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Article

Accumulation Without Protection: Platform Capital, Precarious Labour, and the Crisis of Social Security Governance in India

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Abstract:

The rapid growth of platform-mediated labor in India reveals a contradiction within Indian capitalism: a rising workforce supporting platform companies' valorization strategies while being systematically excluded from social security systems designed for organized labor. Using Marxist political economy, this article argues that recent initiatives the Code on Social Security (2020), the e-Shram portal (2021), state-level welfare legislation, and the operationalization of four Labour Codes in November 2025, serve as managed accommodations. These measures make precarious labor nominally visible without challenging the underlying capital-labor relations that produce precarity. Drawing on various government reports, surveys, and scholarly studies on gig worker organizing, the analysis identifies five structural failures: rule-making deficits, jurisdictional fragmentation, digital exclusion, enforcement gaps, and suppression of collective voice. The December 2025 Year End Review confirms that these reforms have yet to establish effective welfare mechanisms for gig workers. A dedicated section examines independent gig worker unions through the 'fourth-wave' framework of labor legal empowerment, situating collective action within established typologies of labor unrest and informal workers' movements. The article demonstrates that the issues of rule-making deficit, operational gaps, and suppression of collective voice are interconnected. It concludes that genuine protection for India's projected 23.5 million gig workers by 2029-30 requires rethinking the state's relationship with platform capital and ensuring institutionalized collective representation for workers.

Keywords: Platform Capitalism, Gig Economy, Social Security, Code On Social Security, PLFS, E-Shram, EPFO, ESIC, Gig Worker Unions, Fourth-Wave Labour Movements, India

1. INTRODUCTION

In Capital, Volume I, Marx, 1976/1867 (1867/1976) identifies the tendency of capitalist accumulation to constitute a 'relative surplus population', a reserve army whose existence disciplines employed workers whilst enabling capital's adaptive deployment. Platform capitalism has given this tendency a digital precision previously unavailable: through algorithmic task allocation, continuous performance monitoring, and enforced piece-rate payment, platform corporations have reorganised the sale of labour power to maximise capital's flexibility whilst systematically evading the protections that organised labour secured through sustained struggle. India's encounter with this model is shaped by a pre-existing structural condition. The Periodic Labour Force Survey

(PLFS) Annual Report 2023-24 records approximately 57 per cent of the total workforce as self-employed (Ministry of Statistics and Programme Implementation, 2024a), and among regular wage and salaried workers 68.8 per cent lacked written employment contracts as of 2018-19, rising from 57 per cent in 2004-05 (Kapoor, 2020). Informality is not the marginal exception; it is the constitutive structural condition.

Srnicek, (2017) characterises platform corporations as extracting value through proprietary ownership of digital infrastructure and algorithmic market governance rather than through direct production, a form of accumulation closer to rent than to industrial profit. Precarity is constitutive of this model: on-demand scalability requires labour costs to materialise only during revenue-generating moments, with no fixed wage obligation during slack periods. De Stefano (2016) describes this as the digital refashioning of 'just-in-time' labour, in which workers absorb the full risk of demand fluctuation whilst capital appropriates the surplus. Standing's, (2011) account of the precariat, defined through the loss of the seven forms of labour-related security that characterised the post-war employment relationship, maps closely onto India's gig workforce. Standing's further observation that members of the precariat occupy the position of denizens rather than citizens, holding a narrower range of rights than formal membership would imply, describes with some precision a workforce whose legal classification as independent contractors maintains the appearance of autonomy whilst reproducing the substance of subordination.

The principal legislative responses, namely the Code on Social Security (Parliament of India, 2020a), the e-Shram portal, and welfare board legislation in Rajasthan (2023), Bihar (2025), Karnataka (2025) and Jharkhand (2025), are simultaneously genuine attempts to extend protection to a legally invisible workforce and, read through Gramsci's (1971) account of passive revolution, instruments of managed incorporation that absorb pressure for structural reform without disturbing the underlying relations of production. The government's Year End Review 2025 (Press Information Bureau, 2025), published thirty-nine days after the Labour Codes were brought into effect on 21 November 2025, provides the most telling evidence: under the heading 'Gig and Platform Worker', the Ministry describes itself as working towards framework development for social security coverage for gig and platform workers. Legislative aspiration and operational reality remain, five years after the Code's enactment, in disjunction.

This article advances four related arguments. First, the Code accommodates platform capital's interests by preserving contractor status whilst generating permissive rather than mandatory welfare obligations. Second, the PLFS cannot see gig workers with the precision that welfare policy requires. Third, the five implementation gaps examined below are structurally conditioned outcomes of an asymmetric state-platform political economy rather than technical failures amenable to administrative correction. Fourth, and this is where the article seeks to make its contribution, the emergence of independent gig worker unions, analysed by Ray and John (2025) as a nascent 'fourth wave' of labour's legal empowerment, constitutes the most promising mechanism for converting welfare architecture into welfare reality, yet is itself structurally suppressed by the Codes' collective bargaining provisions. The contribution here is not the fourth-wave concept, which is Ray and John's, but the articulation of their account of union strategy with the documented rule-making deficit: read together, the operationalisation gap and the suppression of collective voice are revealed as a single phenomenon rather than two separate policy failures.

2. RESEARCH METHODOLOGY

This article employs a qualitative, interpretive research design grounded in critical political economy, treating the social relations of production rather than formal legal categories as the appropriate unit of analysis for a phenomenon specifically designed to obscure the power relations that conventional employment law frameworks are calibrated to reveal. Three integrated methods are deployed.

Doctrinal legal analysis examines the internal logic and definitional architecture of five central legal texts: the Code on Social Security (Parliament of India, 2020a), the Code on Wages (Parliament of India, 2019), the Industrial Relations Code (Parliament of India, 2020b), the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act (2023), and the Karnataka Platform Based Gig Workers (Social Security and Welfare) Act (2025). The analysis focuses on how the mutual exclusion of 'gig worker', 'platform worker' and 'unorganised worker' from the category 'employee' creates structural barriers to effective protection, and on the critical gap between permissive provisions, which empower government to act, and mandatory provisions, which compel it to.

Secondary data analysis draws on official datasets, with page and table references given where figures are taken directly and derived calculations distinguished explicitly wherever they appear: NITI Aayog (2022) for workforce estimates; the PLFS Annual Reports for 2022-23 and 2023-24 (Ministry of Statistics and Programme Implementation, 2023; Ministry of Statistics and Programme Implementation, 2024a); the Comprehensive Annual Modular Survey 2022-23 (Ministry of Statistics and Programme Implementation, 2024b) for indicators of digital access and capability; the EPFO Annual Report 2023-24 and the ESIC Annual Report 2022-23; the Ministry of Statistics and Programme Implementation (2025) methodological note on the PLFS revisions; the PIB Year End Review 2025 as the primary government source for the Labour Codes operationalisation date of 21 November 2025, e-Shram registration figures as of 22 December 2025, ESIC district coverage as of November 2025, and the Platform Worker Module's onboarding of twelve named aggregators; and the draft Shram Shakti Niti 2025 (Ministry of Labour and Employment, 2025).

Comparative policy analysis situates India's state-level Acts against prior Indian informal worker welfare frameworks, principally the Maharashtra Mathadi Act, 1969 (1969) and the Building and Other Construction Workers Act (1996), and against Directive (EU) 2024/2831. The comparison is not offered in order to prescribe European models but to identify the structural mechanisms that distinguish genuine protective architecture from performative legislation: mandatory employer-side financial obligations, enforceable worker classification provisions, and guaranteed collective voice mechanisms.

Empirical material on gig worker unions is drawn principally from Ray and John (2025), a peer-reviewed article in Competition & Change based on fifty-five semi-structured interviews with platform drivers in Kolkata and Ranchi and seven interviews with leaders of the Telangana Gig and Platform Workers Union and the Indian Federation of App-based Transport Workers, conducted between 2020 and 2024. This is supplemented by Hussain (2023) on mobilisation among food delivery workers in Hyderabad and by the Fairwork India ratings for 2022, 2023 and 2024.

Five limitations are acknowledged. The absence of primary fieldwork limits the capture of lived welfare system navigation. Data on Platform Worker Module registration numbers is incomplete as of submission. The PLFS does not disaggregate gig workers, requiring proxy indicators and NITI Aayog's indirect estimation methodology. Firm-level implementation dynamics are not examined in depth. Finally, the empirical account of union strategy in Section 8 relies substantially on a single qualitative study; its findings are treated here as well-evidenced but not as independently corroborated, and the analytical claims built upon them are framed accordingly.

3. SCALE, STRUCTURE, AND CLASS POSITION: THE QUANTITATIVE PARAMETERS

NITI Aayog's India's Booming Gig and Platform Economy (2022) documented approximately 7.7 million (77 lakh) gig workers in 2020-21, projected to reach 23.5 million (2.35 crore) by 2029-30, approximately 6.7 per cent of the non-agricultural workforce (NITI Aayog, 2022, p.25). These figures almost certainly understate actual gig labour: the methodology used indirect proxy characteristics drawn from NSSO and PLFS classifications (ibid., pp.16-17), and the report itself acknowledges that no official data exists that can authoritatively estimate the extent of gig work in India (ibid., p.26). The PLFS 2023-24 records approximately 57 per cent of India's workforce as self-employed (Ministry of Statistics and Programme Implementation, 2024a), a category within which platform-mediated gig workers remain entirely undifferentiated. Table 1 presents the skill-tier distribution reported by NITI Aayog (2022).

Table 1: India's Gig Workforce by Skill Tier and Representative NCO-2004 Occupations, 2019-20 and 2020-21

Skill Tier	Share (%) 2019-20 (Actuals)	Share (%) 2020-21 (Proj.)	Workers (mn, 2020-21)*	Representative NCO-2004 Occupations
Medium-skilled	46.9%	~46%	~3.5	Motor vehicle drivers; shop and market salespersons; secretaries and transport clerks
Low-skilled	31.2%	~32%	~2.5	Domestic helpers and launderers; street vendors; housekeeping and personal care workers

Skill Tier	Share (%) 2019-20 (Actuals)	Share (%) 2020-21 (Proj.)	Workers (mn, 2020-21)*	Representative NCO-2004 Occupations
High-skilled	21.9%	~22%	~1.7	Computing professionals; business professionals; finance and sales associates; engineers
Total	100%	100%	7.7	—

Source: *NITI Aayog (2022) Table 15 (p.25); Tables 12-13 (pp.22-23). 2019-20 figures are actuals; 2020-21 figures are projections. † Author's synthesis from NCO-2004 categories; the report states that motor vehicle drivers and shop and market salespersons together constituted over 52 per cent of workers in 2019-20 (p.22), but these occupations are not explicitly mapped to skill tiers in the source. * Author's calculation (percentage × 7.7 mn projected total, p.25). Figures rounded.*

The modal Indian gig worker performs physically demanding, high-injury-risk work with limited earnings and no guaranteed income floor. The International Labour Organization (2021)documents that workers in the app-based taxi and delivery sectors, and particularly women among them, face a range of occupational safety and health risks, and that the absence of social security coverage created acute difficulties for location-based platform workers during the COVID-19 pandemic. The India Employment Report 2024 (International Labour Organization & Institute for Human Development, 2024) records that platform work disproportionately draws younger workers into tasks below their educational qualifications. The Fairwork India ratings (Fairwork India, 2022; Fairwork India, 2023; Fairwork India, 2024) consistently document that the dominant platforms, including Ola, Uber, Swiggy, Zomato and Urban Company, fall well short of Fairwork's five principles of fair pay, fair conditions, fair contracts, fair management and fair representation.

These realities intersect with what Srivastava et al. (2020) characterise as a structural deepening of informal employment, in which platform intermediation figures as a digital acceleration of India's labour market history rather than a break from it. The point is reinforced by Chaudhary and Remesh (2021), who observe that although gig and platform work receives separate mention in the Social Security Code, its absence from the remaining Codes leaves matters of contestation between employer and worker in the platform economy substantively unaddressed, with health insurance, paid leave and untimely termination among the issues left uncovered (Chaudhary & Remesh, 2021, p.5). The difficulty this creates for collective bargaining is structural: the machinery of the Industrial Relations Code presumes an identifiable employer with whom negotiation can proceed, which is precisely what platform intermediation is designed to render indeterminate.

4. THE MEASUREMENT INFRASTRUCTURE AND ITS FAILURES: PLFS AND LABOUR LEGIBILITY

India's primary labour force measurement instrument cannot generate precise data on gig worker social security exposure. This is not an incidental deficiency but a constitutive feature of a survey architecture designed for the standard employment relationship. From January 2025, MoSPI substantially revamped the PLFS: the first-stage unit sample grew from 12,800 to 22,692, monthly estimates now cover rural as well as urban areas through a rotational panel scheme, households surveyed per first-stage unit increased from eight to twelve, yielding approximately 272,304 households against 102,400 previously, and new social security eligibility codes were added to Schedule 10.4, coding eligibility for provident fund and pension, gratuity, and health and maternity benefits (Ministry of Statistics and Programme Implementation, 2025). MoSPI itself cautions that estimates from before and after January 2025 cannot be directly compared (Ministry of Statistics and Programme Implementation, 2025).

The definitional problem, however, persists. The revamped schedule contains no dedicated category for gig or platform workers. The Current Weekly Status methodology recognises only principal and subsidiary activities and is structurally incapable of capturing the hybrid livelihoods of workers simultaneously engaged with multiple platforms (Desai & Narayan, 2025). The new eligibility codes record a binary eligible or not eligible status without probing documentary, digital or bureaucratic access barriers, generating what may be termed an eligibility fiction, in which workers appear protected on paper whilst remaining exposed in practice. The government's claim of 64.3 per cent social protection coverage (Press Information Bureau, 2025) rests on an expansive definition incorporating PM-JAY, e-Shram and PMJDY rather than contributory social insurance; conflating nominal scheme eligibility with effective protection reproduces at the level of policy precisely the binary distortion that the survey instrument generates at the level of measurement. Scott's, (1998) account of state legibility is instructive here: the categories through which a state renders a population visible determine the forms of intervention available to it. A workforce measured only by definitional approximation is a workforce that can be governed only by approximation.

5. INSTITUTIONAL ARCHITECTURE: EPFO, ESIC, AND THEIR STRUCTURAL LIMITS

India's formal social security rests on the Employees' Provident Fund Organisation (2024), administering retirement savings under the Employees' Provident Funds and Miscellaneous Provisions Act (1952), and the Employees' State Insurance Corporation (2023), providing health insurance, sickness, maternity and employment injury benefits under the Employees' State Insurance Act (1948). Both were calibrated to the standard employment relationship and remain structurally ill-suited to the gig economy's defining features: income variability, multi-employer simultaneity, algorithmic control, and the legal fiction of independent contractor status. Table 2 quantifies the coverage gap against official data through December 2025.

Table 2: India's Social Security Coverage: EPFO, ESIC, e-Shram, and the Gig Workforce, 2023-25

Indicator	Approximate Figure	Year	Source
Total workforce (India)	~500 million	2023-24	PLFS 2023-24 (MoSPI, 2024)
Share self-employed	~57%	2023-24	PLFS 2023-24 (MoSPI, 2024)
Regular wage workers without a written contract	68.8% of RWS	2018-19	Kapoor (2020), PLFS 2018-19
EPFO active EPF subscribers	~70 million	2023-24	EPFO Annual Report 2023-24
ESIC insured persons	~34 million	2022-23	ESIC Annual Report 2022-23
ESIC district coverage	713 districts	Nov. 2025	PIB Year End Review (2025)
Gig and platform workers	~10 million	2024-25	Author's interpolation‡
e-Shram total registrations	314.2 mn (31.42 crore)	Dec. 2025	PIB Year End Review (2025)
Platform Worker Module aggregators	12 named aggregators	Dec. 2025	PIB Year End Review (2025)
Govt. claimed social protection coverage	64.3% (broad definition§)	2025	PIB Year End Review (2025)
Workers outside contributory social insurance	≥ ~396 million	2023-24	Author's calculation

Sources: *EPFO (2024); ESIC (2023); Ministry of Statistics and Programme Implementation, 2024a (2024a); NITI Aayog (2022); Kapoor, 2020 (2020); Press Information Bureau (2025). NITI Aayog (2022) reports 7.7 million gig workers for 2020-21 and projects 23.5 million for 2029-30; the 2024-25 figure is the author's linear interpolation between these two points and does not appear in the source. § The 64.3 per cent figure uses a broad definition incorporating PM-JAY, e-Shram and PMJDY. Calculated as 500 million minus the sum of EPFO subscribers and ESIC insured persons (approximately 104 million), giving approximately 396 million. Because EPFO subscriber counts include multiple accounts held by the same individual, and because a substantial number of workers are covered by both institutions, the number of uniquely covered workers is lower and the true gap correspondingly larger. Contributory coverage therefore stands at no more than approximately 20 per cent of the workforce.*

A contributory deficit of this magnitude is the structurally predictable outcome of a social insurance system built on the standard employment relationship in an economy where that relationship has never been the norm (Standing, 2011). Mehrotra and Sarkar (2021) show that the Code does not recognise the large proportion of unregistered establishments within the unorganised sector, which they place at 67.7 per cent, and merely provides that every establishment to which the Code applies is to be registered; with no mechanism for promoting the registration of establishments that remain outside, the workers employed in them are likely to fall outside the Code's purview altogether. The computation of provident fund contributions as a percentage of basic wages is structurally incommensurable with gig workers' variable, multi-platform, per-transaction income (Berg et al., 2018; Srivastava, 2008). ESIC, now covering 713 districts (Press Information Bureau, 2025), technically encompasses most gig workers by its wage ceiling, but requires employer-side registration and contribution, which is precisely the obligation that platforms evade by designating workers as partners (De Stefano, 2016; Prassl, 2018). The Ministry's recent digital reforms, including EPFO auto-settlement up to Rs. 5 lakh, the

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Centralised Pension Payment System, face-authentication-enabled UAN activation, and ESIC's SPREE 2025 amnesty scheme (Press Information Bureau, 2025), improve service delivery for workers already inside the system without addressing how gig workers are to enter it in the first instance.

6. THE E-SHRAM PORTAL AND THE PLATFORM WORKER MODULE: LEGIBILITY AND ITS LIMITS

Launched on 26 August 2021 (Ministry of Labour and Employment, 2021), the e-Shram portal had registered 314.2 million (31.42 crore) unorganised workers by 22 December 2025 (Press Information Bureau, 2025). Integration with the Jan Suraksha Portal in March 2025, the Skill India Digital Hub in January 2025 and the National Career Service portal, alongside multilingual functionality across twenty-two languages through the Bhashini project, represents genuine infrastructural improvement. The extension of Ayushman Bharat PM-JAY coverage of Rs. 5 lakh per family to platform workers, announced in the Union Budget 2025-26 (Ministry of Finance, 2025) and approved by the Standing Finance Committee on 18 March 2025, constitutes a meaningful welfare gain for registered workers (Press Information Bureau, 2025).

The December 2025 Year End Review announces a Platform Worker Module with twelve named aggregators onboarded: Zomato, Blinkit, Uncle Delivery, Urban Company, Uber, Amazon, Ola, Swiggy, Ecom Express, Rapido, Zepto and Porter (Press Information Bureau, 2025). Aggregator-mediated registration is a structural improvement over individual worker self-registration, since it shifts the administrative burden from the worker to the firm holding the relevant data. Yet the document discloses no count of platform workers actually registered through the module, making it impossible to assess whether the pre-module coverage deficit has materially narrowed. The critical question, moreover, is not whether the module exists but whether the aggregator levy financing the benefits it promises has been operationalised. On this the Year End Review is unambiguous: it has not. Registration infrastructure has been constructed; the welfare financing architecture upon which it depends is absent.

The module accordingly serves two functions at once. It is a worker-protective instrument and simultaneously a governance instrument, generating a database that renders the platform workforce legible for welfare targeting and for labour market management alike (Scott, 1998). A registry that is complete for administrative purposes but unfunded for protective purposes extends the reach of the state more reliably than it extends the security of the worker.

An access attenuation cascade further limits the most vulnerable. PM-JAY extension requires e-Shram registration, which, for workers not registered through the module, requires Aadhaar-based authentication. The scale of the resulting barrier is best captured not by connectivity statistics but by measures of functional digital capability. The Comprehensive Annual Modular Survey 2022-23 records that only 26.8 per cent of persons aged 15 to 24, the most digitally fluent cohort in the population, are able to search the internet for information, send or receive email and conduct online banking transactions; only 71.2 per cent can use copy and paste tools; and only 9.9 per cent of households possess a computer (Ministry of Statistics and Programme Implementation, 2024b). Registration and grievance systems that presume documentary retrieval, one-time-password authentication and sustained navigation of a web interface are therefore calibrated well above the capability of the population they are meant to reach, and the draft Shram Shakti Niti itself acknowledges that reliance on digital processes may exclude women, elderly and low-literate workers (Ministry of Labour and Employment, 2025).

7. THE CODE ON SOCIAL SECURITY, 2020: ARCHITECTURE AND THE RULE-MAKING DEFICIT

The Code on Social Security (Parliament of India, 2020a) constitutes the first Indian legislative instrument to formally recognise gig workers, platform workers and aggregators as distinct legal categories. Sections 113 and 114 empower the Central Government to frame welfare schemes, with an aggregator levy of one to two per cent of annual turnover, capped at five per cent of the total amount paid to gig and platform workers. The four Labour Codes were brought into effect on 21 November 2025, described by the government as a historic decision rationalising twenty-nine existing labour laws (Press Information Bureau, 2025). Thirty-nine days later, the Year End Review states, under the heading 'Gig and Platform Worker', that the Ministry is working towards framework development for social security coverage for gig and platform workers (Press Information Bureau, 2025). This confirms, from the government's own authoritative review, that no subsidiary rules specifying aggregator contribution calculation, benefit eligibility criteria, UAN portability architecture, or gig-worker-specific ESIC contribution rates had been notified.

The absence of rules is not a novel condition but a persistent one. Writing four years before operationalisation, Chaudhary and Remesh (2021, p.11) reported Bhatia's assessment that political and electoral concerns were preventing the government from implementing the Codes, on the reasoning that implementation ahead of crucial state assembly elections risked a backlash among working people with a substantial stake in electoral outcomes. That diagnosis was offered in relation to the delay in bringing the Codes into force, and it cannot simply be transposed onto the subsequent delay in framing subsidiary rules. What can be said is that the pattern it identifies, in which the political costs of imposing obligations on capital are weighed against the political costs of withholding protection from labour, remains visible in the sequencing eventually adopted: the Codes were brought into force without the rules that would have given the gig worker provisions financial effect.

The Code's definitional structure preserves the legal fiction of gig workers' independent contractor status, which, as De Stefano (2016) argues, is what allows platforms to exercise employer-level control without assuming employer-level obligations. The proliferation of separate National Social Security Boards for unorganised workers and for gig and platform workers has been criticised by Chaudhary and Remesh (2021, p.5), who observe that the constitution of boards at central and state level alongside a separate board for gig and platform workers has created a space for obscurity rather than a coherent administrative architecture, particularly given that most workers move between unorganised sector work and gig work. The same authors identify a structurally embedded risk of a race to the bottom arising from concurrent-list delegation, whereby states competing for investment have an incentive to refrain from supplementing central provisions with protective state-specific measures (Chaudhary & Remesh, 2021, pp.15-16).

8. COLLECTIVE VOICE AND THE POLITICS OF LABOUR'S LEGAL EMPOWERMENT: GIG WORKER UNIONS IN INDIA

8.1 Historical Context: From Third to Fourth Wave

Agarwala (2008, 2019) characterises informal workers struggles in postcolonial India through successive waves of legal empowerment, a framework extended to platform labour by Ray and John (2025), whose analysis this section follows. The first wave, from the early 1900s to the 1970s, established the foundational statutory framework of the Employees' State Insurance Act (1948), the Employees' Provident Funds Act (1952) and the Industrial Disputes Act (1947), whose scope was restricted to formal industrial workers and which therefore left the overwhelming majority of the workforce without basic labour entitlements (Breman, 1999, as cited in Ray & John 2025). The second wave, in the 1980s, used public interest litigation to extend these laws to informal sectors, an approach whose limits lay in the tendency of judicial processes to elevate middle-class over working-class interests. The third wave, seeded in the 1970s and visible from the 1990s, mobilised informal workers through the register that Chatterjee (2004) terms political society, pressing for special legislations establishing tripartite welfare boards funded by industry-specific levies on the model of the Maharashtra Mathadi Act (1969) for headload workers (Ray & John 2025). The Building and Other Construction Workers Act (1996) extended this model nationally, and it directly informed the Rajasthan and Karnataka gig worker Acts. Ray and John record an organiser of the Rajasthan gig and app workers' association articulating that lineage explicitly, invoking the Mathadi boards as precedent and asking why the same could not be achieved for platform workers (Ray & John 2025, p.17).

8.2 'Digitally Organised Informality' and Independent Union Strategies

Ray and John (2025) provide the most analytically detailed available account of gig union strategies in India. The concept of digitally organised informality, developed in Ray (2024), captures the central paradox: platform work is organised through sophisticated digital infrastructure whilst remaining characterised by the informality that defines the most precarious non-standard labour. Of the fifty-five drivers surveyed, 82 per cent (45 of 55) participated in informal digital collectivising through messaging groups, whilst 29 per cent (16 of 55) reported direct formal union involvement (Ray & John, 2025). Large-scale strikes in 2017 and 2018-19, mobilising an estimated one million drivers across major metropolitan centres, evolved from wage-centred actions into welfare-focused political interventions as the pandemic lockdowns exposed gig workers' total dependence on platforms for social reproduction. Comparable dynamics of learning and escalation are documented among food delivery workers in Hyderabad by Hussain (2023).

Two formations have been particularly significant: the Indian Federation of App-based Transport Workers, established in 2019 and affiliated to the International Transport Workers' Federation, and the Telangana Gig and Platform Workers Union, founded in 2021 and registered in October 2022. Ray and John record the latter's

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leader describing repeated written submissions to the central government on the draft rules under the Social Security Code, and the absence of any acknowledgement in reply (Ray & John 2025, p.16). That account, given by workers, corresponds closely to what the government's own December 2025 review discloses: the rules on which the submissions were made had still not been framed.

8.3 Electoral Leverage, the Rajasthan Act, and the Fourth-Wave Hypothesis

What distinguishes fourth-wave politics, in Ray and John's account, is the explicit deployment of electoral leverage at scale. With approximately 4.2 lakh gig workers in Telangana, representing a substantially larger constituency once families are counted (Ray & John 2025, p.18), platform workers constitute a politically consequential bloc. Union engagement with national political leadership during the Bharat Jodo Yatra in November 2022, and association representatives' meetings with the then Chief Minister of Rajasthan, converted into legislative commitments: gig worker welfare legislation was announced in the Rajasthan Budget Speech of February 2023, and the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act was passed in July 2023, embodying four demands that the unions had advanced, namely a cess on transactions, a tripartite board, a centralised tracking system and binding aggregator obligations (Ray & John 2025, p.18).

Drawing on Silver's (2003)distinction between Marx-type labour unrest, arising among working classes newly created by the expansion of capital, and Polanyi-type unrest, in which established groups resist the extension of a self-regulating market into social life, Ray and John (2025) argue that India's gig worker unions combine both registers, simultaneously resisting commodification and demanding the basic recognition and welfare entitlements that they have never possessed. This hybrid form, which couples the electoral tactics of political society with the civil society repertoire of legal challenge, media mobilisation and formal union registration, has produced legislative outcomes that conventional collective bargaining, foreclosed by the absence of an identifiable employer, could not have delivered. The comparative literature lends indirect support: analysing a global dataset of 1,271 instances of platform labour unrest, Umney et al. (2024) distinguish protests defending or extending protective regulatory institutions from those seeking a larger share of value created, and find the former more often to involve mainstream unions and methods such as legal challenge. India's state-level welfare legislation campaigns fall clearly within the regulatory category, and their distinguishing feature is that they have been carried not by established federations but by new, independent formations.

The limits are equally clear. The scepticism of some established central trade union federations towards welfare boards, on the ground that sectoral arrangements are ad hoc and divert energy from reform of the overarching labour law framework (Ray & John, 2025, p.21), divides the political pressure that could otherwise be brought to bear. Fairwork India (2024) confirms the position on the ground: none of the rated platforms expressed willingness to recognise a collective body of workers. These barriers have nonetheless not proven insuperable where innovative combinations of political and civil society action have been sustained (Ray & John, 2025, pp.20-21).

9. STATE-LEVEL EXPERIMENTS: BETWEEN INNOVATION AND POLITICAL ATTRITION

In the absence of centralised operationalisation, states have become the primary sites of legislative innovation. Table 3 presents the landscape as at December 2025.

Table 3: State-Level Gig Worker Welfare Legislation in India: Architecture and Implementation Status, 2023-2025

State	Enacted / Status	Welfare Fee Rate	Key Mechanisms	Implementation (Dec. 2025)
Rajasthan	Act, July 2023	1–2% per transaction	CTIMS tracking; tripartite Welfare Board; cross-platform UAN; grievance officers	Subsidiary rules not notified; stalled following the December 2023 change of government

State	Enacted / Status	Welfare Fee Rate	Key Mechanisms	Implementation (Dec. 2025)
Karnataka	Ordinance, May 2025; Act, August 2025	1–5% per transaction, by aggregator category	Welfare fee collection at source; two-tier grievance redressal; algorithmic transparency obligations; right to refuse tasks	Partial rule-making; draft rules issued July 2025; collection architecture under development
Bihar	Act, 2025	Aggregator cess	Welfare Board; welfare fund; Aadhaar-based registration; provident fund, maternity and old-age provisions	Subsidiary rules not notified
Jharkhand	Bill passed, 26 August 2025	Aggregator cess	Universal ID; mandatory aggregator registration of worker data; Welfare Board linked to the state labour welfare portal	Rules not notified
Telangana	Draft Bill released April 2025	1–2% of payout per transaction	Welfare Board and Fund; unique ID; disclosure of automated systems determining fares and earnings; penal provisions for non-payment	Not enacted as of December 2025

Sources: PRS Legislative Research (2025); Government of Bihar (2025); Government of Jharkhand (2025); Government of Karnataka (2025); Government of Rajasthan (2023); Government of Telangana (2025); Press Information Bureau (2025); Ray & John (2025). Status as at December 2025. The Telangana Bill was subsequently passed in 2026, after the period covered by this analysis.

Karnataka's Act is the most architecturally detailed of the state instruments, combining a variable transaction-based welfare fee ranging from one to five per cent according to aggregator category, collection at the point of transaction, a two-tier grievance redressal architecture, transparency obligations requiring aggregators to disclose how automated systems determine earnings, ratings and deactivation decisions, and an explicit right to refuse tasks. These provisions correspond in substance to the algorithmic management obligations set out in Directive EU 2024/2831 (2024), and constitute the most developed algorithmic accountability framework yet enacted at the sub-national level in India. A transaction-based cess also addresses directly what the OECD (2018) identifies as the double contribution problem, by levying the welfare obligation on the platform irrespective of how the worker is classified.

Yet the decisive column in Table 3 is the last. Not one enacted state law had been fully operationalised through notified subsidiary rules as of December 2025. The Rajasthan Act, whose genesis Ray and John (2025) trace directly to union electoral intervention, has remained without notified rules since the change of government following the December 2023 state election. The pattern is not accidental. Welfare architecture that depends on subsequent administrative action for its financial content is structurally vulnerable in a way that architecture imposing immediate and self-executing obligations is not: the legislative victory can be conceded, and the fiscal substance withheld, without formal repeal. Karnataka's collection mechanism, moreover, requires platforms to share transaction-level payment data, which the industry has resisted as commercially sensitive, indicating that the obstacle to implementation is not administrative capacity alone but the distribution of power between the state and platform capital.

10. FIVE ORDERS OF STRUCTURAL FAILURE

The preceding analysis converges on five gaps that are not technical failures amenable to administrative correction but structurally conditioned outcomes of the political economy of platform capitalism and the Indian state's accommodation of it. The rule-making deficit is confirmed by the government's own December 2025 Year End Review: enacted in September 2020 and brought into force on 21 November 2025, the Code had produced no subsidiary rules for gig worker welfare thirty-nine days later (Press Information Bureau, 2025). The worker-side account recorded by Ray and John (2025, p.16), of repeated submissions on the draft rules receiving no acknowledgement, describes the same vacuum from below.

Jurisdictional fragmentation follows from labour's concurrent-list status, producing a welfare geography in which a delivery worker in one state may access substantially more robust protections than an equivalent worker elsewhere, whilst enforcement authority over nationally operating platforms with offshore payment processing remains legally untested.

Digital exclusion is generated, paradoxically, by the welfare infrastructure itself. The Platform Worker Module improves access for workers on twelve onboarded platforms whilst leaving others dependent on individual digital self-registration, and the capability data reported in Section 6 indicate that the interfaces through which entitlements must be claimed presuppose a level of digital fluency that a majority of the population does not possess (Ministry of Statistics and Programme Implementation, 2024b).

The enforcement vacuum reflects the state's political incapacity to compel financial and data obligations from platforms. Without real-time transaction monitoring, cess compliance depends on voluntary disclosure. The contrast drawn by the OECD (2018) with the German artists' social insurance scheme, where compliance is enforced through the inspection machinery of the existing pension system rather than through a bespoke and unresourced authority, indicates what an enforceable levy requires institutionally.

The suppression of collective voice operates through the exclusion of gig workers from the Industrial Relations Code's collective bargaining machinery, the nomination rather than election of worker representatives to statutory boards, and platforms' consistent refusal to recognise worker collectives (Fairwork India, 2022; Fairwork India, 2023; Fairwork India, 2024). This removes the primary mechanism through which India's earlier social security aspirations were historically converted into operational reality, and it is for that reason the mechanism that sustains the other four.

11. POLICY IMPLICATIONS

Five recommendations follow from the analysis. First, the aggregator levy must be operationalised through binding subsidiary rules specifying calculation methodology, audit procedures and enforcement mechanisms. The Karnataka model of collection at the point of transaction merits adoption nationally through a monitoring system administered jointly by EPFO and ESIC, with the levy rate subjected to independent actuarial assessment, since its adequacy to fund benefits for a projected 23.5 million workers by 2029-30 remains undemonstrated.

Second, aggregator-mediated registration through the Platform Worker Module should be made mandatory for all aggregators above a defined revenue threshold rather than confined to platforms that volunteer. Because the barrier to individual registration is one of functional digital capability rather than connectivity alone, this should be supplemented by assisted and offline registration through post offices, common service centres and trade union offices, and by grievance channels that do not presuppose sustained navigation of a web interface.

Third, collective voice must be statutorily guaranteed. The Industrial Relations Code should be amended to provide gig workers explicit rights to form collectives for consultation on algorithmic management and welfare scheme design; worker representatives on statutory boards should be elected through the e-Shram register rather than appointed by government; and memoranda of understanding concluded with major platforms through the National Career Service portal (Press Information Bureau, 2025) should include mandatory worker consultation provisions. Ray and John (2025, p.21) identify the substantive content that such recognition would need to carry, including a wage floor and transparent regulation of platforms alongside broader demands for the de commodification of labour.

Fourth, the PLFS should incorporate a dedicated gig worker module, adding platform work as a distinct activity status category, capturing multi-platform engagement, and linking eligibility codes to actual benefit receipt rather than nominal entitlement.

Fifth, the employment status question must be confronted directly. If, as De Stefano (2016) argues, subordination to algorithmic direction constitutes a form of employer control, then a rebuttable presumption of employment along the lines established by Directive EU 2024/2831 (2024) would shift the burden of proof onto platforms rather than leaving individual workers to establish de facto employee status through litigation they can rarely afford to bring.

12. CONCLUSION

This article has advanced four arguments. The Code on Social Security (Parliament of India, 2020a) recognises gig workers and introduces an innovative aggregator levy model, but accommodates platform capital by preserving contractor classification, generating permissive rather than mandatory welfare obligations, and embedding race-to-the-bottom incentives through concurrent-list delegation. The government's December 2025 Year End Review, published thirty nine days after operationalisation, confirms that no operational welfare machinery was produced. India's PLFS cannot measure gig worker social security exposure with the precision that welfare policy requires, generating a headline coverage claim that conflates nominal scheme eligibility with effective protection. The Platform Worker Module, with twelve aggregators onboarded, is a registration infrastructure without the financing architecture that would make the registered benefits real.

The article's contribution lies in bringing these findings into relation with the analysis of independent gig worker unions developed by Ray and John (2025), who read the emergence of formations such as the Telangana Gig and Platform Workers Union, the Indian Federation of App-based Transport Workers and the Rajasthan gig and app workers association as a nascent fourth wave of labour's legal empowerment, combining Polanyi type resistance with Marx type recognition demands through electoral leverage and institutional engagement. Their achievement of the Rajasthan Act of 2023, drawn explicitly from third wave welfare board traditions, demonstrates that the operationalisation gap has been narrowed only where organised worker political pressure has been brought to bear, and not by bureaucratic initiative. Read alongside the rule making deficit documented here, the suppression of that voice, through the Codes' collective bargaining exclusions, the nomination of board representatives, and platform refusal to recognise worker collectives, emerges not as a secondary design flaw but as the mechanism that sustains the operationalisation gap itself. The two are one problem, and they will not be solved separately.

The historical record is instructive. The Employees' Provident Funds Act (1952) and the Employees' State Insurance Act (1948) were compelled not by capital's generosity but by organised industrial labour's collective power (Srivastava, 2008). India's gig workforce, structurally atomised, legally classified as entrepreneurs, and excluded from meaningful collective voice by the very Codes enacted to protect it, has not yet constituted itself as a collective political subject capable of extracting equivalent concessions at national scale. The fourth wave politics documented by Ray and John represents the most promising mechanism through which that constitution might be achieved. The state's obligation is to create the institutional conditions within which it can develop: notified aggregator levies, mandatory bulk registration, empirically grounded measurement, and legally guaranteed collective rights. Until those conditions exist, India's gig worker social security architecture will remain what the government's own December 2025 review reveals it to be, still, after five years, under construction.

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Author(s) Contribution

All the Author(s) work equally to prepare the manuscript.

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