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Initiative for Research by Pacta

# Social Security & Fair Working Conditions for Platform Gig Workers

A Primer Landscaping Legal Provisions in India & Recommendations Towards Better Working Conditions



Pacta is a social sector exclusive law firm and policy think tank bridging gaps in law and policy implementation through rigorous research.

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**Social Security & Decent Working**  
**Conditions for Platform Workers –**  
**A Primer Landscaping Legal Provisions in**  
**India & Recommendations Towards Better**  
**Working Conditions**

## Abstract

This primer is intended to provide an exhaustive mapping of social security benefits and decent working conditions identified under law and available research reports with respect to platform-based gig workers in India, as of October 2024. In this paper, the term “platform workers” refers to manual laborers of the platform economy like food/ grocery delivery partners (Swiggy/ Zomato), domestic service providers (Urban Company), transport (Ola/Uber), and quick commerce workers (Blinkit/ Zepto).

Acknowledging that most of the initiatives securing legal rights for social security and fair work are either in the stage of a bill (awaiting legal status) or pending the drafting rules (awaiting implementation) we contour challenges in effectively converting intent to rights, and make recommendations for adopting a mixed basket approach of legal, techno-legal and technology driven solutions to effectively address challenges in securing fair work and social security for gig workers in India.

## Key Words

- Platform Workers
- Platform based Gig Workers
- Social Security
- Fairwork
- Policy
- Platform Business
- Gender Inclusivity

## Method

Secondary research was undertaken in the development of this paper. Relevant state and central legislations were reviewed and analysed to understand how working conditions are defined and to identify the associated social security benefits. Additionally, pertinent reports and journals were consulted to document the challenges faced by gig workers.

The preliminary findings were presented at an internal seminar and inputs from the research team at Pacta were incorporated into the paper. The identified challenges and proposed recommendations have been validated through stakeholder consultations before being finalized. The identified challenges and proposed recommendations are validated through stakeholder consultations conducted on September 2024, before being finalized.

## Limitation

This report is based on secondary research, which presents several limitations. Firstly, the reliance on existing literature means that it may not comprehensively capture all relevant challenges, as secondary sources can overlook emerging issues or specific contexts. Additionally, the findings are indicative rather than definitive, limiting their generalizability to broader trends or situations. The quality and perspective of the sources can vary, introducing potential biases that may affect the reliability of the conclusions.

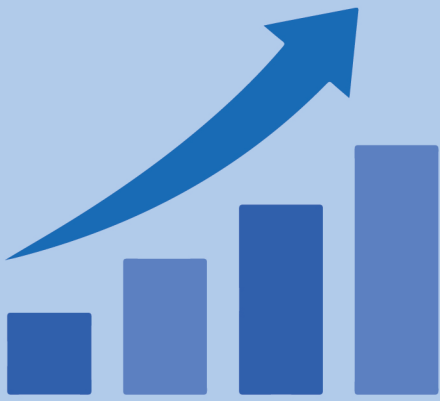
## Definitions

There are two types of platform gig job roles:

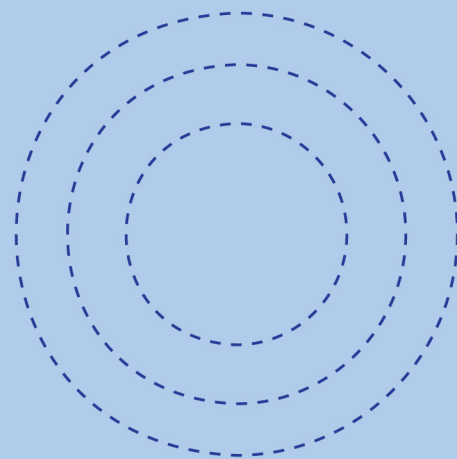
- i. Location-based e.g., food delivery, cab services, courier delivery, and other professional services
- ii. Web-based work e.g., graphic designing, copywriting, programming etc.

Both these types of workers discover gigs by means of an online platform that functions as an intermediary connecting people wanting services with those willing to offer them.

The focus of this primer will be on mapping social security and fair work provisions to location-based platform gig workers (here after, **platform workers**) such as e-commerce delivery, grocery & food delivery, personal care services, appliance repair etc. It also provides recommendations including legislative solutions and alternative mechanisms to provide decent working conditions and social security benefits to platform workers.



Chapter 1-  
Gig Work Globally and  
in India - Size



## Chapter 1

# Gig Work Globally and in India - Size

The gig economy's contribution to the labour market is sizing up to manufacturing economy's contribution to the labour market (Table 1 compares the global labour market value of the gig economy with that of global labour market value of manufacturing sector).<sup>1</sup> This indicates the growing significance of gig labour globally. In India too, the gig labour is gaining exceeding significance (Table 2).

**Table 1: Labour market Comparison with Manufacturing Sector**

Gig Economy Labour Market (2023 <sup>2</sup> )	Manufacturing Economy Labour Market (2022 <sup>3</sup> )
12%	14%

<sup>1</sup>The comparison was made with 2022 global manufacturing labour market value as it is the latest available data.

<sup>2</sup>World Bank. "Demand for Online Gig Work Rapidly Rising in Developing Countries," September 7, 2023. <https://www.worldbank.org/en/news/press-release/2023/09/07/demand-for-online-gig-work-rapidly-rising-in-developing-countries>.

<sup>3</sup>ILOSTAT Data Explorer," n.d. [https://rshiny.ilo.org/dataexplorer33/?lang=en&id=SDG\\_0922\\_NOC\\_RT\\_A](https://rshiny.ilo.org/dataexplorer33/?lang=en&id=SDG_0922_NOC_RT_A).

<sup>4</sup>Traja, Julius Cesar. "The Future of Work Building a Social Protection Agenda for Online Workers in Southeast Asia." S. Rajaratnam School of International Studies, 2022. Accessed May 28, 2024. <https://www.rsis.edu.sg/wp-content/uploads/2022/04/PR220419-The-Future-of-Work.pdf>.

<sup>5</sup>World Bank, "Working Without Borders: The Promise and Peril of Online Gig Work"

<sup>6</sup>Niti Aayog. "India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work."

<sup>7</sup>Niti Aayog. "India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work."

<sup>8</sup>Rajah Augustinraj, Vikash Jain, and Seema Bansal, Unlocking the Potential of the Gig Economy in India, (BCG, 2021), <https://www.bcg.com/unlocking-gig-economy-in-india>.

<sup>9</sup>Ministry of Finance. "PIB Press Release," July 2024. Accessed July 29, 2024. <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2034952>.

**Table 2: Total Number of Platform Workers in India**

India Gig Work Status (Actual)	Estimated Growth
<ul style="list-style-type: none"> <li>India holds 20% of the total gig market (includes all the gig workers).<sup>4</sup></li> <li>There are 52 million active gig workers globally<sup>5</sup>, and India has 6.8 million (only blue-collar platform-based gig workers) in 2022.<sup>6</sup></li> <li>Gig workers account for 1.3% of total workforce in India (only blue-collar platform-based gig workers).<sup>7</sup></li> </ul>	<ul style="list-style-type: none"> <li>A 2021 study by Dell Foundation and BCG projected that the "gigable" economy to reach 90 million jobs and contribute up to 1.25 % to India's GDP in next 8-10 years.<sup>8</sup></li> <li>According to the Economic Survey 2024, the gig workforce is expected to expand to 2.35 crore (23.5 million) by 2029-30.<sup>9</sup></li> </ul>

**Table 3: Platform Workers Skill Wise Distribution in India**

Division of platform workers according to Skill <sup>10</sup>		
Medium Skills	High Skills	Low Skills
47%	22%	31%

Niti Aayog argues that the medium skilled gig workers are decreasing, and low and high skilled workers are increasing. However, the definitions of medium, high and low skill has not been provided. This restricts the inference of the data and only anecdotally, it can be said that more number of low skilled labour like delivery workers are increasing in the gig work force.

<sup>10</sup>Niti Aayog. "India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work."

<sup>11</sup>Royal Society for the encouragement of Arts, Manufactures and Commerce, Good Gigs- A fairer future for the UK's gig economy.

<sup>12</sup>Sara Atske, "The State of Gig Work in 2021," Pew Research Center: Internet, Science & Tech, last modified December 8, 2021, <https://www.pewresearch.org/internet/2021/12/08/the-state-of-gig-work-in-2021/>.

<sup>13</sup>The Hindu, "85% of Gig Workers Work for More Than 8 Hours: Study," last modified March 8, 2024, <https://www.thehindu.com/news/national/85-of-gig-workers-work-for-more-than-8-hours-study/article67926096.ece>.

**Table 4: Gig work as Full-time Job - India, US, UK**

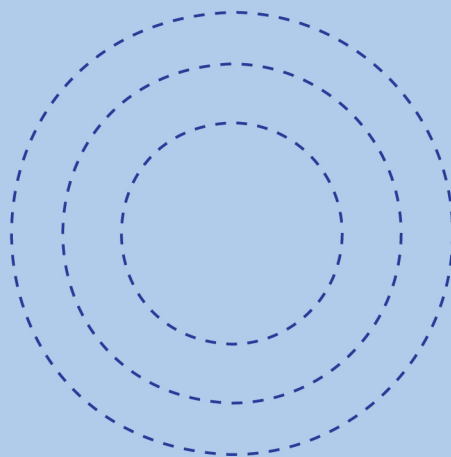
% of platform workers consider it as full time job		
United Kingdom	United States	India
8%	31%	85%

In Great Britain only 8% of gig workers work full-time and 62% are engaged in gig work to supplement their income.<sup>11</sup> Similarly in the USA, 8% of workers spend more than 30 hours per week in gig work, 31% consider it as their main job and 23% report it to be essential to meet their basic needs.<sup>12</sup> In stark contrast, in India, 85% of gig workers work 8 hours a day and 21% of them for more than 12 hours making it a full time job for 85% of the gig workers.<sup>13</sup>





**Chapter 2-**  
**Challenges Faced by  
Platform Workers in India**



## Chapter 2

# Challenges Faced by Platform Workers in India

The increasing availability of gig work and exponential rise in the demand for the deliveries, and ride sharing services is witnessing an exponential growth along with numerous challenges like customer demand of quick delivery time, accepting the ride without knowing the drop location of the customer, and absence of safety material while riding a delivery vehicle or a taxi. If these are the business side challenges, there are other challenges from the perspective of platform workers. Table 5 carries a list of such challenges platform workers face.

**Table 5: Platform Work as Full time Job - India, US, and UK**

### List of Challenges Faced by the Platform Workers

#### Limited Earnings

- Irregular earnings
- No minimum guaranteed income for the gig workers who spend long hours on the platform.<sup>14</sup>
- Absence of fixed income discourages women to enter the gig work force.<sup>15</sup>

#### Working Conditions – Algorithmic

- Lack of algorithmic transparency – in allocation of gigs, promotional cost, surge pricing, incentives, penalties, bonuses and effect of customer ratings on income, work allocation.<sup>16</sup>
- Algorithms nudge toward completing and false incentives.<sup>17,18</sup>
- Lack of algorithmic accountability – humans in the platforms cannot be held responsible for any adverse repercussions.<sup>19</sup>
- Apps place workers constantly under surveillance resulting in the infringement of intellectual and behavioral privacy.<sup>20</sup>

#### Working Conditions – Data

- Workers have no agency over data generated by them. Platforms collect gig workers' data for 'safety, security, technical, marketing, and commercial' purpose.<sup>21</sup> Such collection allows broad spectrum of data to be collected without providing any agency over the collected data to the platform worker.

<sup>14</sup>Gig workers demand model law, labour rights, social security. (2023, July 27). The Hindu. <https://www.thehindu.com/news/national/gig-workers-demand-model-law-labour-rights-social-security/article67128510.ece>.

<sup>15</sup>Challenge captured through stakeholder discussions.

<sup>16</sup>Indian Federation of App-based Transport workers. (n.d.). Protecting Workers in the Digital Platform Economy. In Center for Internet Studies. Retrieved June 11, 2024, from <https://cis-india.org/raw/ifat-itf-protecting-workers-in-digital-platform-economy-ola-uber-occupational-health-safety-report>.

<sup>17</sup>Kapoor, A., & Rai, K. (2023). Gig Economy: A Tale of Algorithmic Control and Privacy Invasion. NLSIR. <https://www.nlsir.com/post/gig-economy-a-tale-of-algorithmic-control-and-privacy-invasion>.

<sup>18</sup>Bansal, Varsha, and Itika Sharma Punit. "Gig workers in India are uniting to take back control from algorithms." Rest of World, April 11, 2023. <https://restofworld.org/2022/gig-workers-in-india-take-back-control-from-algorithms/>.

<sup>19</sup>The Hindu. "Gig workers demand model law, labour rights, social security," July 27, 2023. <https://www.thehindu.com/news/national/gig-workers-demand-model-law-labour-rights-social-security/article67128510.ece>.

<sup>20</sup>Kapoor, A., & Rai, K. (2023). Gig Economy: A Tale of Algorithmic Control and Privacy Invasion.

<sup>21</sup>Kapoor, A., & Rai, K. (2023). Gig Economy: A Tale of Algorithmic Control and Privacy Invasion. <https://www.nlsir.com/post/gig-economy-a-tale-of-algorithmic-control-and-privacy-invasion>.

## List of Challenges Faced by the Platform Workers

### Working Conditions – Other

- Platforms taking penal action without investigation based on customer ratings or other undisclosed parameters.<sup>22</sup>
- Platform workers often face mistreatment and violence from customers, and harassment from police.<sup>23</sup>
- Long work hours per day, isolating work conditions, adverse weather conditions and limited customer interactions.<sup>24</sup>
- Absence of dedicated safe/resting places for women restricts them to join the gig work force.<sup>25</sup>

### Contracts

- Explanation of all contract related decisions and advance notification of changes that will be made to the policies and contracts.<sup>26</sup>
- Absence of contracts in local language.<sup>27</sup>

### Worker's Representation

- The nature of their work and algorithmic management translates to workers never physically meeting collectively, making it hard to form associations and adversely impacting collective bargaining power.<sup>28</sup>
- Traditional labour laws don't always apply to gig workers, making it difficult for them to form unions or bargain collectively. They often operate in a grey zone without proper rights or representation.<sup>29</sup>

### Absence of Social Security

- While some of the platforms provide accident and health cover<sup>30</sup>, comprehensive social security benefits are not offered by all platforms.

### Appropriate Grievance

- b

<sup>22</sup>Fairwork. "Fairwork India Ratings 2023." Fair.Work, 2023. Accessed July 5, 2024. <https://fair.work/wp-content/uploads/sites/17/2023/11/Fairwork-India-Report-2023.pdf>.

<sup>23</sup>Indian Federation of App-based Transport workers. Protecting Workers in the Digital Platform Economy.

<sup>24</sup>Indian Federation of App-based Transport workers. Protecting Workers in the Digital Platform Economy. Pg 28

<sup>25</sup>Challenge captured through stakeholder discussions.

<sup>26</sup>The Hindu. "Gig workers demand model law, labour rights, social security," July 27, 2023. <https://www.thehindu.com/news/national/gig-workers-demand-model-law-labour-rights-social-security/article67128510.ece>. Niti Aayog. "India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work."

<sup>27</sup>Challenge captured through stakeholder discussions.

<sup>28</sup>Niti Aayog, 2022. Pg 36. Accessed June 7, 2024. [https://www.niti.gov.in/sites/default/files/2022-06/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf). Niti Aayog. "India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work." Niti Aayog, 2022. Pg 36. Accessed June 7, 2024. [https://www.niti.gov.in/sites/default/files/2022-06/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf).

<sup>29</sup>Challenge identified from discussion with Mr Shaik Salauddin, National General Secretary, Indian Federation of App Based Transport Workers (IFAT); President of Telangana Gig and Platform Workers Union (TGPWU).

<sup>30</sup>OMI Research. "Social Protection in India's Platform Economy: Unpacking Supply Dynamics." 2024. <https://olawebcdn.com/ola-institute/social-protection-in-india-platform-economy.pdf>



## List of Challenges Faced by the Platform Workers

### Migrant Workers and their Wellbeing<sup>31</sup>

- Platform workers face health risks mostly because they are migrants and they live away from home, which made them making them vulnerable to unhealthy diets, physical inactivity, substance use, and chronic stress, upping their Non Communicable Disease (NCD) risks.
- Background verification of platform workers also becomes difficult with the lack of residential documents and others.

### Worsening Health Conditions<sup>33</sup>

- According to NIHMANS report, drivers involved ride hailing platforms work with 8.7 hours per day, six days a week, which increased their risk of consuming unhealthy diets by five times and their odds of consuming tobacco by 9.3 times.
- Due to long hours of sitting, they were also four times more likely to be overweight than people who worked five or fewer days a week. Night shifts upped their risk of alcohol consumption.
- Drivers are prone to higher risk of having NCDs, heightening their chances of developing hypertension, heart disease and diabetics.
- Particularly in physically demanding jobs like delivery services, workers may face safety hazards such as road accidents, fatigue, and physical strain, with little to no support from the platforms.<sup>34</sup>
- Lack of relevant infrastructures like resting places, clean washrooms, and constant exposure to pollution will lead to associated health problems for women.<sup>35</sup>

Platform workers have protested unfair working conditions such as change in payment without adequate notice, unsafe working conditions etc. From January 2017- February 2023 one curated database estimates about 1938 gig workers protests globally, of which 143 protests took place in India.<sup>36</sup> More recently, extreme climate too has spotlighted the challenges that climate change presents to the platform workers. Generally, platform workers are exposed to dust, sunlight, rain and other adverse weather conditions without the social security to offset the occupational hazards.

<sup>31</sup>Balakrishna, Udbhavi. "Cab Drivers for App-Based Aggregators Face High Risk of Diabetes, Heart Disease." Deccan Herald, February 24, 2022. <https://www.deccanherald.com/india/karnataka/bengaluru/cab-drivers-for-app-based-aggregators-face-high-risk-of-diabetes-heart-disease-3071769>.

<sup>32</sup>Challenge captured through stakeholder discussions.

<sup>33</sup>Balakrishna, Udbhavi. "Cab Drivers for App-Based Aggregators Face High Risk of Diabetes, Heart Disease."

<sup>34</sup>Challenge identified from discussion with Mr Shaik Salauddin, National General Secretary, Indian Federation of App Based Transport Workers (IFAT); President of Telangana Gig and Platform Workers Union (TGPWU).

<sup>35</sup>Challenge captured through stakeholder discussions.

<sup>36</sup>"Explore - Leeds Protest Map," n.d. <https://leeds-index.co.uk/explore/?country=India&sort=latest>.

### Box 1: Impact of Climate Change on platform Worker Working Conditions

A study conducted in Vietnam found joint problems affecting 62.8% platform workers, and digestive issues affecting 48.3%<sup>37</sup> platform workers. There is no similar research situated in India unpacking the impact of climate change on the health of platform workers. A report by India Development Review offers anecdotal accounts of how delivery persons face the extreme heat (without any respite from the platforms or the government).<sup>38</sup> The ILO estimates that up to 3.8% of total working hours worldwide could be lost to climate induced high temperatures,<sup>39</sup> and places India at a “high risk” of losing labour productivity.<sup>40</sup>

Table 6: Climate Change Challenges and Probable

Climate Change Factors Impacting Platform Workers	
Factors	Measures
Heat Waves	Appropriate drinking water facilities located at accessible distances, for platform workers.
Poor Air Quality	Air quality cess on the orders made during the poor air quality conditions (cess amount should be transferred to platform workers).
Rains	Shelter areas for the platform workers to take breaks.
Infectious Diseases	Mandatory breaks per hour when the temperature reaches a certain threshold. <sup>41</sup>
Inescapable meteorological conditions aiding in air pollution in South Asia <sup>42</sup>	Helpline for all the platform workers to get aid in case of medical emergencies.

<sup>37</sup>Le, Toan. “Mercedes in Two Years?’ Grab Workers’ Mounting Discontent and Wildcat Strikes in Vietnam.” *Asian Labour Review*, February 27, 2023. <https://labourreview.org/grab-workers-in-vietnam/>.

<sup>38</sup>Bhandari, Ashali, and Charu Pragya. “Rising temperatures pose a huge risk for gig workers | IDR.” *India Development Review*, April 25, 2024. <https://idronline.org/article/climate-emergency/rising-temperatures-pose-a-huge-risk-for-gig-workers/>.

<sup>39</sup>World Economic Forum. “3 ways the climate crisis is impacting jobs and workers,” October 22, 2023. <https://www.weforum.org/agenda/2023/10/climate-crisis-impacting-jobs-workforce/>.

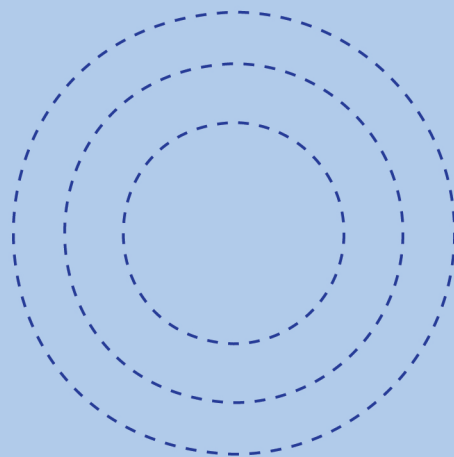
<sup>40</sup>Dasgupta, Shouro, Nicole Van Maanen, Simon N Gosling, Franziska Piontek, Christian Otto, and Carl-Friedrich Schleussner. “Effects of climate change on combined labour productivity and supply: an empirical, multi-model study.” *the Lancet. Planetary Health* 5, no. 7 (July 1, 2021): e455–65. [https://doi.org/10.1016/s2542-5196\(21\)00170-4](https://doi.org/10.1016/s2542-5196(21)00170-4).

<sup>41</sup>Tham, Ashley. “Mandatory hourly breaks for some outdoor workers when weather gets too hot: MOM.” *CNA*, October 24, 2023. <https://www.channelnewsasia.com/singapore/heat-stress-outdoor-workers-10-minute-breaks-new-measures-3868171>.

<sup>42</sup>Landlocked parts of India are geographically positioned such that the winds from the coastal regions collect pollutants on their way inland, which then get “trapped” before the Himalayas. The air pressure pushes from one direction, and with the inability to escape quickly in the other, the particulate matter accumulates over the northern plains. This accumulation and entrapment affect not only Delhi, but the entire expanse between Punjab in the west to West Bengal in the east. From the book “The Great Smog of India”



**Chapter 3-**  
**Jurisprudence - Key Cases  
Pertaining to Platform  
Workers Rights**



## Chapter 3

# Jurisprudence - Key Cases Pertaining to Platform Workers Rights

Till date, there is little jurisprudence in India explicitly upholding the rights of platform workers to social security entitlements. The hesitation to provide social security benefits to the platform workers is rooted in the classification of platform labour, as non-permanent or part-time labour. Table 7 provides a summary of cases that have been filed pertaining to rights of platform workers.

**Table 7: Jurisprudence Pertaining to Platform Workers Rights**

Sl. No	Case Law	Year	Contention	Court Ruling
1	Uber India Systems Pvt. Ltd v Mohit Bansal and Anr (First appeal No.743 of 2022). <sup>43</sup>	2024	<p>A consumer complaint was filed before the District Consumer Forum by Mohit who used the Uber app to book a cab. The driver demanded extra fare and when he refused, asked him to get down. The time was 6.20 AM and the place he was forced to disembark was the highway.</p> <p><b>Platform's Contention</b></p> <p>Uber contends that it is merely an aggregator of motor vehicles and that the driver is an independent contractor who signs terms and conditions to bind himself against attaching any liability to Uber. They claimed that the passenger had also incorrectly selected intra-city travel for an inter-city trip. They also claim their liability is absolved as they refunded the extra fare charged by the driver. District Court ruled in favour of Mohit so Uber appealed to State Forum</p>	<p>The Punjab State Consumer Disputes Redressal Commission upheld a penalty of ₹15,000 imposed on Uber India for mental agony and harassment after an Uber driver forced a passenger to vacate without completing the trip. The Court also asserted that even if employer-employee relationship is not made out, an intermediary can be held liable under Consumer Protection Act for playing an active role as above.</p> <p>Relevant Legal Basis Rule 5 of E-Commerce Rules 2020 read with Section 79 of the Information Technology Act, 2000 states that a marketplace e-commerce entity (a digital platform that facilitates transactions between buyers and sellers) shall be held liable if the intermediary does one or more of the following:</p> <ul style="list-style-type: none"> <li>• Initiates the transmission</li> <li>• Selects the receiver of the transmission, and</li> <li>• Select or modify the information contained in the transmission.</li> </ul>

<sup>43</sup>Uber\_India\_Systems\_Pvt\_Ltd\_v\_Mohit\_Bansal\_and\_An\_r. 2024., retrieved from [https://images.assettype.com/barandbench/2024-07/996b52fd-b237-4eb6-9188-976b71aea905/Uber\\_India\\_Systems\\_Pvt\\_Ltd\\_v\\_Mohit\\_Bansal\\_and\\_An\\_r.pdf](https://images.assettype.com/barandbench/2024-07/996b52fd-b237-4eb6-9188-976b71aea905/Uber_India_Systems_Pvt_Ltd_v_Mohit_Bansal_and_An_r.pdf).

Sl. No	Case Law	Year	Contention	Court Ruling
2	All India Gig Workers Union v. Uber India Systems Pvt. Ltd. <sup>4445</sup>	2024	Gig workers have taken a stand against Uber's practices, challenging the company's refusal to provide minimum wages and social security benefits.	Pending
3	Indian Federation of App Based Transport Workers (IFAT) v Union of India (WP 1068/2021) <sup>46</sup>	2021	A petition was filed by a taxi driver at Ola arguing that the agreements between Ola and the gig workers violate Articles 14, 21 and 23 of the Constitution of India. The petitioners wanted platform-based gig workers to be categorized as unorganized workers.	Pending
4	Kavita S. Sharma v. Uber India (Consumer Compliant no: 61/2021) <sup>47</sup>	2021	Complainant received services directly from the Uber and the services were not as assured creating the complainant monetary loss and mental torture.	Consumer court ordered Uber to compensate the monetary loss and legal charges. It also ruled that the customer is directly availing the services from the Uber but not from the driver or an independent contractor.

## Box 2: International Case

### Independent Workers' Union of Great Britain vs Deliveroo ([2021] EWCA Civ 952 - England and Wales Court of Appeal-Civil Division)

In November 2023, the UK Supreme Court ruled that Deliveroo riders are independent contractors, not employees, and therefore cannot access collective bargaining rights. The ruling hinged on the riders' flexibility to reject jobs and substitute others for deliveries, differentiating it from the Uber case, where drivers were deemed workers due to stricter control. The case raises significant questions about whether gig workers should have collective representation rights under Article 11 of the European Convention on Human Rights. Challenges to this ruling are expected.

<sup>44</sup>Naveen Kumar. "Regulatory Framework and the Protection of Basic Rights of Gig Workers." Bar And Bench - Indian Legal News, May 16, 2024. Accessed May 24, 2024. <https://www.barandbench.com/law-firms/view-point/regulatory-framework-and-the-protection-of-basic-rights-of-gig-workers#:~:text=Another%20notable%20example%20is%20the,wages%20and%20social%20security%20benefits.>

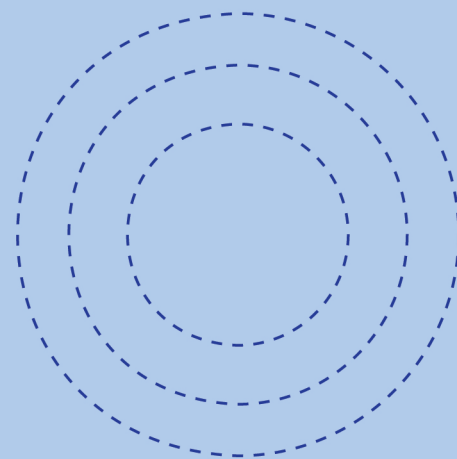
<sup>45</sup>This case was cited in an article, but the case law not found. There is a possibility that the case was wrongly titled in the article that this research has referred.

<sup>46</sup>The Indian Federation of App-Based Transport Workers (IFAT) versus Union of India and others, WP(c) 1068/2021.

<sup>47</sup>Consumer Complaint No: 61/2021, [www.livelaw.in/pdf\\_upload/uber-consumer-forum-441060.pdf](http://www.livelaw.in/pdf_upload/uber-consumer-forum-441060.pdf). Accessed 24 May 2024.



**Chapter 4-**  
**Summary of Legal Provisions  
for Platform Workers at the  
Center and State Level in  
India**



## Improve Working Conditions of Platform Workers: Ensuring Social Security & Fair Working Conditions

When risks from new technologies arise, regulation is likely to address these risks especially if harm to the user or customer is expected to occur. In multi-sided markets such as in platform markets, risks and harms accrue to the customer (such as users of the platforms like Uber, Ola, Swiggy, Zomato etc) as well to the intermediaries that operate on the platform such as restaurant partners, delivery partners, taxi drivers, cab aggregators, grocery stores etc. While regulatory measures to mitigate harm to the customer (such as misuse of personal data or harm to children) and threat to the sovereignty of the state (such as the spread of misinformation) are relatively faster, regulatory measures to curb harm to other intermediaries are relatively slower in India. Some examples of such regulatory interventions in the context of platform markets are provided in Box 3.

<sup>48</sup><https://www.inc.com/associated-press/lyft-uber-plan-to-leave-minneapolis-after-city-council-mandates-driver-pay-hikes.html>.

Regulatory approaches succeed when the agency of those who are intended to be protected is strong, there is political will and the robust accountability mechanisms are in place. Despite global concern about platform workers' working conditions, success from regulating platforms is not consistent across countries. This is because platform work provides an incredibly high economic opportunity, contributing to the GDP of countries, and the disruptive technologies invariably bring convenience and price advantage to the customer. Platform workers have little agency, as there are too few or non-existent alternatives for livelihood opportunities. Platform workers often pursue platform work while having no other livelihoods options to pursue - amplifying their vulnerability and diminishing their agency. Eventually, the power of the platforms is too intense to regulate - platforms may simply cease to operate in the jurisdiction where the regulatory or judicial measures are unfavourable to the platforms, instead of trying to comply.

For instance, Uber Technologies Inc. and Lyft Inc. announced they will cease operations in Minneapolis starting May 1, 2024 after the City Council mandated that rideshare drivers be paid the local minimum wage of \$15.57 per hour.<sup>48</sup>

### **Box 3: Examples of Regulatory Interventions in the Context of Harms/Risks Posed by Platforms**

#### **Guidelines on Prevention and Regulation of Dark Patterns, 2023**

These guidelines are designed from the customer perspective. These guidelines advise not to practice nudging, creating false urgency, confirm shaming, forced actions to opt for a particular choice, creating a subscription trap by making the customer follow multiple steps or undergo tedious process to unsubscribe, using inappropriate interfaces for opting out option, etc. However, such interventions are not seen when it comes to the gig workers. It is also unclear if these dark patterns are applicable for the gig workers.

#### **Digital Competition Bill 2024**

The draft Digital Competition Bill aims to address concerns about anti-competitive practices by large digital companies. The bill introduces an ex-ante regulation that would intervene to prevent harmful practices before they occur. The bill focuses on “Systemically Significant Digital Enterprises” (SSDEs), designating core digital services like search engines and social media for stricter regulation. These SSDEs would be identified based on a combination of their financial strength and user base. The bill also outlines restrictions on SSDEs, prohibiting practices that favour their own products or services, using user data for competitive advantage, and restricting users from using third-party applications. It would be interesting if this bill also accounts for the platform aggregators like Uber and Urban Company.

#### **The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**

These rules establish a framework for responsible online content and user safety in India. These rules introduce several key measures. First, they define clear guidelines for intermediary platforms (like social media companies) regarding their obligations to address harmful content. This includes establishing complaint redressal mechanisms and procedures for removing content deemed illegal or harmful. Second, the rules introduce an “access control mechanism” which allows platforms to restrict access to certain content based on user age verification. Finally, the rules establish a code of ethics for digital media platforms, promoting responsible online behaviour and content moderation practices.

#### **Consumer Protection (E-Commerce) Rules, 2020**

These rules offer a comprehensive framework detailing the conduct of e-commerce platforms operating in India, whether they are established in or outside India. The rules also mandate the platforms to have grievance redressal mechanisms, with grievance redressal officer appointed and display the contact details on their platforms. It also explicitly mentions that e-commerce platforms shall only collect consent for the purchase of product or service and shall not automatically record consent for any other means. It also details on the liabilities, and duties of sellers on the e-market place.



Recognising the changing contours of the labour with the advancements of digital technologies globally, the ILO (International Labour Organisation) advises countries to adopt a human centric approach to tackle the challenges posed by digital technologies in the economy.<sup>49</sup> It also recommends that all workers, regardless of their contractual arrangement or employment status, should enjoy labour rights, a sufficient living wage, maximum limits on working hours, and protection of safety and health at work. The G20 member nations in their joint declarations from 2020 to 2023 advocated for social protection.<sup>50</sup>

#### Box 4: Social Protection by G20 Member Nations

- Leader's Declaration of November 2020 - commitment to ensure "access to comprehensive, robust, and adaptive social protection for all, including those in the informal economy.
- G20 Policy Options for "Adapting Social Protection to Reflect the Changing Patterns of Work (2020)" - the importance of correct classification of employment status for ensuring adequate social protection for all was identified.
- In 2021, the G20 Labour and Employment Ministers paid attention to temporary or part-time workers, low-wage, self-employed, migrants and informal workers, with the aim to "make social protection adequate, inclusive, sustainable, effective, and accessible to all".
- The "G20 Policy Principles to ensure access to adequate social protection for all in a changing world of work" (2021) point to the need to "consider extending contributory schemes to those self-employed whose activity is organised and/or coordinated by an employer or by a digital platform as well as to other self-employed", and to "build up social security entitlements [...] with a particular attention to platform workers.
- The "G20 Policy Options to enhance regulatory frameworks for remote working arrangements and work through digital platforms" (2021) include a commitment to "promote access to adequate social protection for all workers on digital platforms".
- The "G20 Policy Principles on Adapting Labour Protection for More Effective Protection and Increased Resilience for All Workers" (2022) include important commitments to reinforce labour protection for workers on digital platforms.

Typically, improved working conditions to platform/gig workers take the shape of two broad approaches:

- a. Assurance of social security and
- b. Assurance of fair working conditions

These are discussed in more detail in the following sections .

<sup>49</sup>Global Commission on the Future of Work. "Work for the Future." International Labour Organisation. 2019. <https://www.ilo.org/publications/work-brighter-future>.

<sup>50</sup>International Labour Organisation. "Providing adequate and sustainable social protection for workers in the gig and platform economy - presentation." International Labour Organization, February 6, 2023. Accessed May 31, 2024. <https://www.ilo.org/media/366086/download>.

## Legal and Policy Initiatives for Social Security to Platform Workers in India

In India, typically social security to labourers is provided in the form of minimum wages, pension, provident fund, gratuity, insurance, maternity benefit and compensation for death or injury caused during employment. Additionally, there are statutory provisions that ensure safe, sexual harassment free working conditions, mandate precautions for hazardous activities, and require facilities such as creches, resting rooms and toilet facilities. There are laws that ensure adequate leave and holidays, reasonable working hours and discrimination free treatment of workers. Laws also provide guidance on hiring and firing, collectivisation (unions) and grievance redressal mechanisms to enforce labour rights. These provisions are built into extensive legislations, some of which are sector specific. Commonly provided social security benefits and working conditions mandates and respective laws are summarised under Table 1 of Annexure 1.

With the shifting global narrative and demand by platform workers for better working conditions, there have been fragmented (and mostly unimplemented) legislative initiatives in India to provide social security benefits to platform workers.

In the following sections we summarise central and state level initiatives in India on social security for platform workers.

### i. Central Level Laws & Policies for Provision of Social Security Benefits to Platform Workers in India

#### a. Code on Social Security 2020 (CoSS)

The CoSS, part of the new labour codes aimed to overhaul India's antiquated labour laws introduced the concept of gig and platform workers into Indian labour welfare legislation. The CoSS proposes social security schemes for gig and platform workers, including life and disability cover, health and maternity benefits, and old age protection.<sup>51</sup> However, the CoSS has not come into effect as the central and states governments have only released draft rules and are yet to officially notify them. A summary of the CoSS Scheme is at Table 8.<sup>52</sup>

<sup>51</sup><https://www.mondaq.com/india/employment-and-workforce-wellbeing/955662/gig-economy--legal-developments>.

<sup>52</sup>"The Code on Social Security, 2020 | V. V. Giri National Labour Institute, Noida, Uttar Pradesh, India," n.d. <https://vvnli.gov.in/en/code-social-security-2020>.

**Table 8: Salient Features of CoSS**

Social securities envisaged under CoSS	Definition of gig & platform workers under CoSS	Definition of social security under CoSS
a. Life and disability cover b. Accident insurance c. Health and maternity benefits d. Old age protection e. Crèche f. Any other benefit as may be determined by the Central Government.	<p><b>Section 1 (35):</b> “gig worker” means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship.</p> <p><b>Section 1 (61):</b> “platform worker” means a person engaged in or undertaking platform work;</p> <p><b>Section 1(60)</b> “platform work” means a work arrangement outside of a traditional employer- employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment;</p>	<p><b>Section 78:</b> “Social security” defined as the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code.</p> <p><b>Section 141</b> asserts that there shall be a Social Security Fund for social security and welfare of the unorganised workers, gig workers and platform workers established by the central government and the sources of the fund shall comprise of funding received from either state, central, platforms or in combination of any.</p>

### b. Provisions of Motor Vehicles Aggregator Guidelines

The Ministry of Road Transport and Highways has issued guidelines to the state Governments / UTs for issuance of licenses as well as regulating the business being conducted by Aggregators.<sup>53</sup> Table 9 summarizes the provisions pertaining to platform workers.

**Table 9: Social Security Provisions by Motor Vehicles Aggregators Guidelines**

Provisions
Health insurance for each driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with the base year 2020-21 and increased by 5% each year.
Term insurance for each driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with the base year 2020-21 and increase by 5% each year.
Driving work hours and breaks ensuring that the driver shall not be logged in for an aggregate of more than twelve (12) hours on a calendar day. A mandatory break of ten (10) hours for the Driver shall be imposed after a login extending twelve (12) hours.
The Aggregators to develop a mechanism on their respective App to ensure that drivers engaged with more than one Aggregator do not drive beyond a cumulative period of 12 hours either on their or another Aggregator’s app to safeguard the Driver, passenger as well as road users.
Multi-Aggregator Collaboration for Drivers - Enabling the Drivers to operate with multiple Aggregators, provided each of them comply with the requirements and driver training programs.

<sup>53</sup>Ministry of Road Transport and Highways. “Motor Vehicles Aggregators Guidelines 2020.” India, 2020. [https://morth.nic.in/sites/default/files/notifications\\_document/Motor%20Vehicle%20Aggregators27112020150046.pdf](https://morth.nic.in/sites/default/files/notifications_document/Motor%20Vehicle%20Aggregators27112020150046.pdf).

### c.E- SHRAM Portal

The Ministry of Labour and Employment launched the e-SHRAM portal, integrated with Aadhaar, on 26th August 2021, aiming to establish a comprehensive national database of unorganized workers. The portal also aims to facilitate delivery of Social Security and welfare Schemes to such workers. As on 15.12.2023, more than 29.23 Crore unorganized workers have been registered on this portal.<sup>54</sup> The E-SHRAM portal allows unorganized and gig workers to register on self-declaration basis, under 400 occupations across 30 broad occupation sectors.

There is no specific mention of the term 'platform workers' in the listed occupations. However, the list includes delivery persons, taxi drivers allowing them to get registered, but job roles like bike taxi is not listed. This initiative will support the CoSS as it allows registration of workers, and also provides a single platform offering social security benefits.

#### Box 5: Challenges and Possible Solutions to E-SHRAM Portal in Accommodating Platform Workers

- Platform Workers are spread out in various jobs. Not having a category 'platform work' makes it difficult to enroll themselves. It would be helpful if 'platform work' as an explicit category is added.
- It would be easier if the person who is enrolling on E-SHRAM does not have to scroll through 400 categories of occupations. Instead, automatic assignment of the category when the person mentions his/her job role should be developed.
- The onus of registration is currently on the worker, but awareness of E-Shram and ensuing benefits is quite low. Thus, it must be made compulsory for aggregators to support workers to get registered on E-Shram.
- Persons who are income tax payees are not eligible to register on the E-Shram portal. This makes several platform workers who earn income in the taxable bracket ineligible for registration. Given the volatility of their income, the tax bracket for registration has to be recalibrated.

<sup>54</sup>Ministry of Labour and Employment. "E-SHRAM Portal Allows an Unorganised Worker to Register Himself or Herself on Portal on Self-Declaration Basis under 400 Occupations in 30 Broad Occupation Sectors." Press Information Bureau, 2023. <https://labour.gov.in/sites/default/files/pib1989163.pdf>.

## ii. State Level Provision of Social Security Benefits to Platform Workers

### a. Draft Rules on CoSS, 2020

Advancing the Code on Social Security (discussed in Table 8 above), 29 out of the 36 Indian states and Union Territories have released draft rules on the constitution of the state social security board for unorganized workers including gig and platform workers. None of the rules have been implemented yet. Almost all the draft rules proposed by the state governments offers life and disability benefits, health and maternity benefits, old age pension and provident fund, education and skill upgradation, and funeral assistance to platform workers. Under the Section 6 (9) of the Code on Social Security 2020, State governments are required to constitute state-level boards to administer the social security benefits, and other functions that it is assigned. However, the functioning of these Boards varies from state to state. Not all the states have same composition for the State Social Security Boards. For example, Assam's directions for the selection of Board members are inclusive and clear whereas Chhattisgarh's rules are vague. Table 3 in Annexure provides details of state-wise rules further to the CoSS.

### b. State Motor Vehicles Aggregators

Further to the guidelines issued by The Ministry of Road Transport and Highways (Table 9), several states have issued, and several others are in the process of issuing guidelines/rules/regulations/directives in respect of working conditions of drivers engaged by motor vehicle aggregators. Only 4 states have notified rules and 2 states have released guidelines out of 36 states. Some states have merely mirrored to provisions stipulated under the Central legislation (Motor Vehicle Aggregator Guidelines, 2020), but some states have stipulated additional welfare provisions in favour of platform workers. For example, Meghalaya mentions encourages hiring of women and fare transparency. West Bengal lays down the guidelines for cancellation charges imposed on the rider and distribution between the driver and aggregator. Maharashtra differentiates between working hours for adults and adolescents who may be employed as drivers. On the other hand, some states face difficulty in enforcing such legislation due to pushbacks from stakeholders. For example, in Tamil Nadu, auto drivers have persistently protested against bike-taxis which is one among several reasons why Tamil Nadu is unable to regulate motor vehicle aggregators.<sup>55</sup> ( See Table 9 of the Annexure for the detailed analysis of State Motor Vehicle Aggregators Rules)

<sup>55</sup>Shobana Radhakrishnan, "Riding the Wave: The Need to Regulate Bike Taxis in Chennai," Citizen Matters, March 2, 2024, <https://citizenmatters.in/bike-taxis-chennai-tamil-nadu-ola-urber-rapido-drivers-ride/>.

## c. Other State Specific Platform Workers

### Rajasthan

Rajasthan is the first and only state with a specific (passed) law to regulate platform workers– The Platform based Gig Workers Act (Rajasthan Act) passed in September 2023.<sup>56</sup> The rules to implement the Act are yet to be notified. Table 10 carries a summary of the provisions of the Rajasthan Act.

**Table 10: Rajasthan’s Initiatives for Platform Workers**

Legislation	Definition of gig worker	Salient features	Management practices
Platform based Gig Workers (Registration and Welfare) Act	Section 2(e) “gig worker” means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship and who works on contract that results in a given rate of payment, based on terms and conditions laid down in such contract and includes all piece-rate work.	<ul style="list-style-type: none"> <li>Establishment of a welfare board.</li> <li>Establishment of welfare fee for the platform workers.</li> <li>Registration of the aggregators and the platform workers within 60 days of legislation enactment.</li> <li>The Act proposes the establishment of Central Transaction Information and Management System (CTIMS) to monitor and trace platform-related payments, including welfare fee collection.</li> <li>Penalties to the aggregators in case of late submission of welfare fee ranging from INR 5 lakhs to 50 lakhs.</li> </ul>	<p>Section 8 mandates the aggregators to provide to the State Government its database of all platform based gig workers onboarded or registered with them within sixty days of enforcement of the Act. All such onboarded gig workers will be automatically registered with the state government.</p> <ul style="list-style-type: none"> <li>The State Government shall register and generate a unique ID to every platform based gig worker who is onboarded by one or more aggregators operating in the State.</li> </ul>

<sup>56</sup>Government of Rajasthan. “The Rajasthan Platform Based Gig Workers Act (Registration and Welfare).” PRS, 2023. [https://prsindia.org/files/bills\\_acts/acts\\_states/rajasthan/2023/Act29of2023Rajasthan.pdf](https://prsindia.org/files/bills_acts/acts_states/rajasthan/2023/Act29of2023Rajasthan.pdf).

## Telangana

After Rajasthan, the Chief Minister of Telangana also announced that the government would come out with a welfare policy for platform workers which provides social benefits like accidental policy and medical care.<sup>57</sup> However, there is no development on this aspect post 6 months of Telangana assembly elections.

## NCT of Delhi

Chief Minister Kejriwal also announced that the Delhi government is prepared to introduce legislation to ensure social security benefits for platform workers within the city.<sup>58</sup>

<sup>57</sup>Ali, Roushan. "T-Hub Developing App for Cab & Auto Drivers: Revanth." *The Times of India*, December 24, 2023. <https://timesofindia.indiatimes.com/city/hyderabad/t-hub-developing-app-for-cab-and-auto-drivers-revanth-reddy-announcement/articleshow/106242867.cms>.

<sup>58</sup>Dutta, Alisha. "Govt. Will Introduce Law to Provide Security to Gig Workers If Needed: CM." *The Hindu*, October 19, 2023. <https://www.thehindu.com/news/cities/Delhi/govt-will-introduce-law-to-provide-security-to-gig-workers-if-needed-cm/article67440115.ece>.

<sup>59</sup>Labour Welfare and Skill Development Department 2023. "Establishment Of Tamil Nadu Platform Based Gig Workers' Welfare Board Under The Tamil Nadu Manual Workers (Regulation Of Employment And Conditions Of Work) Act, 1982 ." [www.stationeryprinting.tn.gov.in](http://www.stationeryprinting.tn.gov.in). Accessed May 20, 2024. [https://www.stationeryprinting.tn.gov.in/extraordinary/2023/417\\_Ex\\_II\\_2\\_2023.pdf](https://www.stationeryprinting.tn.gov.in/extraordinary/2023/417_Ex_II_2_2023.pdf).

<sup>60</sup>Outlook Web Desk, and Outlook Web Desk. "Tamil Nadu Govt Forms Welfare Board to Cater to Gig Workers." *Outlook India*, January 18, 2024. <https://www.outlookindia.com/national/tamil-nadu-govt-forms-welfare-board-to-cater-to-gig-workers-news-339589>.

<sup>61</sup>J, Shanmugha Sundaram, Shanmugha Sundaram J, and Dtnext. "Dtnext." *dtnext*, April 25, 2024. <https://www.dtnext.in/news/city/15-lakh-gig-workers-only-one-boards-tn-platform-781305>.

<sup>62</sup>Indian National Congress. "KPCC Election Manifesto 2023," May 2, 2023. <https://inc.in/media/press-releases/assembly-election-karnataka-manifesto-2023>.

## Tamil Nadu

Instead of issuing rules for the CoSS, Tamil Nadu government has taken the decision to establish the board and provide social security benefits as part of measures undertaken by the state government for the welfare of the unorganised workers. The state government of Tamil Nadu has established Platform-Based Gig Workers Welfare Board on December 2023.<sup>59</sup> However, there are no details regarding the composition of the board as of publishing this primer but the government expects 1 lakh registrations with the board.<sup>60</sup> However, as per the report published by DT Next, only one person has registered as of 25 April 2024.<sup>61</sup> This task of registering the platform based manual workers on existing manual workers' welfare boards and then migrating them to a separate portal is an unnecessary task when the central government has already prepared a platform called e-SHRAM for exactly to provide social benefits to the unorganized workers.

## Karnataka

During the Karnataka Legislative Assembly Elections, held in May 2023, the manifesto of the Indian National Congress, promised the establishment of a platform workers' Welfare Board with a seed fund of INR 3000 crores.<sup>62</sup> Karnataka's Platform-based Gig Workers Bill 2024, provides for fair contracts and algorithmic transparency. A summary of the social security provisions under the Karnataka Platform Based Gig Workers Bill is provided in Table 11.

Table 11: Karnataka's Initiatives for Platform Workers

Legislation	Applicability to gig workers	Does the law provide social security benefits?	Status of implementation
Karnataka Gig Workers Bill, 2024 <sup>62</sup>	'Gig worker' means a person who performs work or participates in a work arrangement which results in a given rate of payment, based on terms and conditions laid out in such contract and includes all piece rate work, and whose work is sourced through a platform.	The Bill proposes establishing a framework for social security and welfare for platform workers in Karnataka. It mentions that a Karnataka Gig Worker's Social Security and Welfare Fund will be created, but the specific benefits haven't been publicly disclosed yet.	Not-Implemented
Karnataka State Gig Workers Insurance Scheme <sup>63</sup>	Food delivery boys of Swiggy, Zomato etc., and all unorganised gig workers engaged in delivery profession with e-commerce establishments such as Amazon, Flipkart, Porter, Pharmacy,	<ul style="list-style-type: none"> <li>• Accidental Insurance of INR 2 lakhs and Life Insurance of INR 2 lakhs.</li> <li>• Permanent disability due to accident upto INR 2 lakhs.</li> </ul>	Implemented

## Jharkhand

The latest development in the legislative approaches is seen from the Jharkhand government. On 1 July 2024, the government released draft bill for public consultation.<sup>64</sup> Some of the highlights of the bill, which are not present in the Karnataka Bill and Rajasthan Act are following:

- The proposed welfare board will have the power to seek aggregated data from the aggregator platforms on the work done via platforms.
- Aggregator shall be liable to pay simple interest at the rate of twelve percent per annum calculated from the due date, on the gig worker welfare fee due to be paid to the welfare board.

More detailed provisions are provided in Table 5 and Table 8 of Annexures.

<sup>62</sup>Labour Department, Government of Karnataka. "The Karnataka Platform based Gig workers Bill, 2024," 2024. Accessed July 10, 2024. <https://ksuwssb.karnataka.gov.in/storage/pdf-files/draftnotification.pdf>.

<sup>63</sup>Karnataka State Unorganized Workers Social Security Board. "Karnataka State Gig Workers Insurance Scheme," 2024. Accessed July 10, 2024. <https://ksuwssb.karnataka.gov.in/info-2/Karnataka+State+Gig+Workers+Insurance+Scheme/en>.

<sup>64</sup>Jharkhand State Government. Draft Jharkhand Platform-Based Gig Workers' Registration and Welfare Bill, 2024. July 5, 2024. Uncomplycate. Accessed September 24, 2024. [https://uncomplycate.com/wp-content/uploads/2024/07/Draft-Jharkhand-Platform-Based-Gig-Workers-Registration-and-Welfare-Bill-2024\\_Jul052024.pdf](https://uncomplycate.com/wp-content/uploads/2024/07/Draft-Jharkhand-Platform-Based-Gig-Workers-Registration-and-Welfare-Bill-2024_Jul052024.pdf).



## Part B

# Legal and Policy Initiatives for Fair Working Conditions for Platform Work in India

As a concept, fair working conditions go beyond the narrow construct of social security provisions for workers. The Fairwork Project, provides five fair work principles that would apply working conditions of the platform-based gig workers (see Box 6).<sup>65</sup> Fairwork factors are more aligned with the EU approach towards providing social security benefits. The EU Directive on the platform workers<sup>66</sup> apply to rideshare drivers, app-based freelancers, and those who find work through digital platforms, etc. The EU Directive is promulgated on the premise that the digital platforms have some control and offer direction to the work even though the platform workers are termed as self-employed or independent contractors, and several directives to protect the rights and provide fair working conditions to the platform workers (See Box 7).

### Box 6: Summary of Fair Work Provisions by the Fairwork Project

#### Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs.

#### Fair Working Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.

#### Fair Contracts

Terms and conditions should be accessible, readable and comprehensible.

#### Fair Management Practices

There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms should be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).

#### Fair Representation

Platforms should provide a documented process through which worker voice can be expressed.

<sup>65</sup>Fairwork. "Fairwork India Ratings 2023."

<sup>66</sup>Permanent Representative Committee. "Proposal for the DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Improving Working Conditions in Platform Work." Council of Europe, March 2024. <https://data.consilium.europa.eu/doc/document/ST-7212-2024-ADD-1/en/pdf>.

## **Box 7: Provisions of EU Directives on Improving the Working Conditions of Platform Work**

The purpose of this Directive is to improve working conditions and the protection of personal data in platform work. The following are a summary the provisions of EU Directives.

### **Data Privacy**

- Platforms should not process personal data on emotional or psychological state of the person.
- Platforms should not process any personal data in relation to private conversations.
- Platforms should not collect any personal data while the person performing platform work is not offering or performing platform work.
- Platforms should not process any personal data to infer racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, state of health, including chronic disease or HIV status, the emotional or psychological state, trade union membership, a person's sex life or sexual orientation.
- Platforms should not process any biometric data.
- Platforms should not process personal data to predict the exercise of fundamental rights, including the right of association, the right of collective bargaining and action or the right to information and consultation.

### **Data Protection**

- Platforms shall provide the assessment of the impact of the processing of personal data by automated monitoring and decision-making systems on the protection of personal data of persons performing platform work, including on the limitations on processing to the platform workers.

### **Algorithmic Transparency**

- Platform workers should be informed about the decisions taken by or in assistance from algorithms and how they would affect them.
- Platform workers should be informed about the data that is being collected and processed by the algorithms, the aim of the monitoring and processing of any data.
- The main parameters than the automated systems take into account for a certain decision making.
- Workers' representatives shall receive comprehensive and detailed information about all relevant systems and their features.
- Platform workers will have the right to obtain an explanation on the decisions made using algorithms.

### **Data Portability**

- Platform workers will have the right to port the data that is generated during their work to other platforms.

### **Human Oversight of the Automated Systems**

- Member States shall require digital labour platforms to ensure sufficient human resources for effective oversight and evaluation of the impact of individual decisions taken or supported by automated monitoring or decision-making systems.

### **Health and Safety**

- Platforms have to evaluate the risks posed by automatic monitoring or decision-making systems on the platform worker's health and safety. It includes work related accidents, ergonomic and psychological risks.
- Introduce appropriate preventive and protective measures.

## i. Mapping India's CoSS and State Specific Legislations, to Fair Work Principles

Fair work has not been codified into legislation in India. CoSS does not address all the fair work principles. Karnataka's Platform based Gig workers Bill 2024, and Jharkhand's Platform Based Gig Workers (Registration and Welfare) Bill 2024 fare better than its Rajasthan counterpart when mapped to the fair work principles (See Table 5 in Annexure 1). A comparison between the Karnataka Bill, Jharkhand Bill and Rajasthan Act is also provided at Table 7 of Annexure 1. See Table 12 for the mapping of COSS, Rajasthan Act, Karnataka Bill, and Jharkhand Bill to Fair Work Principles.

**Table 12: Mapping India's CoSS and State Specific Legislations, to Fairwork Principles**

Fairwork conditions	Code on social security	Rajasthan gig workers act	Karnataka gig workers bill	Jharkhand gig workers bill
Fair Pay	Not mentioned	Not mentioned	No, but mandates a weekly payment cycle	Same as Karnataka
Fair working Conditions	Not mentioned	Not mentioned	Sector wise Occupational Health and Safety guidelines to be released	Same as Karnataka
Fair Contracts	Not mentioned	Not mentioned	<p><b>Form of Contracts</b> The Bill stipulates that all contracts between the platform workers and the employer should be simple, written in a comprehensible format in an official language best known to the platform worker. Further, any changes to the contract should be notified to the platform worker 14 days before it comes into force, giving the gig worker opportunity to terminate the contract if they do not find the changes feasible. Also platform workers should have the right to refuse a certain number of orders every month without adverse consequences.</p> <p><b>Contract Guidelines</b> State governments would release sector specific guidelines for platform worker employment contracts and can be sent templates for vetting by the employers.</p>	Same as Karnataka

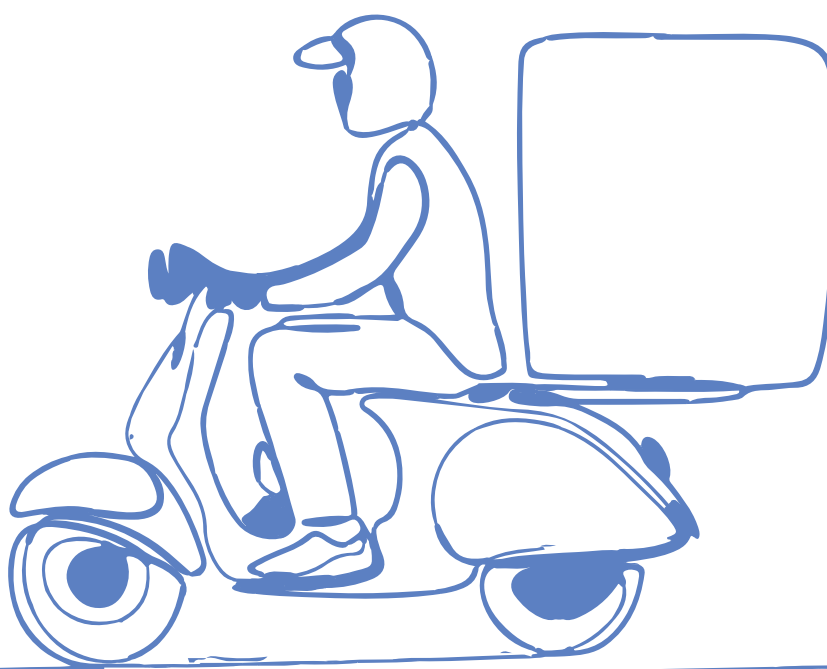
Fair work conditions	Code on social security	Rajasthan gig workers act	Karnataka gig workers bill	Jharkhand gig workers bill
Fair Management Practices	Not mentioned	Not mentioned	<p><b>Transparency of Automated Decision-Making Systems</b>  The aggregator shall inform the platform worker in simple terms in a language best understood by the platform worker of their personal data collected, how the work is allotted, distributed, assessed and denied; how ratings work, if available. They shall inform them of any automated decision-making systems and how they affect the platform workers working conditions, wages etc.</p> <p>The employer shall take care to prevent the automated decisions making system from discriminating against the platform workers on the grounds of religion, caste, gender, race of place of birth.</p> <p><b>Termination of Workers</b>  Contracts with platform workers should contain explicitly all the grounds of termination, this list should be exhaustive and should include all the grounds for deactivation of the platform worker's account as well. In the event of termination, the platform worker should be given a written notice, explaining the grounds for their termination, as well as 14-days notice.</p>	Same as Karnataka
Fair representation	National Social Security Board serves the purposes of welfare of, or matters relating to, gig workers and platform workers.	Provision for Rajasthan Platform based Gig Workers Welfare Board and two representatives of platform workers nominated by the state government.	Karnataka Platform Based Gig Workers Welfare Board will include two representatives of platform workers nominated by the state government.	Same as Karnataka

The gig work platforms in India have not been comprehensively regulated as their business models are new and evolving. The challenges presented by the gig economy pertaining to workers and working conditions are being noticed by communities, civil society organizations, state labour departments and the judiciary.

There is a clear indication from judicial precedents that platforms must take responsibility to ensure the quality of their services and safety to the customer, especially in case of ride-sharing platforms. This makes platforms adopt strict surveillance of the platform work, setting up emergency helpline for customers, and have rating based behaviour nudging for the platform workers.

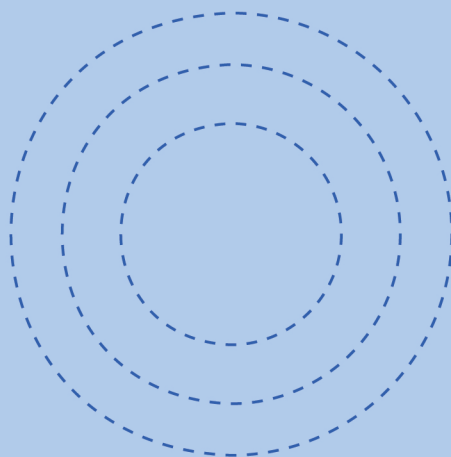
These measures ensure that their platform usage increases by building their reliability. However, platform workers' appeal for better working conditions are still pending before the court. This is also the case for legislations and policies that aim to provide better working conditions to platform workers.

Chapter 5 provides a detailed assessment of regulatory initiatives pertaining to platform work and the associated challenges in implementing these changes, demonstrating that real-time regulation of platform work remains a long way ahead. The next chapter provides a detailed overview of initiatives considered by platforms and also a comparative assessment of the contracts made by platform workers with Zomato, Urban Company, Rapido, and Dunzo.





**Chapter 5-**  
**Platform Initiatives**  
**Providing Assistance to**  
**Platform Workers and**  
**their Shortcomings**



## Initiatives of Platforms to Provide Assistance to Platform Workers

One consistent argument by platforms against regulations for social security and fair work conditions is that platforms already have in place several initiatives for social security and fair working conditions. Ola Mobility Institute, in its report<sup>67</sup> argues that by Platform companies have initiated some measures providing some sort of cushion to favourable to platform workers in adverse conditions. Some of the highlighted platform-based initiatives are:

- During the Covid-19 pandemic Ola, and Swiggy facilitated free medical help to platform workers, and their families. Ola also provided COVID-19 cover of INR 30,000 that also covered their spouses. This included cash component of INR 1000 per day for 21 days if hospitalised due to COVID-19.
- Ola created a corpus of INR 20 crores under 'Drive the Driver Fund' to support platform workers, facilitated the access of microcredit facilities, and waived car lease rentals.
- Uber Drivers' council anchored by Aapti Institute. The Council is meant facilitate a two-way dialogue between Uber and drivers to address critical issues and improve drivers' platform experience.

<sup>67</sup>OMI Research. "Social Protection in India's Platform Economy: Unpacking Supply Dynamics." 2024.

<sup>68</sup>Zomato. "Privacy Policy." Accessed September 25, 2024. <https://www.zomato.com/deliver-food/privacy-policy>.

<sup>69</sup>"Urban Company Annual Business Summary FY2024." Medium, September 11, 2023. <https://medium.com/urban-company/urban-company-annual-business-summary-fy2024-b66f6b8a0762>.

<sup>70</sup>Swiggy. "How Delivery Partner Insurance Works at Swiggy." Swiggy Blog, April 13, 2024. <https://blog.swiggy.com/2024/04/13/how-delivery-partner-insurance-works-at-swiggy/>.

### Zomato

- Eligible drivers can avail medical and accident insurance.<sup>68</sup>

### Urban Company<sup>69</sup>

- Urban Company voluntarily provides life insurance cover worth INR 6 lacs, disability cover worth INR 6 lakhs, accidental hospitalization and more.
- Health insurance plan which provides a cover of INR 1 lac, with up to 12 free medical consultations per year for self.
- For top performing partners, the policy also provides family medical insurance for spouse and two children and up to 12 free medical consultations per year.
- Project Nidar - support our service professionals facing domestic violence and abuse.

### Swiggy<sup>70</sup>

- Accidental coverage of INR 2 lakhs, accidental death and disability cover of INR 10 lakhs, accidental Outpatient Department (OPD) of INR 10,000 loss of pay compensation up to 3 months in case of accident, and free, on-demand ambulance service right from their first order.
- The insurance premium is entirely covered by Swiggy.
- Additional benefits for deliver partners include hospitalisation coverage up to INR 1 lakhs for dependants, maternity cover for spouse up to INR 40,000.

### Identificative Exploitative Clauses in the Contracts with Platform Workers

Acknowledging that there are sporadic initiatives by platform companies, there is no uniformity or standards of adoption of social protection or fair work practices by platforms companies that could make the case for self-regulation. Further, there is little public information regarding the provision of social security benefits<sup>71</sup> Importantly, platforms also have the practise of recovering the payments in lieu of social security from the platform workers. Some of the practices that contradict the nature of social security benefits and place unacceptable restrictions are highlighted below.

#### The contract conditions with Rapido, mentions that -

“The Company reserves the right to recover any amount paid by the Company in lieu of the insurance from the Captain.”<sup>72</sup>

#### The contract conditions with Urban Company, mentions that -

When a service professional is registered on the, Urban Company platform, they are mandated to use only the products recommended by the Urban Company to provide professional services. The platform workers can procure the recommended products from another vendor, but the platform mandates that workers must ensure that the product is genuine. There is no mention of how the genuinity of the product is verified, indirectly compelling platform workers to buy products mostly from the Urban Company. If Urban Company has reasonable suspicion that the partner is using non recommended products, it can take necessary action. These restrictions are contradictory to the clause 1 (d) of Terms and Conditions, where it says that Urban Company is not responsible in providing services and service professionals are solely responsible in providing the services. The platform also restricts the platform workers to use the products procured from the UC solely to the services offered through the platform but not for any other purpose. These clauses place heavy restrictions on how platform workers operate, contradicting the calim that the platform is not responsible for the services offered by the platform workers.

**Clause 1 (b)** Our “Services” do not include the Pro Services, and UC is not responsible for the provision of Pro Services ... You are solely liable and responsible for the Pro Services that you offer or otherwise provide through the Platform.

**Clause 5 (a)** UC may recommend certain products to you in connection with your delivery of the Pro Services, in order to ensure that genuine products are being used for Pro Services. You may purchase such products from UC or any other provider, acceptable to UC. You are not mandatorily required to purchase or source the products from UC (except for certain category of products whose genuineness cannot be verified by UC, if purchased from third party vendors), and are free to purchase them from any other vendor, but in such instances, you are required to ensure that the products you have procured comply with UC recommended safety and quality parameters.

**Clause 5 (b)** In case any Non-Verifiable Products (such as disposables, spa oils etc.) are being used to provide the Pro Service, the same should be purchased only from UC or its group companies.

**Clause 5 (c)** If UC has a reasonable suspicion that you have deviated from the recommended list of products or have used Non-Verifiable Products which have been procured from a third party other than UC’s group companies in your delivery of Pro Services, UC shall be entitled to take appropriate measures against you. .... you purchase such recommended list of products from UC, you hereby warrant that you shall only use such products for the purposes of rendering the Pro Services through the Platform, and for no other purpose.

**Clause 15 (d)** ... Urban Company does not provide, and you shall not seek from UC, any supervision, directions, or control over the Pro Services that you offer to Customers.

<sup>71</sup>Researchers have scrapped for the websites of Ola, Uber, Urban Company, Zepto, Blinkit, Zomato, Rapido to see if these platforms have mentioned any initiatives towards the welfare of platform workers.

<sup>72</sup>Rapido. “Terms and Conditions for Captains.” Accessed September 11, 2024. <https://www.rapido.bike/CaptainTerms>.



**Table 13: Unfavourable Terms Identified in the Platform Workers' Contract Terms and Conditions of Platforms**

Unfavourable terms in the contract	Rapido	Zomato	Urban Company	Dunzo
Does not allow platform workers to replicate business <sup>i</sup>	Yes	No	No	Yes
Unrestrictive access to the data collection, analysis and sharing <sup>iii</sup>	Yes	Yes	Yes	Yes
Data is shared with 3rd party services providers and the platform is not responsible for their data security practices <sup>iii</sup>	Yes	Yes	Yes	Yes
Deemed consent for future amendments made to terms and conditions of the contract <sup>ii</sup>	Yes	Yes	Yes	Yes
Reserve the prerogative to charge/deduct fee <sup>ii</sup>	Yes	Yes	No	Yes
Not responsible for the 3rd party ads on its platform <sup>iv</sup>	Yes	Not mentioned	Yes	Yes
Contradictions to the liability and responsibility of the platform worker's services <sup>v</sup>	Yes	Yes	Yes	Yes
Social Security Benefits	At its discretion	Yes	Yes	At its discretion

i. Except Urban Company, other platforms in table 13 explicitly restrict the platform workers to replicate their business model. They also forbid platform workers from designing another platform using similar ideas (which means that platforms have terms that ban their workers from platform collectives). Since there are separate clauses on intellectual properties, forbidding platform workers to borrow ideas of business and design makes it exploitative.

ii. (except Urban Company platforms) Reserve the power to make changes to the platform costs and deduct the fee from the earnings of the workers without any consent or prior intimation.

iii. Predatory data collection, usage, and sharing appears to be normalised by platforms. However, these would require significant change to comply with the DPDP Act, 2023 which mandates that the consent has to be for a specific purpose that is associated with the business. The consent once given by the platform worker is considered a deemed consent for all the future amendments to the terms and conditions of the contract, which is also against the Section 6 (1) of DPDP Act, 2023.

iv. Platforms are not responsible for data sharing and data protection practices followed by the third-party vendors that are available on the platforms. This is the case even when they earn revenue for allowing the third parties to position themselves on the platforms.

v. The contradictions refer to the dichotomy of platforms taking no responsibility for the services offered by the platform workers and at the same time adopting such measures like penalising the platform workers for the complaints against the service provided by them.

### **Box 8: Contradictions in Platform Liability and Responsibility**

Table 13 highlights a critical contradiction in platform policies: while platforms claim no responsibility for the services provided by workers, they simultaneously take action against workers based on complaints regarding service quality. This inconsistency extends to how liability clauses are framed against platforms' responsibilities.

#### **Rapido**

Clause X in Rapido's Terms and Conditions for Captains (Bikes) shifts all responsibility to the captains, requiring them to cover any legal costs if Rapido faces third-party claims due to the captain's misconduct. Yet, Clause XIII allows Rapido to terminate captains based on customer complaints, contradicting the notion that captains bear full responsibility for service quality.

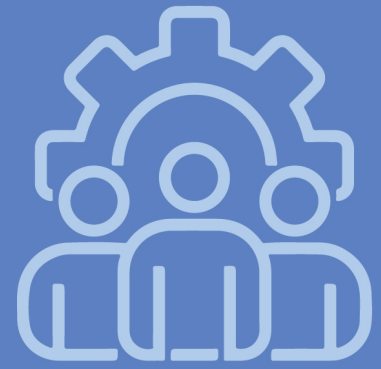
#### **Zomato**

Clause 13 (Indemnification and Limitation of Liability) in Zomato's Delivery Partners Terms and Conditions places substantial responsibility on delivery partners, who must indemnify Zomato for losses or claims arising from their actions. However, Clause 12 designates these partners as independent contractors, limiting Zomato's liability. Despite this, Clause 10 allows Zomato to suspend or terminate a partner's account based on performance or customer complaints, creating a disconnect between liability and control.

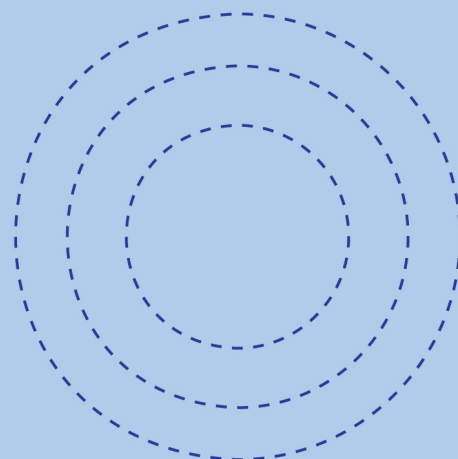
#### **Dunzo**

Clause 6 in Dunzo's Partner Terms of Use defines the relationship between Dunzo and its delivery partners as a direct business relationship between the partner and the user, absolving Dunzo of responsibility for service issues. Yet, Clause 20 requires partners to indemnify Dunzo against legal claims, allowing the platform to recover compensation from the partner's payouts, despite disclaiming any direct involvement in the service.

This paradox highlights the tension between platform autonomy and accountability, with workers often left bearing the brunt of liability while platforms retain control over service standards.



Chapter 6-  
Shortcomings of the  
Legislative Initiatives



## Chapter 6

### Legislative Initiatives and Shortcomings

India's Code on Social Security and the Rajasthan Act only provide assurance of social security benefits to the platform-based gig workers and propose to establish welfare boards. It does not provide mandate fair for management, fair working conditions, fair pay, and fair contracts. Further, these CoSS is yet to be implemented as law. Similarly, though the Karnataka and Jharkand Bill cover several of the fair work provisions, its implementation as a law is yet to be seen. An exclusively legislative approach towards addressing the issues faced by the platform workers is likely to face several challenges. Government regulations of platforms could be viewed as an overreach, undermining trust between the private sector and government. The Table 14 maps the worker issues and demands to existing/ proposed legislative solutions and identifies challenges in effectively addressing the issues.

**Table 14: Common Platform Worker Demands, Legislative Solutions and Potential Challenges**

Worker issues/demands	How Law/Policy may address the worker demand	What are the challenges in implementation of such law/policy <sup>73</sup>
Irregular earnings, income instability  Minimum guaranteed income	<p>Though fair wages are a consistent demand from gig workers associations, governments have refrained from setting minimum wages for platform work and mostly left it to market forces to determine. The State is unlikely to mandate minimum platform work wages. Some initiatives are:</p> <p>Motor Vehicle Aggregator Guidelines, 2020 stipulate that at least 80% of the fare collected from the customer must be passed on to the driver - this also acts as a minimum guarantee.</p> <p>Through an amendment to the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 in November 2023, gig workers have been accorded various social security benefits including minimum wages. However the minimum wages for platform work are yet to be notified.</p>	<p>The State is unlikely to mandate minimum wages to platform workers, as it may dissuade or discourage India as a destination for "ease of doing business".</p> <p>Platforms are also likely to push back for non-feasibility of offering services at the existing (low) rates, and potentially even exit markets.</p>

<sup>73</sup>These challenges are compiled based on observations from the research team's participation in certain closed door meetings involving the state labour department, gig workers and civil society representatives.

Worker issues/demands	How law/policy may address the worker demand	What are the challenges in implementation of such law/policy <sup>73</sup>
	The Telangana Government has also come up with a draft policy that proposes minimum wages and other social security benefits. <sup>74</sup> But this is still a draft.	
<p>Lack of algorithmic explainability in determination of fares, promotional cost, surge pricing, incentives, penalties, bonuses and effect of customer ratings on income and work allocation</p> <p>Algorithms constant nudge toward completing incentives</p> <p>Lack of algorithmic accountability, where platforms take responsibility for any adverse actions</p>	This is acknowledged as a fair work requirement. Laws may provide for an explanation for decision taken by algorithms. The Karnataka and Jharkhand Bill provides for this.	<p>Platforms are likely to pushback since they will need to change current practices where workers have no insights into practices.</p> <p>Platforms are also likely to pushback against standard setting for fairness of algorithms as they argue that this disincentives innovation and does not leave room for product differentiation.</p> <p>The algorithms form the core of competitive advantage, and so aggregators may not want to share this information.</p> <p>Algorithms also respond to dynamic market conditions, and so it may be difficult to regulate them at scale.</p>
<p>Apps place workers constantly under surveillance</p> <p>Right of workers over usage of their data</p>	This is acknowledged as a fair work requirement. Laws may provide for transparency in data practices. The Digital Personal Data Protection Act, 2023 <sup>75</sup> covers the requirement by mandating platforms to provide notice disclosing what data would be collected and how it would be used.	Platforms are likely to pushback since they will need to change current practices where workers have no insights into data collection and usage practices.

<sup>74</sup>Nikhila Henry, "In Telangana draft for gig workers, minimum wage, maternity benefits," The Indian Express, June 3, 2024, <https://indianexpress.com/article/india/in-telangana-draft-for-gig-workers-minimum-wage-maternity-benefits-9368376/>.

<sup>75</sup>Section 5 of the DPDP Act, 2023.

Worker issues/demands	How law/policy may address the worker demand	What are the challenges in implementation of such law/policy <sup>73</sup>
<p>Worker representation and collectivization – the nature of work and algorithmic management translates to workers never physically meeting, making it hard to form associations. This adversely impacts collective bargaining power.<sup>76</sup></p> <p>Workers demand for a committee consisting of representation from gig workers, platform employers as well as government functionaries to raise issues on behalf of workers and work towards their resolution.<sup>77</sup></p>	<p>Constitution of Welfare board - to ensure/ encourage representation from gig workers associations, regular consultation with gig workers associations: Specifically, encourage engagement with worker associations on decisions affecting them.</p> <p>This approach is taken in the Rajasthan Act (Section 3), COSS 2020 (Section 4) and Karnataka &amp; Jharkhand Bill (Section 6).</p>	<p>Platforms are likely to pushback against collectivization because:</p> <p>Collectivization and unionization of platform workers are not desired by platforms as they reduce the business efficiency and operational efficiency.<sup>78</sup></p>
<p>Social safety net - social security, health and accident insurance, paid leave.</p> <p>Workplace safety – Protection from mistreatment and violence from customers, harassment from police.</p> <p>Physical and mental health issues - long work hours, isolating work conditions and limited customer interactions</p>	<p>Law may propose a fee / cess on platform transactions to fund a gig worker welfare fund that provides social security benefits to gig workers. This approach is taken in the Rajasthan Act and Karnataka and Jharkhand Bill.</p>	<p>Platforms are likely to push back on the cess because it:</p> <p>1) Causes a financial burden on gig work platforms. Cess costs may get passed on to gig workers in the form of reduced remuneration or to customers in the form of higher service fees thus disrupting the gig work market.</p>

<sup>76</sup>Ruchika Chaudhary and Sona Mitra, "Labour Practises in the Emerging Gig Economy in India: A Case Study of Urban Clap," by Formalisation, Informalisation and the Labour Process Workshop and CeMIS, Goettingen, November 22, 2019, <https://iw wage.org/wp-content/uploads/2020/02/Labour-Practises-in-the-emerging-gig-economy-in-India.pdf>.

<sup>77</sup>The Hindu Bureau, "Gig Workers Demand Model Law, Labour Rights, Social Security," The Hindu, July 27, 2023, <https://www.thehindu.com/news/national/gig-workers-demand-model-law-labour-rights-social-security/article67128510.ece>.

<sup>78</sup>Ahead of Telangana Elections, Gig Workers' Union Demands a Rajasthan-Like Welfare Law," The Wire, n.d., <https://thewire.in/rights/ahead-of-telangana-elections-gig-workers-union-demands-a-rajasthan-like-welfare-law>.

Worker issues/demands	How law/policy may address the worker demand	What are the challenges in implementation of such law/policy <sup>73</sup>
		2) Results in multiplicity/ conflict of compliances (state and central level) on aggregators. Under CoSS each state mandates their own cess and aggregator contributions, and Rajasthan Act and Karnataka Bill also mandate a cess. It is not clear whether in the presence of two such cesses a worker will receive benefits under both acts?
	Law may propose a welfare fund for gig workers from welfare cess and state govt. This approach is taken in the Rajasthan Act and Karnataka and Jharkhand Bill.	<p>Platforms are likely to push back on the Fund because:</p> <p>Historically, less than half of cess collected by state governments have been spent.<sup>79</sup></p> <p>Welfare boards constituted for other classes of workers such as construction workers have shown dismal performance.<sup>80</sup></p>
Worsening Health Conditions	Law may propose a Transaction Information and Management System to monitor transactions on gig platforms to verify collection of correct welfare fee. This approach is taken in the Rajasthan Act (Section 18), Karnataka Bill (Section 22), Jharkhand Bill (Section 25).	<p>Platforms are likely to push back on a Transaction Information System because:</p> <p>Standardization across platforms to accommodate different worker payment mechanisms such as - flat rate, incentives, penalties (that vary between platforms) is difficult.</p> <p>Proprietary business model and commercial operations may become exposed</p>
	Karnataka and Jharkhand bill proposes that the platforms should have sector-specific, occupational safety and health standards as may be prescribed by the State Government.	Platforms are likely to adopt this if promulgated.

<sup>79</sup><https://www.theindiaforum.in/public-policy/big-problems-small-wins>.

<sup>80</sup>Himanshu Upadhyaya, "Welfare Boards Have Failed to Protect India's Construction Workers," July 31, 2020, <https://caravanmagazine.in/labour/welfare-boards-failed-protect-india-construction-workers>.

Worker issues/demands	How law/policy may address the worker demand	What are the challenges in implementation of such law/policy <sup>70</sup>
Lack of Data regarding Gig workers	To address the lack of data pertaining to gig workers, the law may suggest the creation of state level database of workers with the intention that state databases can track the provision of entitlements and welfare schemes. This approach is taken in the Rajasthan Act, Karnataka Bill, and Jharkhand Bill which provide unique ID for each gig worker working with one or more aggregators. Each aggregator is obliged to onboard the gig workers onto such a database.	<p>Platforms are likely to push back on creation of a database because:</p> <p>Highly dynamic nature of workers joining and exiting platforms, variability in working time spent on platforms, makes it difficult to treat all gig workers to the same entitlements.</p> <p>There are challenges in implementation and maintenance of such a database by Government.</p> <p>Difficult to restrict duplication of entries and maintain a high data fidelity.</p> <p>Preference for central database over state databases to ensure uniformity of data, interoperability and easy mobility of workers.</p>
Grievance redressal - account deactivation, platforms taking penal action without investigation based on customer ratings or other undisclosed parameters	The law may provide for grievance redressal processes to be set up by platforms such that - Worker can file grievances relating to payments or benefits alongside provision to appeal orders before an appellate authority. This approach is taken in the Rajasthan Act and Karnataka and Jharkhand Bill which mandate that platforms must provide grievance redressal systems.	Accessibility of Grievance Redressal Process, ease of filing grievances, capacity to investigate and ensuring time-bound redressal is key to the success of a good grievance redressal system
	The law may provide for penalties on aggregators - for violation of obligations under laws. This approach is taken in the Rajasthan Act and Karnataka and Jharkhand Bill which regulate platform companies and hold them accountable for violations.	Flat rate fines might fail to act as deterrent due to the power of the platform.
	Karnataka and Jharkhand bill proposes that the platforms should have sector-specific, occupational safety and health standards as may be prescribed by the State Government.	Platforms are likely to adopt this.



As observed from Table 14, welfare provisions like stipulating minimum wages, recognizing collectivization of workers, and imposing welfare cess might be pushed back by the platforms as they increase the costs and hamper the business model. Platforms might also not agree to provide complete transparency on algorithmic functioning and data usage practices as they could lose their market advantage. Push back from the platform against regulation, and pressure on the state to respond to need of worker welfare by regulation, creates a stalemate among the platforms, state, and the gig workers.

With the proliferation of unfair practices by platforms, the state is compelled to respond by regulating gig work conditions through specific legislations such as the Code of Social Security, Rajasthan Act and Karnataka Bill to gradually formalize and standardize working conditions. Several platforms like Zomato, Swiggy, Zepto either going public or likely to go public, is also likely to formalise and standardise gig work conditions, as listed companies are expected to meet ESG compliances.

Platforms like 'Namma Yatri' and Rapido have shown their potential to be a competitor to established players like Uber and Ola in India, thus straining the commercial margins of the platforms, several of which are already loss making.

This beckons the question – who will pay for fair gig work?

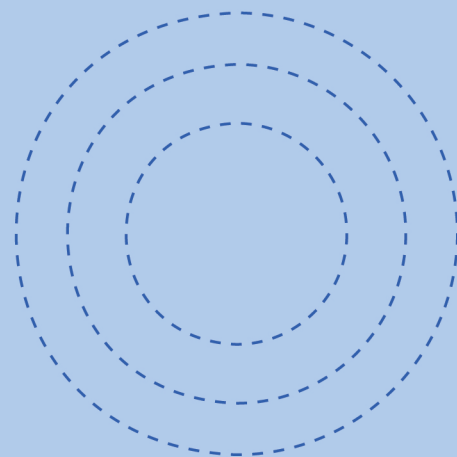
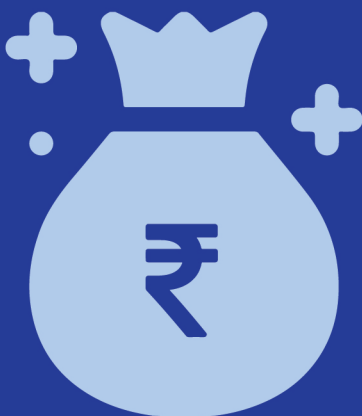
There are several stakeholders who shoulder the responsibility of creating good gig work. These are:

1. The Platform
2. The Customers
3. The State
4. The Investors
5. The Civil Society
6. Other Market Players

In addition to legislative interventions by state, decent working conditions to the gig workers can be explored via alternative market based and techno-legal solutions. Some such alternative solutions have been detailed in the next chapter. Needless to say, rather than rolling out the solutions in one go, innovations and solutions must be tested and iterated to arrive at a healthy balance.



**Chapter 7-**  
**Recommendations:  
Going Beyond Legislative  
Measures for Fair Platform  
Work Conditions**



## Chapter 7

# Recommendations: Going Beyond Legislative Measures for Fair Platform Work Conditions

Considering the several challenges with relying merely on legislative solutions to address challenges faced by platform workers, a mixed basket approach combining legal, techno-legal and technology innovations will be more effective in addressing the concerns faced by platform workers. Success of regulatory interventions are hinged on the availability of government capacity for implementation. Thus while regulatory measures are of key importance in creating equitable platform working conditions, it is important to also invest in civil society initiatives, and technology and product innovations. These are detailed under Table 15.

**Table 15: Common Platform Worker Demands, Legislative Solutions and Potential Challenges**

Worker issues/demands	Recommended combination for resolution
Irregular earnings, income instability Minimum guaranteed income	<p>To suitably ensure that workers get a certain compensation for their services, it may be better to set minimum prices for the market at large. RTO fares may be revised so that there is a level playing field and there is no demand shrinkage due to higher prices for platform-based ride hailing. Similarly, minimum wages may be fixed for various tasks for other categories such as delivery, and professional home services.</p> <p>Effective anti-competitive regulations addressing harmful effects practices by platforms on intermediaries</p>
Explainable Algorithmic Decisions	<p>Comprehensive legislation stipulating standards of algorithmic fairness and independent audits as to fairness combined with annual reporting of the audit results, and impact studies;</p> <p>Legislation mandating sharing of anonymized data with civil society and academic research initiatives; Civil society initiatives to create rights aware/ exploitation averse platform worker collectives empowerment for collective bargaining.</p> <p>Legislation mandating effective, timely, accessible, and fair grievance redressal channels along with public reporting/ dashboard maintenance of grievances received and redressed during the year;</p> <p>Civil society initiatives to create rights aware/ exploitation averse gig worker collectives and + empowerment for collective bargaining.</p> <p>Increased information sharing -providing a dash board for each partner which showcases the factors under which they are judged and daily updation of their performance as per the against set indicators.</p> <p><b>Confidential clean rooms*</b> for testing, validation and certification of fairness in algorithmic decision (expand on central authority to certify these validations)</p>

Worker issues/demands	Recommended combination for resolution
Right of workers over usage of their data	<p>Overarching (not platform economy specific) Data Protection legislation stipulating legitimate use of worker data</p> <p>Robust grievance redressal channels</p> <p>Rights aware platform work collectives</p> <p>Empowerment to take collective action/ negotiation including litigation in appropriate fora.</p>
Social safety net - social security, health and accident insurance, paid leave	<p>Legislation for provision of social security</p> <p>Social Security Funds to be administered by professional pension / fund managers with effective accountability mechanisms.</p> <p>Regulatory sandboxing to develop new insurance, credit and other financial products (Innovative products tailored to earnings, savings, and spending patterns of platform workers) that serve the credit and liquidity needs of platform workers.</p> <p>Incentives form the government for the platforms when they spend significant amount on platform workers wellbeing. This also promotes platforms having social objectives aligned with their business growth.</p> <p>Including welfare of platform workers (upskilling, credit, education and other wellbeing support) as a permitted CSR activity under into the Schedule VII of the CSR Rules of Companies Act, 2013.</p> <p>Reduce the barriers for existing Yojanas schemes under E-SHRAM to allow platform workers to get registered in those schemes.</p> <p>Initiatives like Haqdarshak's Yojana card<sup>81</sup> could be integrated by the platforms in providing the government schemes for platform workers.</p>
Worker representation and collectivisation	Regulatory sandbox** to develop digital platforms/ cooperatives/ solutions for collectivizing geographically dispersed workers

<sup>81</sup>Haqdarshak. "Yojana Card: Transforming How Indians Access Social Security." Accessed September 30, 2024. <https://yojanacard.haqdarshak.com>.

Worker issues/demands	Recommended combination for resolution
Grievance redressal Responsible Investment Practices	<p>Legislation for provision of effective, accessible and timebound redressal of platform worker grievances</p> <p><b>Regulatory sandboxing</b> to test digital solutions for grievance redressal of platform workers using frameworks of inclusive online dispute resolution.</p> <p>Funding organisations (Acumen Fund, Upaya Ventures, Yunus Social Investment) who emphasise and prioritise their endorsement to the creation of the fair and dignified working conditions would create a new generation of platform work platforms, that are less exploitative of already marginalised platform workers. This will provide the financial capital, mentorship and access to networks needed to create fair work conditions. However considering the slim margins in platform work, there is an imperative to explore alternative business models that would support the financial viability of dignified platform work.</p>
Gender & Disability Inclusive Responses	<p>Platforms tend to be skewed towards male dominant and able body dominant workers, making it difficult for women and persons with disabilities to thrive. Systemic responses for gender and disability inclusive gig working conditions are necessary.</p>

\*Confidential clean rooms are an innovation in data empowerment and protection architecture. This innovation involves a hardware-protected environment where sensitive data can be processed while restricting its usage for a limited purpose.<sup>80</sup>

\*\*Regulatory sandboxing is another form of protected environment usually provided by a financial regulatory like the Reserve Bank of India. This environment is used to conduct live experiments of innovation and are specifically helpful to test of innovations aimed at enabling financial inclusion.<sup>81</sup>

<sup>80</sup>Hrushikesh Mehta, "Confidential Clean Rooms in DEPA," ProductNation, October 18, 2021, <https://pn.ispirt.in/confidential-clean-rooms-in-depa/>.

<sup>81</sup>"Regulatory Sandboxes | CGAP" n.d., <https://www.cgap.org/topics/collections/regulatory-sandboxes>.

# Annexures

## Government Legislations/Guidelines/Policies for Platform Workers

Table 1: Central Government Legislations and Welfare provisions

Sl No	Law	What are the provisions related to the welfare of the workers?
1	The Payment of Wages Act, 1936	<p><b>Timely Payment:</b></p> <ul style="list-style-type: none"> <li>Wages must be paid on time, without any unauthorized deductions.</li> </ul> <p><b>For establishments employing fewer than 1,000 workers, wages must be paid by the 7th day of the following month.</b></p> <ul style="list-style-type: none"> <li>For establishments employing more than 1,000 workers, wages must be paid by the 10th day of the following month.</li> </ul> <p><b>Responsibility of wage payment:</b></p> <ul style="list-style-type: none"> <li>According to Section 3, employer is responsible to make payment of all wages in case the contractor or the person designated by the employer fails to make such payment.</li> </ul>
2	The Minimum Wages Act, 1948	<p><b>Fixing of Minimum Wages:</b></p> <ul style="list-style-type: none"> <li>Section 12 provides for fixing of minimum rates of wages for different employments or occupations, taking into account factors such as the skill level required, the nature of work, and local conditions.</li> <li>According to section 13, the working hours includes one or more intervals, one day rest in a week, and over time rates.</li> <li>According to section 14, the overtime payment rates have to be calculated per hour or a part of the hour.</li> </ul>
3	The Payment of Bonus Act, 1965	<p><b>Bonus:</b></p> <ul style="list-style-type: none"> <li>Section 8 of this Act allows every employee who has worked for more than 30 days eligible for bonus.</li> <li>Bonus will be minimum of 8.33 % of the salary and maximum of 20%.</li> <li>Employee can claim the bonus or any person authorised by the employee.</li> </ul>
4	The Workmen's Compensation Act, 1923	<p><b>Employer's liability for compensation:</b></p> <ul style="list-style-type: none"> <li>Section 3 of this Act mandates the employer to pay the compensation of personal injury during the course of work.</li> <li>However, if the injury is due to the worker's own negligence or wilful disobedience of safety rules, the compensation may be reduced or denied.</li> </ul>
5	The Employees' State Insurance Act, 1948	<p><b>Insurance Benefits:</b></p> <ul style="list-style-type: none"> <li>This Act shall ensure social benefits such as maternity, insurance, medical benefits, and any benefits as prescribed by the central government.</li> <li>Under section 46, every employee shall get insurance, periodic payments in case of sickness/disablement/death</li> </ul>

Sl No	Law	What are the provisions related to the welfare of the workers?
6	The Employees' Provident Funds & Miscellaneous Provisions Act, 1952	<p><b>Pension:</b></p> <ul style="list-style-type: none"> <li>Under section 6A, Employees' Pension Scheme provides (a) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Act applies; and (b) widow or widowers pension, children pension or orphan pension payable to the beneficiaries of such employees.</li> </ul> <p><b>Prohibition of reduction of wage:</b></p> <ul style="list-style-type: none"> <li>According to Section 12, the employer shall not reduce wages of the employee in reason to the insurance, old age pensions, gratuity to any such benefits.</li> </ul>
7	The Maternity Benefit Act, 1961	<p><b>Safety measures for women during pregnancy and after:</b></p> <ul style="list-style-type: none"> <li>According to Section 4, employment of or work by women is prohibited during certain periods. Employment of women is prohibited during 6 weeks after delivery or miscarriage.</li> </ul> <p><b>Benefits to women:</b></p> <ul style="list-style-type: none"> <li>Section 5 offers maternity benefits</li> <li>Section 8 provides the payment of medical bonus if no pre-natal confinement and post-natal care is provided for by the employer free of charge.</li> <li>Section 9 provides for 6 weeks Leave for miscarriage, etc.</li> <li>Section 9A provides for 2 weeks leave with wages for tubectomy operation.</li> <li>Section 11 mandates 2 breaks for mothers to nurse their child until the child attains the age of 15 months.</li> <li>Section 11A mandates the provision for creche facility Crèche facility by every establishment with 50 or more employees.</li> </ul>
8	The Employees' Family Pension Scheme, 1971	<p><b>Family Pension Fund:</b></p> <ul style="list-style-type: none"> <li>Under this scheme, 1.16 percentage of the employee's pay and the same amount will be contributed by the employer. The central government also shall contribute the same amount to the Family Pension Fund.</li> </ul>
9	The Child Labour (Prohibition and Regulation) Act, 1986	<p><b>Safety provisions for Child labour:</b></p> <ul style="list-style-type: none"> <li>Section 7 allows the maximum work hours to be 3 hours before a rest period of one hour and shall not be spread more than 6 hours.</li> <li>No child shall be permitted or required to work between 7 p.m. and 8 a.m.</li> <li>No child shall be required or permitted to work overtime or work in more than one establishment.</li> <li>Section 8 provides for one day break from work.</li> </ul> <p>As per section 13, The appropriate Government may, by notification in the Official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments</p>



Sl No	Law	What are the provisions related to the welfare of the workers?
10	The Apprentices Act, 1961	<p><b>Reservations:</b></p> <ul style="list-style-type: none"> <li>· Section 3A provides reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades.</li> <li>· Section 3B provides reservation of training places for Other Backward Classes in designated trades.</li> <li>· Section 4 details on the mandatory contracts of apprenticeship.</li> </ul> <p><b>Training and payment:</b></p> <ul style="list-style-type: none"> <li>· Section 9 mandates that every employer shall have practical and basic training of apprentices.</li> <li>· Section 13 mandates the employer to pay every apprentice during the period of apprenticeship training such stipend at a rate not less than the prescribed minimum rate.</li> </ul> <p><b>Health, safety and welfare of apprentices:</b></p> <ul style="list-style-type: none"> <li>· Section 14 mandates all the employers to take measures as specified in the Factories Act 1948, Mines Act 1952 while working in industries or mines respectively.</li> <li>· Section 15 details on the Hours of work, overtime, leave and holidays for the apprentice.</li> <li>· According to Section 16, the employer will be liable for compensation in case of injury in the work place or during the course of work.</li> </ul>
11	The Bidi and Cigar Workers (Conditions of Employment) Act, 1966	<p><b>Facilities:</b></p> <ul style="list-style-type: none"> <li>· This Act asserts cleanliness, ventilation, prevention of overcrowding of the workplace.</li> <li>· It mandates the provision of drinking water, latrines and urinals, washing facilities, creches, first aid, canteens, children rooms. However, for the industries with less than 50 employees, providing urinals within the premises is not mandatory.</li> </ul> <p><b>Functional conditions:</b></p> <ul style="list-style-type: none"> <li>· Maximum 9 working hours or 48 hours a week.</li> <li>· Overtime work shall be paid extra remuneration as per the overtime rate.</li> <li>· No employee shall work for more than 5 hours without rest for at least half an hour.</li> <li>· Periods of work shall not exceed 10 hours including breaks, for reasons specified in writing, it can extend for 12 hours.</li> <li>· One day in a week, the industry shall be closed.</li> <li>· Total leaves will be calculated as one leave for every 20 working days for the previous year.</li> </ul>
12	The Contract Labour (Regulation and Abolition) Act, 1970	<p><b>Facilities:</b></p> <ul style="list-style-type: none"> <li>· Canteens, rest rooms, drinking water, latrines, urinals, washing facilities, first aid facilities shall be provided by the employer or contractor (if more than 100 employees are contracted).</li> <li>· If the amenities are not provided by the contractor, they shall be provided by the principal employer.</li> </ul>

Sl No	Law	What are the provisions related to the welfare of the workers?
13	The Equal Remuneration Act, 1976	<p><b>Fair Employment and Fair Wage practice:</b></p> <ul style="list-style-type: none"> <li>· Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature.</li> <li>· No discrimination to be made while recruiting men and women workers.</li> </ul>
14	The Bonded Labour System Abolition Act, 1976	This Act completely abolishes bonded labour
15	The Sales Promotion Employees' (Conditions of Services) Act, 1976	Every sales person will be entitled to earned leaves, leave on medical certificate in addition to the casual leaves.
16	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	<p><b>Wages and Allowances:</b></p> <ul style="list-style-type: none"> <li>· Section 13 provides for equal wage rates and other conditions of service of inter-State migrant workmen.</li> <li>· Section 14 provides displacement allowance should be paid to the migrant workmen which will be equal to 50% of monthly wage.</li> <li>· Section 15 mandates the payment of onward and return journey allowance not less than the fare from the place of residence of the Inter-State migrant workmen along with the salary during the journey period.</li> <li>· Section 16 prohibits discriminatory wages, provides for the establishment of suitable work conditions for women, residential accommodation, medical facilities free of charge, protective clothing.</li> </ul>
17	The Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 and The Building and Other Construction Workers Cess Act 1996.	<p><b>Benefits other than social security:</b></p> <ul style="list-style-type: none"> <li>· All the building workers are eligible for registration as beneficiary.</li> <li>· State welfare board may provide assistance in case of accident. make payment of pensions, home loans, group insurance schemes, financial assistance for education of children, financial assistance for medical emergencies.</li> <li>· Provide grant/loan/subsidy for the employer for any scheme approved by the government.</li> <li>· Constitute Construction Workers' welfare fund that can receive funds from beneficiaries, government.</li> </ul> <p><b>Working conditions:</b></p> <ul style="list-style-type: none"> <li>· One day rest in a week, overtime wage rates.</li> <li>· Supply drinking water, latrines, urinals, accommodation, creches, children rooms, first aid, canteens.</li> <li>· Appoint a safety committee and safety officers</li> </ul>

Table 2: Central Government Labour Reforms

Legislations/ policies/ guidelines	Does the law have clear definitions of workers?	Does the law provide social security benefits?	Does the law provide for minimum wages?
Code on Social Security 2020	<p><b>Section 1 (35):</b> “gig worker” means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship. This definition separates building workers, employees, home - based workers, interstate migrant worker, platform worker and self -employed worker.</p> <p><b>Section 1 (61):</b> “platform worker” means a person engaged in or undertaking platform work; where Section 1(60) “platform work” means a work arrangement outside of a traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment;</p>	<ul style="list-style-type: none"> <li>• <b>Section 78:</b> “Social security” defined as the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code.</li> <li>• <b>According to Section 114,</b> the social security benefits shall cover life and disability cover, accident insurance, health and maternity benefits, old age protection, crèche, any other benefit as may be determined by the Central Government.</li> <li>• <b>Section 141</b> asserts that there shall be a Social Security Fund for social security and welfare of the unorganised workers, gig workers and platform workers established by the central government and the sources of the fund shall comprise of funding received from either state, central, platforms or in combination of any.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Section 1 (88):</b> “Wages” means the whole of remuneration, whether by way of salaries, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,— <ul style="list-style-type: none"> <li>a. Basic pay</li> <li>b. Dearness allowance</li> <li>c. Retaining allowance, if any.</li> </ul> </li> </ul> <p><b>However, there is no minimum wage prescribed for gig workers or platform workers.</b></p>

Table 3: State Wise CoSS Rules

State	Legislation	Does the law have clear definitions of workers?	Does the law provide social security benefits?	Does the law provide for minimum wages?	Does the law has guidelines/provisions on
Andhra Pradesh	The Code On Social Security (Andhra Pradesh) Rules, 2022	No	Available *	No	No
Arunachal Pradesh	Code on Social Security (Arunachal Pradesh) Rules, 2021	No	Available *	No	No
Assam	Assam Social Security Rules 2021	No	Available *	No	No
Bihar	The Draft of Code on Social Security (Bihar) Rules, 2021	No	Available *	No	No
Chhattisgarh	The Draft of Code on Social Security (Chhattisgarh) Rules, 2021	No	Available *	No, but Rule 2(v) defines average daily wages during a wage period	No
Goa	The Goa Social Security Rules, 2021 (Draft)	No	Available *	No	No
Gujarat	The Draft of Code on Social Security (Gujarat) Rules, 2021	No	Available *	No	No
Haryana	Haryana Gig Workers Welfare Board Bill	<a href="https://www.medianama.com/2024/01/223-haryana-gig-workers-welfare-board-bill/">https://www.medianama.com/2024/01/223-haryana-gig-workers-welfare-board-bill/</a>	NA	NA	NA
	The Draft Code on Social Security (Haryana) Rules, 2021	No	Available *	No	No

State	Legislation	Does the law have clear definitions of workers?	Does the law provide social security benefits?	Does the law provide for minimum wages?	Does the law has guidelines/provisions on
Himachal Pradesh	The Draft of Code on Social Security (Himachal Pradesh) Rules, 2021	No	Available *	No	No
Jharkhand	The Draft Rules of Social Security (Jharkhand) Rules, 2021	No	Available *	No	No
Karnataka	Code on Social Security (Karnataka) Rules 2021	No	Available *	No	No
Kerala	Kerala Social Security Rules, 2021	No	Available *	No	No
Madhya Pradesh	Code on Madhya Pradesh Social Security Rules, 2021	No	Available *	No, but Rule 2(e) defines average daily wages during a wage period	No
Maharashtra	Draft Maharashtra Code on Social Security Rules, 2021	No	Available *	No	No
Manipur	Draft of Code on Social Security (Manipur) Rules, 2021	No	Available *	No	No
Mizoram	The Code on Social Security (Mizoram) Rules, 2022	No	Available *	No, but Rule 2(d) defines average daily wages during a wage period	No
Nagaland	NA	NA	NA	NA	NA
Odisha	Odisha Draft Rules on Code of Social Security 2021	No	Available *	No, but Rule 2(g) defines average daily wages during a wage period	No

State	Legislation	Does the law have clear definitions of workers?	Does the law provide social security benefits?	Does the law provide for minimum wages?	Does the law has guidelines/provisions on
<b>Punjab</b>	Draft of the Social Security (Punjab) Rules, 2021	No	Available *	No	No
<b>Sikkim</b>	Sikkim Code on Social Security Rules, 2022	No	Available *	No	No
<b>Telangana</b>	The Code on Social Security (Telangana) Rules, 2022	No	Provides for Social Security for Unorganised Workers, Gig Workers and Platform Workers.	No	No
<b>Tripura</b>	The Tripura Code on Social Security Rules, 2021	No	Available *	No	No
<b>Uttarakhand</b>	Uttarakhand Code on Social Security Rules, 2021	No	<ul style="list-style-type: none"> <li>• Mandates to have a separate State Social Security Board for unorganised, Gig workers, and platform workers.</li> <li>• Also provides rules for the social security benefits for unorganised workers including Gig workers.</li> </ul>	No, but Rule 2(e) defines average daily wages during a wage period	No
<b>Uttar Pradesh</b>	UP Draft Rules on Code on Social Security Rules 2021	No	Available *	No	No

State	Legislation	Does the law have clear definitions of workers?	Does the law provide social security benefits?	Does the law provide for minimum wages?	Does the law has guidelines/provisions on
West Bengal	West Bengal Transport Workers Social Security Scheme	No	Applicable to unorganised workers but not gig workers <ul style="list-style-type: none"> <li>• Pensions, 1500 per month</li> <li>• Family pensions (50% of amount last drawn)</li> <li>• Financial assistance in case of accidental death (INR 200000) and normal death (INR 50000)</li> <li>• Medical assistance of 20000 for major diseases.</li> <li>• Medical assistance for surgical operation (INR 100000 for self and INR 150000 for family)</li> <li>• Cashless medical benefits (INR 30000) for to and taxi drivers.</li> <li>• Financial assistance for children education.</li> <li>• Marriage assistance of INR 25000 (For daughter)</li> </ul>	No	No
Andaman and Nicobar Islands	The Code on Social Security (A & N Islands) Rules, 2022	No	Available *	No	No
Chandigarh	The Code on Social Security (Chandigarh) Rules, 2021	No	Available *	No	No

State	Legislation	Does the law provide social security benefits?	Does the law provide for minimum wages?	Does the law has guidelines/ Provisions on management practices?
Dadra and Nagar Haveli	NA	NA	NA	NA
Daman and Diu	NA	NA	NA	NA
NCT of Delhi	NA	NA	NA	NA
Jammu and Kashmir	The Draft Rules of Social Security (Jammu & Kashmir) Rules, 2020	Available *	No	No
Ladakh	The Code on Social Security (Ladakh) Rules, 2022	Available *	No	No
Lakshadweep	NA	NA	NA	NA
Puducherry	Puducherry Code on Social Security 2022	Available *	No, but Rule 2(g) defines average daily wages during a wage period	No



Table 4: Motor Vehicles Aggregators Guidelines

Legislations/ policies/ guidelines	Does the law have clear definitions of workers?	Does the law provide social security benefits?	Does the law provide for minimum wages?
<b>Motor Vehicles Aggregators Guidelines 2020</b>	NA	<p><b>Section 7</b> mandates the aggregator to provide</p> <ul style="list-style-type: none"> <li>• Health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2020-21 and increased by 5% each year.</li> <li>• Term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2020-21 and increase by 5% each Year.</li> <li>• Conducting Refresher Training Programme once a year. Record of such training sessions shall be documented and preserved for at least one year. The Aggregator may be permitted to collaborate and partner with any specialized institution.</li> </ul>	Section 13 mandates the aggregators to provide 80% of the fare to the drivers and 20% to the aggregators. 2% may be charged on the fare by the government only for the aggregator aggregated operated vehicles to provide amenities to those vehicles.

Table5: Motor Vehicles Aggregators Rules – State Wise

States	Legislation	Social security benefits	Proper working conditions
Union Government	Motor Vehicles Aggregators Guidelines, 2020 <sup>1</sup>	<b>Insurance</b> <ul style="list-style-type: none"> <li>Health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with the base year 2020-21 and increased by 5% each Year.</li> <li>Term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with the base year 2020-21 and increase by 5% each Year.</li> </ul>	<b>Driver Safety</b> <ul style="list-style-type: none"> <li>Ensuring that the Driver shall not be logged in for an aggregate of twelve (12) hours on a calendar day.</li> <li>A mandatory break of ten (10) hours for the Driver shall be imposed after a login extending twelve (12) hours.</li> </ul>
Jammu & Kashmir	Jammu and Kashmir Motor Vehicle Aggregator Rules, 2023. <sup>2</sup> (Draft Rules)	<b>Insurance</b> <ul style="list-style-type: none"> <li>Health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2020-21 and increased by 5% each year.</li> <li>Term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2020-21 and increase by 5% each year</li> </ul>	<b>Driver Safety</b> <ul style="list-style-type: none"> <li>Ensuring that the Driver shall not be logged in for an aggregate of 12 hours on a calendar day.</li> <li>A mandatory break of 10 hours for the Driver shall be imposed subsequent to a login extending twelve 12 hours. This should be inclusive of all the aggregator platforms.</li> </ul> <b>App Transparency</b> <ul style="list-style-type: none"> <li>The App shall be accessible in English and Hindi as the primary languages, for the Rider along with one official language of Jammu &amp; Kashmir.</li> <li>Ensuring transparency in the functioning of the algorithm, with regard to the pay, incentives, and other charges received by the driver.</li> <li>Enable the Rider and/ or Driver to contact the Aggregator's call centre in relation to issues concerning the ride, while the ride is in progress or after the completion of the ride for a period of 3 month.</li> </ul>

<sup>1</sup>Ministry of Road Transport and Highways, "Motor Vehicle Aggregator Guidelines-2020," Government of India Ministry of Road Transport & Highways, sec. 9(6), October 27, 2020, Accessed September 20, 2024, [https://morth.nic.in/sites/default/files/notifications\\_document/Motor%20Vehicle%20Aggregators27112020150046.pdf](https://morth.nic.in/sites/default/files/notifications_document/Motor%20Vehicle%20Aggregators27112020150046.pdf)

<sup>2</sup>Jammu and Kashmir Motor Vehicle Aggregator Rules. 2023, Jammu and Kashmir Gazette, sec. 10(6), Accessed September 20, 2024, [https://jaktrans.nic.in/pdfs/S.O.%20453%20Aggregator%20Rules%202023%20\(1\).pdf](https://jaktrans.nic.in/pdfs/S.O.%20453%20Aggregator%20Rules%202023%20(1).pdf).

States	Legislation	Social security benefits	Proper working conditions
			<p><b>Fair Payment</b> The Driver of a vehicle integrated with the Aggregator shall receive at least 80 % of the fare applicable on each ride.</p>
West Bengal	On-Demand Transportation Technologies Aggregators(ODTTA) Guidelines, 2022 <sup>3</sup> (Guidelines)	No provisions	<p><b>Driver Safety</b> The driver shall not be allowed to work beyond the maximum number of hours as stipulated under Motor Transport Workers Act 1961. (Central Act No 27 of 1961)</p> <p><b>App Transparency</b></p> <ul style="list-style-type: none"> <li>• Driver of a vehicle integrated with the Aggregator shall receive at least 80% of the fare applicable to each ride.</li> <li>• On cancellation of a booking by a Rider, before the waiting time, a penalty of 10% of the total fare not exceeding Rs.100/- shall be imposed, when such cancellation is made without such valid reason pre-approved by the competent Authority.</li> </ul> <p><b>Extra Cess</b> The State Government may, by way of a Notification, direct 2% over and above the fare towards the State exchequer for amenities and programmes related for Aggregator operated vehicles, which would be helpful in reducing traffic congestion to a great extent and subsequently reducing pollution.</p>

<sup>3</sup>Government of West Bengal. "Guidelines for Online Delivery of Transport Services." West Bengal Transport Department, April 2022. [https://transport.wb.gov.in/wp-content/uploads/2022/04/ODTTA\\_Guideline\\_Compress.Pdf.pdf](https://transport.wb.gov.in/wp-content/uploads/2022/04/ODTTA_Guideline_Compress.Pdf.pdf).

States	Legislation	Social security benefits	Proper working conditions
Meghalaya	Meghalaya Taxi Aggregator Operational Rules, 2020 <sup>4</sup> (Rules)	No Provisions	<p><b>Driver Safety</b></p> <ul style="list-style-type: none"> <li>Ensuring that the driver undergoes an annual health check-up for and ensuring his fitness to drive the vehicle.</li> <li>Physical emergency button to ensure full safety and security of passenger or driver.</li> <li>The vehicle must be equipped with a GPS Tracking device.</li> </ul> <p><b>Women Safety</b> Mechanism for protecting the rights of women as stipulates under the sexual harassment of women at workplace Act,2013.</p>
Assam	Assam Motor Vehicle Aggregator Rules, 2022 <sup>5</sup> (Rules)	<p><b>Insurance</b></p> <ul style="list-style-type: none"> <li>Ensuring a health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2021-22 and increased by 5% each year.</li> <li>Ensuring a term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2021-22 and increase by 5% each year.</li> </ul>	<p><b>Driver Safety</b> Drivers should not work for more than 12 hours either on their app or another Aggregators app.</p>
Maharashtra	Maharashtra City Taxi Rules, 2017 <sup>6</sup> (Rules)	<p><b>Insurance</b></p> <ul style="list-style-type: none"> <li>Ensuring a health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2021-22 and increased by 5% each year.</li> <li>Ensuring a term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2021-22 and increase by 5% each year.</li> </ul>	<p><b>Driver Safety</b> Drivers cannot be logged in for more than eight hours in any day and forty-eight hours in any week.</p> <p><b>For adolescent drivers:</b> No adolescent shall be employed or required to work as a motor transport worker in any motor transport undertaking-- (a) for more than six hours a day including rest interval of half-an-hour; (b) between the hours of 10 P.M. and 6 A.M</p>

<sup>4</sup>Transport Department. "Meghalaya Taxi Aggregator Operational Rules, 2020" Government of Meghalaya, accessed September 25, 2024. [https://www.meghalaya.gov.in/sites/default/files/circulars/Notification\\_23.pdf](https://www.meghalaya.gov.in/sites/default/files/circulars/Notification_23.pdf).

<sup>5</sup>Transport Department. "Assam Motor Vehicle Aggregator Rules, 2022." Government of Assam, accessed September 25, 2024. [https://transport.assam.gov.in/sites/default/files/public\\_utility/notification-\\_amv\\_aggregator\\_rules\\_2022\\_final-1.pdf](https://transport.assam.gov.in/sites/default/files/public_utility/notification-_amv_aggregator_rules_2022_final-1.pdf).

<sup>6</sup>Home Department. "Maharashtra City Taxi Rules, 2017." Government of Maharashtra, accessed September 25, 2024. <https://transport.maharashtra.gov.in/Site/Upload/GR/city%20taxi%20shceme%202017.pdf>

States	Legislation	Social security benefits	Proper working conditions
Karnataka	The Karnataka On-Demand Transportation Technology Aggregators Rules, 2016 <sup>7</sup> (Rules)	No provision	<p><b>Driver Safety</b></p> <ul style="list-style-type: none"> <li>The driver shall not be allowed to work beyond the number of hours stipulated by transport workers act.</li> <li>A panic button must be present at all times which must be easily accessible.</li> </ul> <p><b>Women Safety</b> Women helpline numbers must be displayed in the vehicle.</p>
Odisha	Odisha On Demand Transportation Aggregator Guidelines, 2023 (Guidelines) (Odisha 2023)	No provision	<p><b>Women Safety</b> Women helpline numbers must be displayed in the vehicle</p>
Madhya Pradesh	Madhya Pradesh Aggregator for the Hire of Motor Cab, Auto Rickshawand Motor Cycle Rules, 2017 <sup>8</sup> (Draft)	No provision	No provisions
Gujarat	Gujarat State On Demand Transportation Aggregator Rules, 2018 <sup>9</sup> (Draft)	No Provisions	<p><b>Driver Safety</b></p> <ul style="list-style-type: none"> <li>Arrange at least once in a year for structured refresher training programme for the</li> <li>GPS (Global Positioning System) and GPRS (General Packet Radio Service) to be used to track the real-time location of the taxis.</li> </ul> <p><b>Fair Payment</b> The system calculates the fare using an already established process, likely based on distance traveled, time, and possibly other factors like traffic conditions</p>

<sup>7</sup>Transport Secretariat. 2016. "The Karnataka On-Demand Transportation Technology Aggregators Rules, 2016." Government of Karnataka. accessed September 25, 2024. [https://dpal.karnataka.gov.in/storage/pdf-files/Karnataka%20Rules/59%20of%201988%20Central%20Rules%20\(E\).pdf](https://dpal.karnataka.gov.in/storage/pdf-files/Karnataka%20Rules/59%20of%201988%20Central%20Rules%20(E).pdf)

<sup>8</sup>Transport Department. 2017. "Madhya Pradesh Aggregator for the Hire of Motor Cab, Auto Rickshawand Motor Cycle Rules, 2017." Government of Madhya Pradesh, <https://govtpressmp.nic.in/pdf/extra/2017-10-13-563.pdf>

<sup>9</sup>Ports and Transport Department. 2018. "Gujarat State On Demand Transportation Aggregator Rules, 2018." Government of Gujrat. [https://startup.gujarat.gov.in/files/2022/1/476aa668-9a5e-4b72-b43ee739d7ab6cf8\\_Amendment%20to%20Motor%20Vehicle%20Act%20for%20on%20Demand%20Transportation%20Aggregator%20Rules.pdf](https://startup.gujarat.gov.in/files/2022/1/476aa668-9a5e-4b72-b43ee739d7ab6cf8_Amendment%20to%20Motor%20Vehicle%20Act%20for%20on%20Demand%20Transportation%20Aggregator%20Rules.pdf)

States	Legislation	Social security benefits	Proper working conditions
Rajasthan	Rajasthan On Demand Information Technology-Based Transportation by Public Service Vehicle Rules, 2016 <sup>10</sup> (Draft)	No provision	<p><b>Driver Safety</b></p> <ul style="list-style-type: none"> <li>• Vehicles must meet safety standards, have valid fitness certificates, insurance, and necessary safety equipment.</li> <li>• Emergency safety buttons and GPS tracking for monitoring.</li> <li>• The licensee shall conduct structured refresher training programs for its drivers including but not limited to safe driving skills.</li> </ul> <p><b>Women Safety</b></p> <p>The licensee shall endeavor to register as many motor cabs having woman drivers as may be feasible.</p> <p><b>Transparency</b></p> <p>The platform must display to the rider the distance and time travelled based on the metering indicated by the device.</p> <p><b>Fare</b></p> <p>The licensee must publish its policy on fare which shall be with reference to the maximum fare rate specified by the State government</p> <p><b>Passenger</b></p> <ul style="list-style-type: none"> <li>• The platform must convey to the rider the distance and time traveled based on the metering indicated by the device.</li> <li>• It must display the consideration (fare) to be paid by the passenger for the trip undertaken.</li> <li>• Upon completion of the trip, the platform shall transmit an electronic receipt to the passenger.</li> </ul>
	Rajasthan Bike Taxi Policy 2017 <sup>11</sup> (Scheme)	No Provisions	<p><b>Driver safety</b></p> <ul style="list-style-type: none"> <li>• Crash helmets for riders as per permissible specifications shall be provided by the service provider.</li> <li>• The Vehicle shall carry a first aid box.</li> </ul>

<sup>10</sup>Transport Department. 2016. "Rajasthan On Demand Information Technology-Based Transportation by Public Service Vehicle Rules, 2016." Government of Rajasthan. [https://www.tourism.rajasthan.gov.in/content/dam/transport/transport-dept/pdf/notificationrule/Aggregator\\_Scheme\\_2016\\_Draft\\_Notification.pdf](https://www.tourism.rajasthan.gov.in/content/dam/transport/transport-dept/pdf/notificationrule/Aggregator_Scheme_2016_Draft_Notification.pdf)

<sup>11</sup>Transport Department. 2017. "Rajasthan Bike Taxi Policy, 2017." Government of Rajasthan. [https://transport.rajasthan.gov.in/content/dam/transport/transport-dept/pdf/Policies/Rent\\_Bike.pdf](https://transport.rajasthan.gov.in/content/dam/transport/transport-dept/pdf/Policies/Rent_Bike.pdf)

States	Legislation	Social security benefits	Proper working conditions
Bihar	Bihar Taxi Aggregator Operational Directives 2019 <sup>12</sup> (Guidelines)	No explicit provisions	<p><b>Driver safety</b></p> <ul style="list-style-type: none"> <li>• The licensee shall conduct structured refresher training programs for its drivers including but not limited to safe driving</li> <li>• The licensee shall ensure that the driver undergoes an annual health checkup for ensuring his fitness to drive the vehicle.</li> </ul> <p><b>Fare</b></p> <ul style="list-style-type: none"> <li>• The state government would issue directions regarding the minimum and maximum fares.</li> <li>• The Licensee shall display the fare rate and provide a fare rate estimator to the user on the website, internet enabled application.</li> </ul> <p><b>Women safety</b></p> <p>The licensee shall ensure mechanism for protecting the rights of women employees as stipulated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013)</p>

<sup>12</sup>Department of Transport. 2019. "Bihar Taxi Aggregator Operational Directives 2019." Government of Bihar. <https://indiankanoon.org/doc/144539882/>

States	Legislation	Social security benefits	Proper working conditions
Jharkhand	Jharkhand On-Demand Transportation Technology Aggregator Rules, 2019 <sup>13</sup> (Rules)	No Provisions	<p><b>Driver safety</b></p> <ul style="list-style-type: none"> <li>· Driver using the on-demand transportation platform shall not be compelled to drive a minimum number of hour.</li> <li>· Maximum number of hours for safe driving should be followed wherever applicable.</li> <li>· The Global Positioning System device should ensure metric recording of driving hours</li> <li>· The licensee shall conduct structured refresher training programs at least once in an year.</li> </ul> <p><b>Digital Features Compliance</b> The licensee is allowed to digitally provide all features required by applicable state rules or permits.</p> <p><b>Pricing Approval<sup>14</sup></b> Chargeable fees and surge pricing must be set in consultation with the Transport Authority and approved by the Transport Commissioner.</p> <p><b>Pricing Approval</b> The aggregator must provide APIs as requested by the Department of Transport and assist in integrating with any future monitoring software developed by the Department.</p> <p><b>Women drivers</b> The licensee shall endeavour to register as many motor cabs having woman drivers as may be feasible</p>

<sup>13</sup>Transport Department. 2019. "Jharkhand On-Demand Transportation Technology Aggregator Rules, 2019." <https://www.google.com/search?client=safari&rls=en&q=Jharkhand+On-Demand+Transportation+Technology++Aggregator+Rules%2C+2019&ie=UTF-8&oe=UTF-8>

<sup>14</sup>Jharkhand On-Demand Transportation Technology Aggregator Rules 2019, Jharkhand Gazette, sec. 10(4), Accessed September 20, 2024, [https://jhtransport.gov.in/pdf/678\\_2\\_2019.pdf](https://jhtransport.gov.in/pdf/678_2_2019.pdf).



States	Legislation	Social security benefits	Proper working conditions
Punjab	Chandigarh Administration On-demand Transportation Technology Aggregators Rules, 2017 <sup>15</sup> (Rules)	No Provisions	<p><b>Driver Safety</b></p> <ul style="list-style-type: none"> <li>Install Integrated GPS/GPRS Capable Vehicle Tracking Unit (VTU).</li> <li>There is a mandatory emergency button to trigger a panic alert message, enhancing the safety of drivers in case of emergencies.</li> </ul> <p><b>App Transparency</b> The algorithms used for distance and fare calculation should be audited by from Standardisation Testing and Quality Certification (STQC)</p>
Nagaland	The Nagaland On-demand Transportation Technology Aggregators Rules, 2023 <sup>16</sup> (Rules)	No Provisions	<p><b>Driver Safety<sup>17</sup></b></p> <ul style="list-style-type: none"> <li>Vehicles must comply with safety requirements, including a vehicle tracking system.</li> <li>Each vehicle must have a GPS/GPRS capable vehicle tracking unit with a printer, display panel, and digital fare meter.</li> <li>Driver training program covering laws applicable to vehicles, road safety, the Motor Transport Workers Act, 1961,</li> <li>The Vehicle Tracking Unit (VTU) should be equipped with necessary technological capabilities for accurate tracking, fare calculation, and safety measures</li> </ul>

<sup>15</sup>Transport Department. 2017. "Chandigarh Administration On-demand Transportation Technology Aggregators Rules, 2017." Chandigarh Administration. [https://chdtransport.gov.in/sites/default/files/2019-06/Web\\_based\\_Taxi\\_Rules\\_Notification\\_2017.pdf](https://chdtransport.gov.in/sites/default/files/2019-06/Web_based_Taxi_Rules_Notification_2017.pdf)

<sup>16</sup>Government of Nagaland. 2024. "The Nagaland On-demand Transportation Technology Aggregators Rules, 2023." <https://www.teamleaseregtech.com/updates/article/34829/nagaland-on-demand-transportation-technology-aggregators-rules-2023/>

<sup>17</sup>The Nagaland On-demand Transportation Technology Aggregators Rules, 2022, Nagaland Gazette, sec. 8(1), Accessed September 20, 2024, <https://govtpress.nagaland.gov.in/wp-content/uploads/2017/09/15-April-2023.pdf>.

States	Legislation	Social security benefits	Proper working conditions
Uttarakhand	Uttarakhand On Demand (IT Based)Transportation by Contract Carriage Rules, 2019 <sup>18</sup> (Rules)	No Provisions	<p><b>Driver Safety</b></p> <ul style="list-style-type: none"> <li>• Comply with the safety requirements prescribed for commercial vehicles;</li> <li>• Conduct structured refresher training programs for its drivers including but not limited to safe driving skills</li> </ul> <p><b>Women drivers</b> Register as many motor cabs having woman rivers as may be feasible.</p> <p><b>Fare</b></p> <ul style="list-style-type: none"> <li>• Algorithms used for distance and fare calculation should be checked and validated by from Standadisation Testing and Quality Certification (STQC).</li> <li>• Be equipped with a device capable of tracing physical location and with a device capable of measuring the distance and time for accurate calculation of fare</li> </ul>

<sup>18</sup>Government of Uttarakhand. 2019. "Uttarakhand On Demand (IT Based) Transportation by Contract Carriage Rules, 2019." [https://transport.uk.gov.in/files/Draft%20Rules/Draft-UK\\_On-Demand\\_\(IT\\_Based\)\\_Transportation\\_by\\_Contract\\_Carriage\\_Rules,\\_2019\\_\(english\).pdf](https://transport.uk.gov.in/files/Draft%20Rules/Draft-UK_On-Demand_(IT_Based)_Transportation_by_Contract_Carriage_Rules,_2019_(english).pdf)

States	Legislation	Social security benefits	Proper working conditions
NCT of New Delhi	Delhi Motor Vehicles Aggregators and Delivery Service Provider Scheme, 2023 <sup>19</sup> (Draft)	No Provisions	<p><b>Driver Safety</b> Vehicles must be equipped with AIS 140 Certified Vehicle Tracking and Monitoring System</p> <p><b>Transparency</b></p> <ul style="list-style-type: none"> <li>• Aggregators should disclose how the app’s algorithm operates</li> <li>• Aggregators should reveal the proportion of fare payable to the driver.</li> <li>• Provide information on incentives given to drivers.</li> <li>• Should list charges received from drivers.</li> </ul> <p><b>Fare</b> The fare for providing on-demand service mobility shall comply with the order(s) of the Dept. of Transport, GNCTD, as may be notified from time to time.</p> <p><b>Women Safety</b> Mechanisms must be in place to protect the rights of women employees and drivers, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013</p>

<sup>19</sup>Transport Department. 2023. "Delhi Motor Vehicles Aggregators and Delivery Service Provider Scheme, 2023." [https://transport.delhi.gov.in/sites/default/files/Transport/circulars-orders/motor\\_vehicle\\_act-hindi-english\\_23052023.pdf](https://transport.delhi.gov.in/sites/default/files/Transport/circulars-orders/motor_vehicle_act-hindi-english_23052023.pdf)

States	Legislation	Social security benefits	Proper working conditions
Kerala	State Motor Vehicle Aggregator Policy, 2024 <sup>20</sup>	<b>Insurance</b> <ul style="list-style-type: none"> <li>Ensuring a health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2021-22 and increased by 5% each year.</li> <li>Ensuring a term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2021-22 and increase by 5% each year.</li> </ul>	<b>Driver Safety</b> Drivers should not be allowed to drive more hours than the specified time. <p><b>App Transparency</b><sup>21</sup></p> <ul style="list-style-type: none"> <li>The App shall be accessible in Malayalam, English and Hindi languages.</li> <li>Ensuring that the in-app vulnerabilities are revealed to Indian</li> <li>Computer Emergency Response Team formed under the aegis of the Ministry of Electronics and Information Technology. Safety of the App shall be certified by a recognized cyber security firm.</li> </ul> <p><b>Women Safety</b>  Ensure mechanisms to protect their rights, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.</p>

<sup>20</sup>Government of Kerala. 2024. "State Motor Vehicle Aggregator Policy." [https://mvd.kerala.gov.in/sites/default/files/Downloads/SSG%201%20202\\_merged.pdf](https://mvd.kerala.gov.in/sites/default/files/Downloads/SSG%201%20202_merged.pdf)

<sup>21</sup>Kerala Motor Vehicles Rules, 1989, sec. 315, India Code, Accessed September 20, 2024, <https://kmvdgoacircular.com/upload/KMVR.pdf>.

## Mapping State Legislations with Fairwork Principles

**Table 6: Mapping Jharkhand's Platform Based Gig Workers (Registration and Welfare) Bill 2024 with Fairwork Principles.**

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under the Jharkhand Platform based Gig Workers (Registration and Welfare) Bill, 2024.	Compliance status of Jharkhand Platform-based Gig Workers (Registration and Welfare) Bill, 2024 with Fairwork principles
Fair Pay	Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. Earnings are assessed according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.	Ensures workers earn at least the local minimum wage after costs	Ensures workers earn at least a local living wage after costs	The aggregators must compensate the gig workers at least on a weekly basis with no delay in disbursement of pay.	No
Fair Working Conditions	Platforms should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.	Mitigates task-specific risks	Ensures safe working conditions and a safety net	<p>The aggregator must provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the gig worker.</p> <p>The aggregator shall comply with the applicable, sector-specific, occupational safety and health standards as may be prescribed by the State Government.</p>	No (The Jharkhand draft bill does not talk about mandating the aggregators to ensure safety net (loss of pay, loss of standing policies and insurance) to workers covered under Fairwork Principle 2.)

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024.	Compliance status of Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024 with Fairwork principles
Fair Contracts	<p>Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/or the platform</p>	Provides clear and transparent terms and conditions	Ensures that no unfair contract terms are imposed	<p>Contracts shall be written in simple language easily comprehensible, and shall be available in Hindi, English or any other language listed in the Eighth Schedule of the Constitution known to the gig worker.</p> <p>Once the contract has been entered into, the aggregator shall notify the gig worker of any change in the terms of the contract not less than fourteen days before the proposed change, and the gig worker shall have the option to accordingly terminate the contract, without any adverse consequences for their existing entitlements under the previous contract.</p> <p>An aggregator shall not terminate a gig worker without giving valid reasons in writing and with prior notice of fourteen days.</p>	No (Asymmetric liabilities and monitoring subcontractors is also not explicitly covered under the draft bill.)

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024.	Compliance status of Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024 with Fairwork principles
Fair Management Practices	There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms should be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).	Provides due process for decisions affecting workers	Provides equity in the management process	The aggregator must inform the gig worker, in simple language and in Hindi, English or any other language listed in the Eighth Schedule of the Constitution known to the gig worker, regarding the procedure to seek information in respect of the application systems employed by the aggregator, which have an impact on their working conditions, including fares, earnings, customer feedback and allied information.	Yes

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024.	Compliance status of Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024 with Fairwork principles
Fair Representation	Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.	Assures freedom of association and the expression of worker voice	Supports democratic governance	Each gig worker must be provided with a human point of contact for all clarifications under the provisions of this Act; Provided that the aggregator may maintain physical spaces where gig workers may seek clarifications under the provisions of this Act.	No



**Table 7: Mapping Karnataka’s Platform Based Gig Workers (Social Security and Welfare) Bill 2024 with Fairwork Principles**

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions Under Karnataka Platform Based Gig Workers Bill 2024	Compliance Status of Karnataka & Jharkhand Platform Based Gig Workers Bill 2024 with Fair Work Principles
Fair Pay	Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. Earnings are assessed according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.	Ensures workers earn at least the local minimum wage after costs	Ensures workers earn at least a local living wage after costs	Payments to be settled at least once a week and without delay.	No

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions Under Karnataka Platform Based Gig Workers Bill 2024	Compliance Status of Karnataka & Jharkhand Platform Based Gig Workers Bill 2024 with Fair Work Principles
Fair Working Conditions	Platforms should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.	Mitigates task-specific risks	Ensures safe working conditions and a safety net	<p>The platforms are obligated to provide a working environment that is safe and without risk;</p> <p>Board is accountable to formulate, review, implement, recommend social security schemes for gig workers;</p> <p>Board will formulate schemes for the welfare of certain groups such as women, persons with disabilities ;</p> <p>The platforms are expected to comply with applicable (sector specific?) occupational safety and health standards as may be prescribed</p>	Yes

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions Under Karnataka Platform Based Gig Workers Bill 2024	Compliance Status of Karnataka & Jharkhand Platform Based Gig Workers Bill 2024 with Fair Work Principles
Fair Contracts	Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/ or the platform.	Provides clear and transparent terms and conditions	Ensures that no unfair contract terms are imposed	<p>Government to provide guidelines for worker contracts;</p> <p>Aggregators are required to ensure contracts are in simple language and provided to workers in language of their choice;</p> <p>Aggregators must inform workers in simple language and language of workers choice about parameters that determine allocation, assessment and denial of work, personal data collected and processed by aggregator, categorisation and rating systems as may be used;</p> <p>The contract must include number of work requests that can be rejected by the worker in a given time period ;</p> <p>The contract must provide exhaustive grounds for termination and deactivation of the contract;</p> <p>Aggregators must inform workers of changes in contract 14 days in advance and provide workers with option to terminate the contract;</p> <p>Workers can be terminated only after giving notice of 14 days .</p> <p>State Government has the power to conduct inspection and review of contracts to ensure compliance with the Act.</p>	Yes

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions Under Karnataka Platform Based Gig Workers Bill 2024	Compliance Status of Karnataka & Jharkhand Platform Based Gig Workers Bill 2024 with Fair Work Principles
Fair Management Practices	There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms should be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).	Provides due process for decisions affecting workers	Provides equity in the management process	<p>Aggregator must inform gig workers of automated monitoring and decision making systems;</p> <p>Aggregators must take steps to ensure that the automated monitoring and decision making systems do not perpetrate any form of discrimination.</p> <p>If there are deductions from payments, the worker must be initiated.</p> <p>Worker can file petition for redressal of grievances relating to payments or benefits before a grievance redressal authority (yet to be notified) and appeal orders before an appellate authority (yet to be notified).</p> <p>Aggregators with more than 50 gig workers must set up an internal dispute resolution committee and IDRC must dispose of complaints within 30 days;</p> <p>State Government has the power to conduct inspection and review of automated monitoring and decision making systems to ensure compliance with the Act.</p>	Yes

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions Under Karnataka Platform Based Gig Workers Bill 2024	Compliance Status of Karnataka & Jharkhand Platform Based Gig Workers Bill 2024 with Fair Work Principles
Fair Representation	Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.	Assures freedom of association and the expression of worker voice	Supports democratic governance	<p>Workers may also seek resolution of their dispute under Industrial disputes Act.</p> <p>The Act recognises workers associations, by saying that the Board will engage in discussion with workers organisations.</p> <p>Human POC alongside physical premises to be designated by aggregators for workers to seek clarifications.</p>	Partially

**Table 8: Mapping Rajasthan’s Platform Based Gig Workers (Registration and Welfare) Act, 2023 with Fairwork Principles**

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under Rajasthan Platform based Gig workers Act, 2023	Compliance Status of Rajasthan Platform Based Gig Workers Act, with Fair Work Principles
Fair Pay	Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. Earnings are assessed according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.	Ensures workers earn at least the local minimum wage after costs	Ensures workers earn at least a local living wage after costs	No provision available	No

Fairwork principles	Definitions of Fair Work Principles	Level 1	Level 2	Provisions under Rajasthan Platform based Gig workers Act, 2023	Compliance status of Rajasthan Platform based Gig workers Act with Fairwork principles
Fair Working Conditions	Platforms should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.	Mitigates task-specific risks	Ensures safe working conditions and a safety net	<p>The Social Security board is responsible to set up a monitoring mechanism to review compliance of provisions of this Act and to certify that welfare fee is being duly deducted.</p> <p>Monitor the schemes for social security of registered platform based gig workers .</p> <p>Ensure that platform based gig workers have access to the benefits as per the schemes formulated by the State Government and to provide pro-active facilitation to them in their engagement with concerned aggregator</p>	Partially

Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under Rajasthan Platform based Gig workers Act, 2023	Compliance status of Rajasthan Platform based Gig workers Act, with Fairwork principles
Fair Contracts	Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/ or the platform.	Provides clear and transparent terms and conditions	Ensures that no unfair contract terms are imposed	No provision pertaining to fair contracts.	No



Fairwork principles	Definitions of Fairwork principles	Level 1	Level 2	Provisions under Rajasthan Platform based Gig workers Act, 2023	Compliance status of Rajasthan Platform based Gig workers Act, with Fairwork principles
Fair Management Practices	There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms should be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).	Provides due process for decisions affecting workers	Provides equity in the management process	<p>Provides an opportunity to be heard for any grievances and appropriate grievance redressal mechanism.</p> <p>A platform-based gig worker registered under this Act may file a petition in person, before an officer (yet to be notified), to be designated by the State Government or make a petition through web portal, in relation to any grievance in the prescribed manner (yet to be notified) and appeal orders before an appellate authority.</p>	Yes (The Rajasthan Act does not talk about a grievance redressal mechanism by aggregators)

Fairwork Principles	Definitions of Fairwork Principles	Level 1	Level 2	Provisions under Rajasthan Platform based Gig workers Act 2023	Compliance status of Rajasthan Platform based Gig Workers Act, with Fairwork principles
Fair Representation	Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.	Assures freedom of association and the expression of worker voice	Supports democratic governance	As per section 13 of the bill, the gig workers have a right to “participate in all decisions taken for their welfare through representation in the Board”	Partially

**Table 9: Comparison of Rajasthan's Gig Workers Act, 2023, Karnataka's Gig Worker's Bill 2024 and Jharkhand's Gig Workers Bill, 2024**

<b>Provision</b>	<b>Rajasthan Platform based Gig workers (Registration and Welfare) Act, 2023</b>	<b>Karnataka Platform based Gig workers (Social security and Welfare) Bill, 2024</b>	<b>Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024</b>
<b>Welfare Board</b>	To ensure worker and aggregator registration, collection of welfare fee, grievance redressal, welfare schemes, and regular consultation with gig workers unions	To ensure worker and aggregator registration, collection of welfare fee, grievance redressal and regular consultation with gig workers unions	To ensure worker and aggregator registration, collection of welfare fee, grievance redressal, welfare schemes, and regular consultation with gig workers unions.  The board shall have power to seek aggregated data from the platforms on the work done via platforms.
<b>Welfare Fee</b>	Fee / cess to be charged on each transaction occurring on the platform	Fee / cess to be charged on payment to worker or turnover of aggregator	Fee / cess to be charged on each transaction occurring on the platform
<b>Welfare Fund</b>	Sourced from welfare cess and state govt. grants	Sourced from welfare cess and state govt. grants, worker's individual contribution	Sourced from welfare cess and state govt. grants, worker's individual contribution.
<b>Central Transaction Information and Management System</b>	Record all payments made on platforms (to be monitored by welfare board) and to audit collection and expenditure of welfare fee	Record all payments made on platforms (to be monitored by welfare board)	Record all payments made on platforms (to be monitored by welfare board).
<b>Worker Registration</b>	Govt to provide unique ID for each gig worker working with one or more aggregators and each aggregator shall provide details of gig workers onboarded on their platform	Govt to provide unique ID for each gig worker working with one or more aggregators and each aggregator shall provide details of gig workers onboarded on their platform	Govt to provide unique ID for each gig worker working with one or more aggregators and each aggregator shall provide details of gig workers onboarded on their platform
<b>Aggregator Registration</b>	Within 60 days of enactment	Within 60 days of enactment, alongside designated officer	Within 60 days of enactment.

Provision	Rajasthan Platform based Gig workers (Registration and Welfare) Act, 2023	Karnataka Platform based Gig workers (Social security and Welfare) Bill, 2024	Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024
<b>Grievance Redressal</b>	Worker can file petition for redressal of grievances relating to payments or benefits alongside provision to appeal orders before an appellate authority	Worker can file petition for redressal of grievances relating to payments or benefits alongside provision to appeal orders before an appellate authority	<p>Access to Grievance redressal is a right of the worker.</p> <p>Information regarding grievance redressal should be made easily accessible on its platform.</p> <p>Worker can file petition for redressal of grievances relating to payments or benefits alongside provision to appeal orders before an appellate authority.</p>
<b>Penalties on Aggregators</b>	For violation of provisions of Act, ranging from INR 5 lakhs to 50 lakhs	For violation of provisions of Act INR 5000 - 1 lakh	Aggregator shall be liable to pay simple interest, on the fee due to be paid at the rate of twelve percent per annum.
<b>Internal Dispute Resolution Committee</b>	NA	To be setup by aggregator Workers may also seek resolution under Industrial disputes Act (types of disputes listed)	To be setup by aggregator Workers may also seek resolution under Industrial disputes Act (types of disputes listed)
<b>Fair Contracts</b>	NA	<p>Government to provide guidelines for worker contracts and aggregators are required to ensure they are in simple language and provided to workers in language of their choice.</p> <p>The contract must include number of work requests that can be rejected by the worker in a given time period and grounds for termination.</p> <p>Aggregators to inform workers of changes in contract 14 days in advance and provide latter with option to terminate the contract. Also, workers can be terminated only by giving 14 days notice.</p>	<p>Government to provide guidelines for worker contracts and aggregators are required to ensure they are in simple language and provided to workers in language of their choice.</p> <p>Government may also review contract templates sent by aggregators.</p> <p>The contract must include number of work requests that can be rejected by the worker in a given time period and grounds for termination.</p>

Provision	Rajasthan Platform based Gig workers (Registration and Welfare) Act, 2023	Karnataka Platform based Gig workers (Social security and Welfare) Bill, 2024	Jharkhand Platform based Gig workers (Registration and Welfare) Bill, 2024
Fair Working Conditions / Transparency of Automated Decision Making Systems	NA	Aggregators inform workers about parameters that determine allocation, rating system, categorization of workers, assessment and denial of work, personal data collected and processed by aggregator.	Aggregators inform workers about parameters that determine allocation, rating system, categorization of workers, assessment and denial of work, personal data collected and processed by aggregator.
Occupational Health and Safety Standards	NA	Sector specific guidelines to be released	Sector specific guidelines to be released.
Human POC	NA	Human POC alongside physical premises to be designated by aggregators for workers to seek clarifications.	Human POC alongside physical premises to be designated by aggregators for workers to seek clarifications.

## Inconsistencies and Prejudicial Provisions of Platforms

Table 10: Rapido Terms and Conditions and Privacy Policy Assessment

Themes/ Factors impacting platform workers	Rapido Policies <sup>2223</sup>
Relationship between the parties	According to <b>clause VI</b> of Terms and Conditions for Captains (Bike), the Captain will operate as, and have the status of, an independent contractor.
Does not allow platform workers to replicate the business	<b>Clause IX (7)</b> restricts the platform workers to replicate the ideas of platforms and start a similar business
Unrestrictive access to the data of platform workers	<b>Clause IX (5)</b> and <b>IX (6)</b> allows platform to have unlimited access and unrestrictive usage of user data privacy
Consent to the follow future amendments on privacy policy	<p><b>Privacy policy clause 3 I (a)</b> asserts to collect any personal information through various means and in various places for lawful purpose connected with our Services and necessary to be collected by us for such purpose.</p> <p><b>Privacy policy clause 3 I (b)</b> asserts that Rapido can collect information about other applications in case captain enables the feature. However, these provisions are automatically opted in.</p> <p><b>Clause 4 (xiv) (f)</b> of privacy policy asserts that personal information will be used for purposes disclosed at the time you provide your Information or as otherwise set forth in this Policy. However, clause 1 asserts that the captain the consent to agree to them policy along with any amendments made by the Company at its sole discretion and posted on the Rapido Platform from time to time. This provides an unconditional consent to use personal information.</p>
Personal information is shared and used unconditionally	<p><b>Rapido, according to clause 3 (b)</b> of privacy policy done not collect sensitive information about other programs that captain is running on your Device, passwords, and activity across other applications are not collected and all the sensitive information are masked. However, the term 'sensitive information' is not defined.</p> <p>Rapido accesses publicly available sources such as commercially available marketing lists, social networks, and other related media. <b>This is a concern as there is no way to assure that the personal information or any information available from third party service providers is justifiably taken.</b></p> <p>According to <b>privacy policy clause 5 (G)</b> the information, including Personal Information and Usage Information will be shared with third parties for any purpose, including but not limited to undertaking market research/ study, conduct data analysis, determine and customize product or service offerings, to improve the products or Services or to make any other benefits/products/ services available to you.</p> <p><b>As per the clause 5 (a) and 5 (b)</b> of Privacy Policy, Rapido shares the personal information with TPSP and other entities offering co-branded services. If the services are opted in, the consent will be a deemed one to share personal information.</p>

<sup>22</sup>Rapido. "Captain Terms and Conditions." Rapido, accessed September 25, 2024. <https://www.rapido.bike/CaptainTerms>.

<sup>23</sup>Rapido. "Privacy Policy." Rapido, accessed September 25, 2024. <https://www.rapido.bike/Privacy>.

Themes/ Factors impacting platform workers	Rapido Policies <sup>2223</sup>
	<p><b>Clause IX (5)</b> of Terms and Conditions for Captains (Bikes): Captain grants to Rapido a unlimited, non-exclusive, royalty-free, worldwide license to use Your Information and perform all acts with respect to the Your Information, as may be necessary for Rapido to operate, maintain and improve the Platform or provide the Services to customers, and a non-exclusive, perpetual, irrevocable, worldwide, royalty-free, fully paid-up license to use, reproduce, modify and distribute the Other Information as a part of the Aggregated Statistics.</p>
<p><b>No responsibility on third party links presented on the platform.</b></p>	<p>Any third-party advertisements, or services presented on Rapido platform will have their own privacy policy and usage terms to which Rapido is not answerable.</p> <p>According to <b>Clause X (3)</b> of Terms and Conditions for Captains (Bikes), Rapido is not responsible for the reliability, accuracy of any links, content, downloaded or accessed material, or any services provided by third party on the platform.</p>
<p><b>Deduction of charges/ fees from the captain</b></p>	<p><b>Clause IV</b> of Terms and Conditions for Captains (Bikes) asserts that it can charge any fees at its discretion as per the updation in the terms and conditions. These updated terms will not require additional consent as the initial consent is a unconditional one.</p>
<p><b>Liability vs Responsibility</b></p>	<p><b>Clause X</b> of Terms and Conditions for Captains (Bikes) places all responsibility on captains while Rapido bears little direct liability to the services. According to the clause, the captain agrees to cover all the costs related to defending Rapido if a third party sues or makes claims against Rapido due to captain's errors or misconduct.</p> <p>However, as per the <b>clause XIII</b>, the company can terminate the captain on the basis of complaints of customer. This does not align with the idea that captain is fully liable for the services and not the platform.</p>
<p><b>Social Security</b></p>	<p><b>Clause XVIII of Terms and Conditions for Captains (Bike)</b> asserts that the platform at its sole discretion may insure the Captain against any accident suffered by the Captain during provision of Services by the Captain using the Platform. The Company reserves the right to recover any amount paid by the Company in lieu of the insurance from the Captain.</p> <p>This is not a social security provision when the amount insured is recovered from the captain.</p>

Table 11: Zomato Terms and Conditions and Privacy Policy Assessment

Themes/ Factors impacting platform workers	Zomato Policies <sup>24</sup>
Relationship between the parties	According to <b>Clause 12</b> of Terms and Conditions for Delivery Partners, the Delivery Partners are independent contractors who undertake services on a principal-to-principal basis. No employer-employee relationship exists.
Does not allow platform workers to replicate the business	<b>Clause 8(i)</b> prohibits platform workers from using Intellectual Property Rights in ways that are not in connection with the services rendered. Breach can lead to legal action.
Unrestrictive access to the data of platform workers	<b>Clause 7 (i) and 7 (ii)</b> allows Zomato to collect, store, access, use, share, and process Delivery Partner Information for purposes like background checks, marketing, and analytics. Zomato may also share this data with affiliates and third-party providers.
Consent to the follow future amendments on privacy policy	<b>Clause 17</b> allows Zomato to amend the Terms and Conditions at its discretion. Notification of changes will be provided 48 hours before implementation, and continued use implies acceptance.
Personal information is shared and used unconditionally	According to <b>Clause 7 (iii)</b> , Zomato can share Delivery Partner Information with affiliates and third-party service providers for various purposes. <b>Clause 7(iv)</b> mentions Zomato can also share information with government agencies or judicial bodies as required by law.
No responsibility on third-party links presented on the platform	No particular mention about third party links and ads on the platform
Deduction of charges/ fees from the captain	<b>Clause 3(xii)</b> allows Zomato to deduct or set off any amounts due from Delivery Partner(s) including fees and platform charges.
Liability vs Responsibility	<b>Clause 13 (Indemnification and Limitation of Liability)</b> Places substantial responsibility on the delivery partners (akin to captains in your case). The clause stipulates that delivery partners must indemnify Zomato for various losses, damages, and claims arising from their actions, such as breaches of terms, violations of policies, misconduct, or other failures. However, <b>Clause 12 (Relationship of the Parties)</b> clarifies that Zomato considers delivery partners as independent contractors, not employees, limiting Zomato's direct liability for the delivery services. At the same time, <b>Clause 10 (Suspension and Termination)</b> gives Zomato the power to terminate or suspend the delivery partner's account based on various factors like customer complaints or poor performance.
Social Security	<b>Clause 5 (xiii) and 5 (xiv)</b> provide medical and accident benefits for eligible Delivery Partners, including discounts on medicines and doctor consultations. Women Delivery Partners can avail period rest days as part of additional benefits.

<sup>24</sup>Zomato. "Privacy Policy." Accessed September 25, 2024. <https://www.zomato.com/deliver-food/privacy-policy>.



Table 12: Dunzo Terms and Conditions and Privacy Policy Assessment

Themes/ Factors impacting platform workers	Dunzo Policies <sup>25</sup>
Relationship between the parties	The Delivery Partner agrees that they provide services directly to the User or Merchant. Dunzo is only a facilitator of transactions, and the Delivery Partner is responsible for providing logistics services ( <b>Clause 1</b> ). Dunzo asserts that no employer-employee relationship exists between Dunzo and Delivery Partners ( <b>Clause 5</b> ).
Does not allow platform workers to replicate the business	Dunzo explicitly forbids the use of the platform to copy or extract features for competitive products or services ( <b>Clause 12b</b> ).
Unrestrictive access to the data of platform workers	Dunzo reserves the right to monitor, track, and share Delivery Partner's geo-location information for safety, marketing, and commercial purposes ( <b>Clause 9</b> ).
Privacy	Dunzo may share the personal data of Delivery Partners with third-party service providers for providing supplemental/beneficial services ( <b>Clause 13e</b> ).
Consent to the follow future amendments on privacy policy	Dunzo reserves the right to modify the Terms of Use, including the Privacy Policy, without prior notice. Continued use of the platform signifies acceptance of changes ( <b>Clause 25a</b> ).
Personal information is shared and used unconditionally	Dunzo may share personal data with third-party entities, including merchants and other service providers, and does not guarantee the accuracy or security of third-party services ( <b>Clause 5g, 17</b> ).
No responsibility on third-party links presented on the platform	Dunzo is not liable for third-party content, advertisements, or links provided on its platform ( <b>Clause 17</b> ).
Deduction of charges/fees from the captain	Dunzo charges a fee to the Delivery Partner for using the platform, and the company reserves the right to modify the fare calculation without requiring additional consent ( <b>Clause 11</b> ).
Liability vs Responsibility	According to <b>clause 6</b> The delivery partner acknowledges that their provision of services (DP Services) to users forms a direct business relationship between the partner and the user, in which Dunzo is not a party. Dunzo assumes no responsibility or liability for the user's actions or inactions in relation to the partner's services. The delivery partner is solely accountable for any obligations or liabilities arising from their services, including any third-party claims. According to clause 20, indemnity clause imposes a duty on the delivery partner to protect Dunzo from any legal claims or damages, third party claims even though Dunzo claims no direct involvement in the service. It also allows Dunzo to recover compensation from the partner's payouts if it indemnifies any user or merchant for the partner's deficiencies.
Social security	Dunzo may facilitate third-party services such as insurance, but these are optional, and the platform does not offer any employee benefits ( <b>Clause 5f</b> ).

**Note its Lacking:** (1) There is no provision restricting third-party service providers (TPSP) from sharing personal data with other entities. (2) No clear provision for grievance redressal mechanisms for Delivery Partners. (3) The terms place significant liability on the Delivery Partner, with Dunzo bearing little direct responsibility, leading to an imbalance of power.

<sup>25</sup>Dunzo. "Partner Terms of Use." Accessed September 25, 2024. <https://www.dunzo.com/partner-terms>.

Table 13: Urban Company Terms and Conditions and Privacy Policy Assessment

Themes/ Factors impacting platform workers	Urban Company Policies <sup>262728</sup>
Relationship between the parties	<b>Terms and Conditions clause 1 (d)</b> : The services rendered by you are referred to as “Pro Services”. Our “Services” do not include the Pro Services, and UC is not responsible for the provision of Pro Services. UC and its affiliates do not employ you or any other Service Professional, nor are Service Professionals the agents, contractors, or partners of UC or its affiliates. Service Professionals do not have the ability to bind or represent UC. You are solely liable and responsible for the Pro Services that you offer or otherwise provide through the Platform.
Does not allow platform workers to replicate the business	No specific clause found in the document related to restrictions on replicating the platform’s business by service professionals (urban company).
Unrestrictive access to the data of platform workers	<b>Privacy Policy clause 2 (a)</b> explicitly mentions that Urban Company collects all the accessible data including device data outside the Urban company application.
Privacy	UC commits to fair and secure working environments for its service professionals but no specific clauses regarding privacy consent are mentioned (Urban Company).
Consent to the follow future amendments on privacy policy	<b>Privacy Policy clause 14</b> asserts that Urban Company occasionally update the Policy and will notify the partner through the Platform or through other means, such as email.  <b>Terms and Conditions clause 19 (a)</b> asserts that all the changes to the terms will be in effect after posting them for 7 days on the platform.
Personal information is shared and used unconditionally	UC asserts that service professionals’ data and feedback are used for assessing customer behaviour and ensuring safety but does not mention unconditional data sharing with third parties (Urban Company).
No responsibility on third-party links presented on the platform	<b>Privacy Policy clause 1 (d)</b> Clicking on those links or enabling those connections may allow third parties to collect or share data about you.  <b>According to Terms and Conditions clause 10 (b)</b> Urban company is not responsible for the third party services, including their accuracy and completeness.
Deduction of charges/fees from the captain	<b>Terms and Conditions clause 3 (d)</b> To ensure maintenance of the Pre-Deposit, you acknowledge and authorise UC to deduct certain amounts from the payments made by the Customers to you.
Liability vs Responsibility	UC asserts that service professionals shall in no event be liable for losses or claims directly attributable to UC’s acts or omissions. Claims from UC customers regarding services are contractually limited to Rs. 500,000(urban company).
Social Security	UC commits to covering loss of earnings for service professionals unable to work due to illness/accident but does not include recovery of amounts from professionals (urban company).  <b>Partner Welfare Policy, Clause 5:</b> Service Professional will receive certain financial support based on the internal loss of earnings scheme capped at Rs 400/ day for pre-defined instances funded from the UC Suraksha Fund or other sources.

<sup>26</sup>Urban Company. “Privacy Policy.” Accessed September 25, 2024. <https://www.urbancompany.com/privacy-policy?entityType=provider>

<sup>27</sup>Urban Company. “Partner Welfare Policy.” Accessed September 25, 2024. <https://www.urbancompany.com/partner-welfare-policy>.

<sup>28</sup>Urban Company. “Terms and Conditions.” Accessed September 25, 2024. <https://www.urbancompany.com/terms?entityType=provider>.

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