

# Child Labour in the Digital Age: Criminal Liability of Gig Platforms for Engagement of Minors in Platform-Based Work in India

**A. Keerthana**

LL.M (Criminal Law and Criminal Justice Administration), 1st Year,  
The Tamil Nadu Dr. Ambedkar Law University, Tamil Nadu, India  
keerthana.law8423@gmail.com

**Abstract:** *The rapid growth of the gig economy in India has changed the way people work, but it has also created new legal problems, especially regarding the possible involvement of minors in app based jobs. This paper examines whether gig platforms can be held criminally liable when minors engage in such work, often by using fake or shared accounts that bypass age verification systems. Indian laws such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Juvenile Justice (Care and Protection of Children) Act, 2015 clearly prohibit child labour and protect children from exploitation, but their application to digital platforms is still unclear. Gig companies usually claim that they are only intermediaries under Section 79 of the Information Technology Act, 2000 and therefore are not responsible for the actions or identity of workers. However, this paper argues that such claims are not convincing because platforms exercise significant control through their apps, including monitoring performance and regulating access to work. It further argues that the failure of platforms to properly verify age and prevent minors from working amounts to negligence and lack of due diligence, which may lead to criminal liability. By analyzing these issues, the paper highlights a gap in the current legal framework and suggests the need for stronger regulations to ensure that child protection laws are effectively applied in the digital gig economy.*

**Keywords:** Gig Economy, Child Labour, Criminal Liability, Platform Responsibility, Negligence

## I. INTRODUCTION

The gig economy has rapidly expanded across the world and has become an important part of India's digital development. It provides flexible and short-term work opportunities through online platforms such as delivery services, freelancing, and micro-tasks. While this system has created new avenues for income generation, it has also led to a growing concern regarding the participation of minors. In countries like India, where economic hardship is common, children are often compelled to contribute to household income. With easy access to smartphones and minimal verification requirements, entry into gig work has become increasingly accessible for minors, often without effective monitoring.<sup>1</sup>

Children today are not only engaged in traditional labour but are also entering digital forms of work such as delivery services, content creation, and online micro-tasks. These activities frequently remain unnoticed due to the informal nature of gig work, exposing children to unsafe conditions, long working hours, and disruption of education. Although India has laws to prevent child labour, they are largely designed for traditional employment and do not clearly address platform-based work, creating a regulatory gap. At the same time, gig platforms often claim intermediary status to

<sup>1</sup> Int'l Labour Org., New Frontiers in Child Labour: Why Digital Risks Demand Urgent Attention 1–3 (2026)



avoid responsibility, raising important legal questions regarding accountability and the need for stronger regulation in the digital economy.

### **Need of the Study**

- 1.The growth of the gig economy has created new forms of work, but it has also increased the risk of minors participating in such work without proper regulation.
- 2.Existing child labour laws in India mainly focus on traditional forms of labour and do not clearly address digital or platform-based work.
- 3.There is a need to examine whether gig platforms are responsible for allowing minors to access such work, especially in cases of weak verification systems.

### **Significance of the Study**

- 1.This study helps in understanding the emerging issue of child labour in the digital and gig economy.
- 2.It highlights the gaps in existing legal frameworks and the need for stronger regulation.
- 3.The study contributes to legal research by analyzing criminal liability of platforms, which is a relatively unexplored area.

### **Review of literature**

1. **Anant Kumar & Trishika Srivastava, in “Digital Economy and Child Labour in India: A Doctrinal Critique of Existing Laws in Addressing Emerging Forms of Exploitation,”** explain that the rapid growth of the digital economy in India has created new forms of child exploitation such as online micro-tasking, content creation, and platform-based work. The authors analyse laws like the Child and Adolescent Labour Act, POCSO Act, and the Information Technology Act, and highlight issues such as definition gaps and weak enforcement. They argue that existing laws are not adequately equipped to deal with digital child labour and create a regulatory vacuum. However, the article does not specifically analyse the criminal liability of gig platforms for allowing minors to participate in such work.<sup>2</sup>
2. **Nidhi Singh, in “The New Digital Labor: Legal and Ethical Frameworks for Protecting Child Influencers in a Monetized World,”** explains that children are increasingly becoming part of the digital labour market through social media influencing and online content creation. The author discusses how such activities generate income but also raise concerns regarding privacy, exploitation, and lack of legal protection. The article highlights that existing legal frameworks fail to clearly recognize child influencers as workers and stresses the need for legal and ethical safeguards. However, it mainly focuses on influencer culture and does not address platform-based gig work such as delivery or micro-task labour involving minors.<sup>3</sup>
3. **Luis Pinedo Caro, Niall O’Higgins & Janine Berg, in “Young People and the Gig Economy,”** explain that the gig economy has significantly altered the nature of employment by classifying workers as independent contractors, thereby reducing labour protections. The authors highlight that gig work often creates uncertainty, lack of job security, and weak regulatory oversight, especially for young workers. They also raise concerns regarding misclassification and exploitation within platform-based work structures. However, the study mainly focuses on youth employment and does

---

<sup>2</sup> Anant Kumar & Trishika Srivastava, Digital Economy and Child Labour in India: A Doctrinal Critique of Existing Laws in Addressing Emerging Forms of Exploitation, 11 Int’l J. Novel Rsch. & Dev. 229 (2026)

<sup>3</sup> Nidhi Singh, The New Digital Labor: Legal and Ethical Frameworks for Protecting Child Influencers in a Monetized World, 5 Indian J. Integrated Rsch. L. 1032 (2025)



not specifically address the issue of minors or the criminal liability of platforms for child labour in the digital economy.<sup>4</sup>

4. **Sutapa Sanyal, in “Charting Socio-Economic Progress in Next Decade: Child Labour to AI, Climate Change, and the Gig Economy,”** explains that child labour is closely linked with poverty and socio-economic inequalities, especially in developing countries like India. The author highlights that lack of education, financial instability, and limited opportunities push children into labour, including informal and gig-based work. The study also stresses the importance of policy interventions and social awareness to eliminate child labour. However, it does not specifically analyse digital platforms or their criminal liability in the context of child labour.<sup>5</sup>

#### **Research Gap:**

The existing literature mainly discusses child labour in the digital economy and highlights gaps in legal frameworks, but it does not specifically focus on gig platforms. There is very limited analysis on how child labour laws apply to platform-based work in India. The issue of criminal liability of gig platforms for engagement of minors, especially through fake or shared accounts, remains unexplored. Therefore, this study aims to examine this gap and analyse the accountability of platforms under existing legal provisions.

#### **Research Problem**

1. The increasing participation of minors in gig work through digital platforms raises serious legal and ethical concerns.
2. There is no clear legal framework in India that directly addresses the responsibility of gig platforms in such cases.
3. Platforms often avoid liability by claiming intermediary status, creating ambiguity in accountability.

#### **Research Questions**

1. Whether gig platforms can be held criminally liable for the engagement of minors in platform-based work?
2. To what extent do existing child labour laws and cyber laws in India apply to digital gig work?
3. Whether gig platforms can escape liability in cases where minors access work through fraudulent or shared accounts?

#### **Hypothesis**

1. The existing legal framework in India is inadequate to regulate and prevent the engagement of minors in platform-based gig work as it mainly focuses on traditional forms of labour
2. Gig platforms claim intermediary status but they exercise control over access to work through digital systems so they cannot escape legal responsibility for the participation of minors
3. The failure of gig platforms to implement proper age verification and monitoring amounts to negligence and may lead to criminal liability under existing legal principles.

#### **Objectives of the Study**

1. To critically analyse the existing legal framework governing child labour and digital platforms in India with special reference to platform-based work
2. To examine the extent of control and responsibility of gig platforms in preventing the participation of minors in such work
3. To evaluate the applicability of criminal law and cyber law principles in fixing liability on gig platforms

---

<sup>4</sup> Luis Pinedo Caro, Niall O’Higgins & Janine Berg, Young People and the Gig Economy, in World Employment and Social Outlook (Int’l Labour Org. 2020)

<sup>5</sup> Sutapa Sanyal, Charting Socio-Economic Progress in Next Decade: Child Labour to AI, Climate Change, and the Gig Economy (2024)



4. To identify the gaps in current laws and suggest suitable legal reforms to ensure effective protection of children in the gig economy

### Research Methodology

This study adopts a doctrinal and analytical research methodology. The research is primarily based on the examination of primary sources, including statutory provisions such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the Juvenile Justice (Care and Protection of Children) Act, 2015, the Information Technology Act, 2000, and relevant provisions of the Bharatiya Nyaya Sanhita, 2023, along with judicial decisions of the Supreme Court and High Courts.

In addition, secondary sources such as scholarly articles, books, reports, and policy documents have been analysed to understand the broader socio-legal dimensions of child labour in the digital and gig economy. The study follows an analytical approach to evaluate the adequacy of existing laws and to identify gaps in the legal framework relating to platform accountability.

## II. CONCEPTUAL FRAMEWORK OF CHILD LABOUR IN THE DIGITAL AND GIG ECONOMY

### 2.1 Concept of Child Labour

Child labour generally refers to work that harms children or affects their overall development. The International Labour Organization (ILO) defines child labour as work that deprives children of their childhood, dignity, and potential, and is harmful to their physical and mental development. It also includes work that interferes with their education by forcing them to leave school early or attend irregularly.<sup>6</sup> International standards such as ILO Convention No. 138 fix the minimum age for employment, while Convention No. 182 identifies the worst forms of child labour, including forced labour, trafficking, and exploitation.<sup>7</sup>

In countries like India, child labour is closely linked with poverty, lack of education, and social conditions. Traditionally, children were engaged in sectors such as agriculture, domestic work, and small-scale industries. However, with the advancement of technology and the rise of new forms of work, child labour has also taken new forms which are not easily visible or regulated.

### 2.2 Concept of Digital Child Labour

Digital child labour is an emerging concept and is not clearly defined under law. It generally refers to children engaging in online or platform-based activities where their work, time, or presence is used for financial gain. These activities are carried out through digital platforms such as social media, online marketplaces, and gig-based applications.

Examples include content creation, online influencing, data entry, image tagging, click-farming, and participation in online micro-tasks. These forms of work often remain hidden because they take place online and are difficult to monitor.<sup>8</sup> Even though such work may not always involve physical danger, it can still affect children by causing mental stress, long working hours, lack of education, and invasion of privacy.

### 2.3 Child Labour in the Gig Economy

The gig economy refers to a system of work where individuals perform short-term and task-based jobs through digital platforms. While it provides income opportunities, it has also created new avenues for minors to participate in work, often through accounts registered in the name of parents or other adults. In India, minors have been involved in

<sup>6</sup> Int'l Labour Org., What Is Child Labour (1999).

<sup>7</sup> Int'l Labour Org., Convention Concerning Minimum Age for Admission to Employment (No. 138), 1973; Int'l Labour Org., Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), 1999

<sup>8</sup> Int'l Labour Org., New Frontiers in Child Labour: Why Digital Risks Demand Urgent Attention 1–3 (2026)



activities such as delivery services, packaging, and online tasks. The informal and flexible nature of gig work, along with weak verification systems, makes it easier for minors to enter without detection.

This form of child labour is concerning because it combines both physical and digital risks. Delivery work may involve safety hazards, while online tasks can expose children to harmful content or long working hours. Since such work is usually carried out individually and without supervision, regulation becomes difficult.

### **III. LEGAL FRAMEWORK GOVERNING CHILD LABOUR IN THE DIGITAL ENVIRONMENT IN INDIA**

#### **3.1 Constitutional Protection of Children**

The Constitution of India provides important safeguards to protect children from exploitation and harmful labour practices. Article 24 clearly prohibits the employment of children below the age of fourteen years in factories, mines, or any other hazardous employment. This provision reflects the State's commitment to prevent economic exploitation of children. Further, Article 21A guarantees the right to free and compulsory education for children between the ages of six and fourteen years, which indirectly discourages child labour by promoting education. In addition, Article 39(e) and (f) under the Directive Principles of State Policy direct the State to ensure that children are not forced by economic necessity to enter unsuitable occupations and that they are given opportunities to develop in a healthy and dignified manner.<sup>9</sup>

Although these constitutional provisions provide a strong foundation, they were mainly framed keeping traditional forms of labour in mind. They do not specifically address new forms of work emerging in the digital and gig economy, which creates challenges in their practical application.

#### **3.2 Child and Adolescent Labour (Prohibition and Regulation) Act, 1986**

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is the primary legislation dealing with child labour in India. Section 3 of the Act prohibits the employment of children below fourteen years in all occupations and processes, except in limited situations such as helping in a family enterprise or working as a child artist in the entertainment industry, subject to certain conditions. Section 3A further prohibits adolescents from working in hazardous occupations and processes.

The Act also provides for regulation of working conditions and prescribes penalties for violations. Under Section 14, any person who employs a child in violation of Section 3 shall be punished with imprisonment of not less than six months which may extend up to two years, or with a fine not less than ₹20,000 which may extend up to ₹50,000, or with both. Section 14A further provides punishment for offences relating to adolescents and repeated violations.<sup>10</sup> These provisions aim to prevent exploitation and ensure protection of children.

However, the Act does not specifically include platform-based work within its scope. Activities such as online micro-tasking and app-based delivery work are not clearly defined, which creates a legal gap and allows minors to participate in such work without proper regulation.

#### **3.3 Juvenile Justice (Care and Protection of Children) Act, 2015**

The Juvenile Justice (Care and Protection of Children) Act, 2015 is an important law that focuses on the protection and welfare of children. Section 79 of the Act deals with the exploitation of a child employee and provides punishment for employing or using a child for economic gain or personal benefit. Any person who engages a child for such purposes shall be punishable with imprisonment which may extend to five years and with fine of one lakh rupees. This provision is particularly relevant in the context of the gig economy, where children may be involved in platform-based work either directly or through indirect means such as shared accounts. If such engagement results in exploitation or affects

<sup>9</sup> INDIA CONST. arts. 21A, 24, 39(e)–(f)

<sup>10</sup> Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, sec. 3, 3A, 14, 14A (India)



the child's well-being, it may attract liability under this section. However, the Act does not clearly address hidden or indirect forms of labour carried out through digital platforms, which creates practical difficulties in its application.<sup>11</sup>

### **3.4 Bharatiya Nyaya Sanhita, 2023**

The Bharatiya Nyaya Sanhita, 2023 (BNS), which replaces the Indian Penal Code, contains general provisions relating to offences such as exploitation, coercion, and unlawful restraint. These provisions may be applied in limited situations where children are forced or unlawfully compelled to engage in work.

However, the BNS does not contain any specific provisions dealing with child labour or its emerging forms in the digital and gig economy. Its application in such cases is indirect and depends on the facts of each case. Therefore, while it may provide some support in cases involving coercion or exploitation, it is not a comprehensive legal framework for addressing child labour in platform-based work.<sup>12</sup>

### **3.5 Information Technology Act, 2000**

The Information Technology Act, 2000 plays a limited but important role in regulating digital platforms. While the Act mainly deals with cyber offences and online content, it also provides a legal framework for the functioning of digital platforms through intermediary regulation. Section 67B deals with punishment for publishing or transmitting material depicting children in sexually explicit acts, which is relevant in cases of online exploitation of minors.<sup>13</sup>

However, the Act does not contain specific provisions dealing with child labour in the gig economy, particularly in relation to platform-based work such as delivery services. It does not regulate employment relationships or economic activities involving minors on digital platforms. Therefore, its role in addressing child labour in the gig economy remains indirect and limited, creating a gap in the existing legal framework.

## **IV. CRIMINAL LIABILITY OF GIG PLATFORMS FOR ENGAGEMENT OF MINORS IN PLATFORM-BASED WORK**

### **4.1 Nature of Gig Platforms and Control**

Gig platforms such as ride-hailing and delivery services operate through digital applications that connect workers with customers and assign tasks. Although they describe themselves as intermediaries, these platforms exercise significant control over the work process. They regulate onboarding, verify documents, allocate tasks through algorithms, monitor performance, and control earnings through pricing systems.

This shows that platforms are not merely passive facilitators but actively manage how work is performed. In the context of child labour, this control becomes important because if minors are able to access such platforms, it indicates a failure in verification and monitoring systems. Therefore, the role of the platform becomes crucial in determining liability, as it enables and regulates access to work.<sup>14</sup>

### **4.2 Invalid Consent of Minors and Its Legal Implications**

A key issue in the gig economy is whether minors who voluntarily join platforms can be held responsible for their participation. Under Section 11 of the Indian Contract Act, 1872, a minor is not competent to enter into a contract and any agreement entered into by a minor is void.<sup>15</sup> The Supreme Court in *Mohori Bibee v. Dharmodas Ghose* confirmed

<sup>11</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, sec. 79 (India)

<sup>12</sup> Bharatiya Nyaya Sanhita, 2023 (India)

<sup>13</sup> Information Technology Act, 2000, sec. 67B (India)

<sup>14</sup> Anchal & Kalpana, Child Labour Laws and Digital Exploitation: Protecting Children from Social Media Influencer Abuse and Online Rights Violations (2025)

<sup>15</sup> Indian Contract Act, 1872, sec. 11 (India)



that such agreements are void from the beginning.<sup>16</sup> Therefore, even if a child creates an account on a platform and agrees to its terms and conditions, such consent has no legal validity.

Despite this legal position, minors continue to access digital platforms and engage in economic activities, often by using fake or borrowed documents. This creates a situation where the responsibility shifts from the minor to the platform. Since no valid contract exists, the platform cannot rely on the minor's consent as a defence and must ensure proper age verification to prevent minors from accessing work.

#### **4.3 Intermediary Liability, Due Diligence, and Platform Responsibility**

Gig platforms often claim that they are merely intermediaries and therefore not liable for the actions of users. Section 79 of the Information Technology Act, 2000 provides conditional immunity to intermediaries from liability for third-party information or actions, provided they follow due diligence and do not knowingly allow unlawful activities.<sup>17</sup>

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 further require intermediaries to observe due diligence, including reasonable efforts to verify user identity, prevent unlawful activities, and comply with applicable laws.<sup>18</sup>

In the context of child labour, if a platform fails to implement proper age verification mechanisms or allows minors to access work through weak systems, it may be considered a failure of due diligence. In such cases, the platform may lose the protection granted under Section 79 and can be held liable for facilitating illegal activities.

Thus, intermediary status does not provide absolute immunity, and platforms must actively ensure compliance with legal obligations to avoid liability.

### **V. JUDICIAL PERSPECTIVES ON CHILD LABOUR AND INTERMEDIARY LIABILITY**

#### **1. M.C. Mehta v. State of Tamil Nadu<sup>19</sup>**

The Supreme Court held that employment of children in hazardous work violates Articles 21 and 24 of the Constitution and directed their withdrawal and rehabilitation. The judgment makes it clear that economic necessity cannot justify child labour. This is relevant to the gig economy, as it supports strict prohibition of minors' engagement, even in indirect or platform-based work.

#### **2. People's Union for Democratic Rights v. Union of India<sup>20</sup>**

The Court held that labour laws apply irrespective of the form of employment and that informal or contractual arrangements cannot exclude workers from protection. This is directly applicable to gig platforms, where classification as independent contractors cannot be used to avoid responsibility, including in cases involving minors.

#### **3. Bandhua Mukti Morcha v. Union of India<sup>21</sup>**

The Court focused on the actual conditions of labour rather than formal relationships and emphasised protection of vulnerable workers. This supports the view that gig platforms should be examined based on real working conditions and held accountable where exploitation exists.

#### **4. Shreya Singhal v. Union of India<sup>22</sup>**

The Supreme Court held that intermediary protection under Section 79 of the IT Act is conditional and depends on due diligence. This is important for gig platforms, as failure to implement safeguards such as age verification may lead to loss of immunity.

<sup>16</sup> Mohori Bibee v. Dharmodas Ghose, (1903) 30 I.A. 114 (P.C.)

<sup>17</sup> Information Technology Act, 2000, sec. 79 (India)

<sup>18</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (India).

<sup>19</sup> M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 756.

<sup>20</sup> People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235

<sup>21</sup> Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161

<sup>22</sup> Shreya Singhal v. Union of India, (2015) 5 SCC 1



5. Google India Pvt. Ltd. v. Visaka Industries<sup>23</sup>

The Court held that intermediaries may be liable if they have knowledge of unlawful activity and fail to act. This supports the argument that gig platforms cannot ignore minors accessing their systems and must take preventive measures.

6. Uber BV v. Aslam<sup>24</sup>

The UK Supreme Court held that gig workers are not independent contractors where platforms exercise significant control. This strengthens the argument that gig platforms have responsibility over workers, including ensuring that minors are not engaged.

7. Doe v. MySpace, Inc<sup>25</sup>

The Court granted immunity to the platform under intermediary law, highlighting the limitations of existing legal frameworks. This shows that platforms may escape liability despite risks to minors, indicating the need for stronger regulation.

**VI. BRIDGING THE LEGAL GAP: A PROPOSED AMENDMENT TO REGULATE CHILD LABOUR IN THE GIG ECONOMY**

**6.1 Insertion of New Chapter III-A**

**“Regulation of Child Labour in Platform-Based Work”**

**Section 7A – Definitions**

This section introduces key terms such as “gig platform,” “platform worker,” and “digital labour” to bring clarity within the scope of the Act. Since the existing law does not define platform-based work, this provision ensures that digital and app-based work is clearly included within the legal framework.

**Section 7B – Prohibition of Child Labour in Gig Work**

This provision clearly prohibits children below fourteen years from engaging in any form of work through gig platforms. It also clarifies that indirect participation, including use of shared or fake accounts, will still be treated as a violation. This is important because gig work often occurs without direct supervision.

**Section 7C – Duties of Gig Platforms**

This section imposes specific responsibilities on platforms, such as implementing proper age verification systems, maintaining records of workers, and preventing misuse of accounts. The aim is to shift responsibility from only the employer to also include the platform as a facilitator of work.

**Section 7D – Liability of Gig Platforms**

This provision establishes that platforms may be held liable where they fail to exercise due diligence and allow minors to engage in work. It also limits the use of intermediary protection in such cases. This ensures that platforms cannot avoid responsibility by claiming that they are only intermediaries.

**Section 7E – Regulation of Adolescent Work**

Recognising that not all work is harmful, this section allows adolescents to engage in limited non-hazardous gig work under strict conditions. It ensures that such work does not interfere with education and is carried out in a safe environment.

**Section 7F – Monitoring and Enforcement**

This section provides for government oversight through monitoring, audits, and grievance redressal mechanisms. It ensures that the law is not only theoretical but also effectively implemented.

<sup>23</sup> Google India Pvt. Ltd. v. Visaka Industries, (2020) 4 SCC 162

<sup>24</sup> Uber BV v. Aslam, [2021] UKSC 5

<sup>25</sup> Doe v. MySpace, Inc., 528 F.3d 413 (5th Cir. 2008)



## 6.2 Justification

The proposed amendment aims to update the existing legal framework by recognising the realities of the digital economy. It introduces clear definitions, assigns responsibility to gig platforms, and ensures that minors are protected from exploitation. At the same time, it balances regulation by allowing limited participation of adolescents under controlled conditions.

Overall, this amendment helps in shifting from a reactive approach to a preventive system, where the focus is on stopping child labour before it occurs rather than addressing it after harm has been caused.

## VII. CHALLENGES AND SUGGESTIONS

### 7.1 Challenges

One of the main challenges in addressing child labour in the gig economy is the invisible nature of platform-based work. Unlike traditional employment, gig work happens through mobile applications, which makes it difficult for authorities to identify whether minors are involved. There are no regular inspections, and most work is carried out individually, making enforcement weak.

Another important challenge is the absence of specific data. In India, there is no official data showing how many minors are engaged in gig work. However, broader statistics indicate the seriousness of the issue. According to the Census 2011, around 10.1 million children are engaged in labour in India, mostly in informal sectors.<sup>26</sup> This suggests that children may also be entering newer forms of informal work such as digital and platform-based labour.

Further, the rapid growth of digital access has increased the risk. India has over 880 million internet users, including a large number of children, which makes access to digital platforms easier than ever.<sup>27</sup> This creates opportunities for minors to enter gig work using fake or shared accounts.

Another challenge is weak verification mechanisms. Many platforms rely on basic document checks, which can be easily bypassed. There is no strict legal requirement for advanced age verification, which allows minors to enter the system without detection.

### 7.2 Suggestions

There is a clear need to amend the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 to expressly include platform-based gig work within its scope, so that minors cannot be engaged through digital systems. Gig platforms should be legally required to implement strict and multi-layered age verification mechanisms, including identity authentication and periodic checks, and failure to do so should attract liability. At the same time, intermediary protection under Section 79 of the Information Technology Act, 2000 should not apply where platforms exercise control over access to work and fail to follow due diligence. Specific provisions must impose direct liability on platforms in cases where minors are allowed to work, even due to negligence. The government should also introduce a digital monitoring mechanism, requiring platforms to maintain records, report violations, and undergo periodic audits. Further, limited and regulated participation of adolescents may be permitted under strict conditions ensuring that work does not affect education or safety. Finally, there is a need for awareness measures and proper data collection to address the hidden nature of child labour in the gig economy and to support effective policy implementation.

## VIII. CONCLUSION

The study shows that while the gig economy has created new opportunities, it has also exposed children to emerging forms of labour that remain largely unregulated. Existing legal frameworks in India are not fully equipped to address platform-based work, allowing minors to participate without effective safeguards. The issue is not the absence of law, but the inability of law to adapt to changing forms of work.

<sup>26</sup> Census of India 2011, Office of the Registrar General & Census Commissioner, India

<sup>27</sup> Internet and Mobile Association of India (IAMAI), Digital in India Report 2023



There is a clear need to extend child labour protections to the gig economy and to ensure that platforms are held accountable where they fail to prevent the engagement of minors. Without such reforms, digital platforms may continue to operate in a legal grey area where child labour remains hidden.  
“Law must evolve with society, or it risks becoming irrelevant.”

#### REFERENCES

- [1]. INDIA CONST. arts. 21A, 24, 39(e)–(f).
- [2]. Child & Adolescent Labour (Prohibition & Regulation) Act, 1986, sec. 3, 3A, 14, 14A (India).
- [3]. Juvenile Justice (Care & Protection of Children) Act, 2015, sec. 79 (India).
- [4]. Information Technology Act, 2000, sec. 67B, 79 (India).
- [5]. Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 (India).
- [6]. Bharatiya Nyaya Sanhita, 2023 (India).
- [7]. M.C. Mehta v. State of Tamil Nadu, (1996) 6 S.C.C. 756 (India).
- [8]. People’s Union for Democratic Rights v. Union of India, (1982) 3 S.C.C. 235 (India).
- [9]. Bandhua Mukti Morcha v. Union of India, (1984) 3 S.C.C. 161 (India).
- [10]. Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).
- [11]. Google India Pvt. Ltd. v. Visaka Industries, (2020) 4 S.C.C. 162 (India).
- [12]. Uber BV v. Aslam, [2021] UKSC 5 (U.K.).
- [13]. Doe v. MySpace, Inc., 528 F.3d 413 (5th Cir. 2008) (U.S.).
- [14]. Int’l Labour Org., New Frontiers in Child Labour: Why Digital Risks Demand Urgent Attention (2026).
- [15]. Census of India 2011, Off. of the Registrar Gen. & Census Comm’r, India.
- [16]. Anant Kumar & Trishika Srivastava, Digital Economy and Child Labour in India: A Doctrinal Critique of Existing Laws in Addressing Emerging Forms of Exploitation, 11 Int’l J. Novel Rsch. & Dev. 229 (2026).
- [17]. Nidhi Singh, The New Digital Labor: Legal and Ethical Frameworks for Protecting Child Influencers in a Monetized World, 5 Indian J. Integrated Rsch. L. 1032 (2025).
- [18]. Luis Pinedo Caro, Niall O’Higgins & Janine Berg, Young People and the Gig Economy, in World Employment and Social Outlook (Int’l Labour Org. 2020).
- [19]. Sutapa Sanyal, Charting Socio-Economic Progress in Next Decade: Child Labour to AI, Climate Change, and the Gig Economy (2024).
- [20]. Int’l Labour Org., What Is Child Labour? (1999).
- [21]. Int’l Labour Org., Convention Concerning Minimum Age for Admission to Employment (No. 138), 1973.
- [22]. Int’l Labour Org., Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), 1999.
- [23]. Int’l Labour Org., World Employment and Social Outlook: The Role of Digital Labour Platforms in Transforming the World of Work (2021).
- [24]. Internet & Mobile Ass’n of India, Digital in India Report (2023).
- [25]. UNICEF, Child Labour and the Digital Economy (2021)

