remove.

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