
REASSESSING LABOUR PROTECTIONS IN INDIA'S QUICK-COMMERCE SECTOR: A LEGAL AND HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

This article explores the intersection of Labour Law and Human Rights within the Quick commerce models sector in India. It focuses on the working conditions of gig workers and platform workers who remain outside the protection of traditional labour law. While quick commerce promises speed and convenience to consumers, they are imposing unsafe deadlines and unstable income patterns on workers who are not legally recognized as employees. This article analyses the legal status and the rights of gig workers under the existing Indian laws. It also draws attention to some of the judicial developments and the recent State reforms introduced in Rajasthan and Karnataka. It calls for a reformed and inclusive legal framework for gig workers with dignity, safety and social welfare. This study essentially contends that labour rights must be viewed as an essential human right.

Introduction:

In various cities across India, groceries now arrive faster than ever, typically within a timeframe of ten to twenty minutes of placing the order. While this speed is celebrated for fulfilling instantaneous services via technology, it raises serious concerns. Quick commerce platforms promise convenience but almost at the cost of their workers who are kept running to meet deadlines. They face increasingly unsafe and unstable working conditions with almost no protection under the existing labour laws. At times, this model tends to ignore legal responsibilities by not formally recognizing workers as employees. A large number of young men from economically vulnerable backgrounds are often tied to ambiguous contractual terms with almost no safety or security.

While these platforms portray the work as flexible and entrepreneurial, the reality for many workers involves safety risks, long working hours and almost no financial security. These gig workers do not have the same rights and protection as other ordinary employees because they are not identified as labourers. The absence of clear legal frameworks leaves gig workers vulnerable to be exploited. In the present day, labour rights are no longer seen merely as economic safeguards, they are recognized as essential fundamental human rights. This is why this raises the fundamental question of whether these workers are afforded the protections they are entitled to receive under Indian law and Human Right norms.

Quick Commerce and the challenges faced by Gig workers:

Quick commerce refers to an innovative online retail designed to deliver products within ten to twenty minutes. It emerged during the COVID-19 pandemic in response to the demand for essential goods and has resulted in reshaping customer behaviours and buying patterns. It has raised expectations of convenience and efficiency in its customers by providing faster delivery services for groceries, daily essentials, etc. Quick commerce is supported by setting up “dark stores” also known as “ghost stores”.¹ These stores are not accessible to the general public but act as a distribution hub where products are stored, packed and delivered to customers. These warehouses are often strategically located closer to densely populated residential areas to save time and support delivery men to complete orders within a short time frame. Dark stores are

¹ Irene Luong, *Dark stores in retail: Concept, benefits, challenges, strategies 2025*, MAGESTORE (Jun. 22, 2025, 9:29 PM), <https://www.magestore.com/blog/dark-store/>.

the core infrastructure of a Quick Commerce service company and some key benefits that it provides are, cost effective operations, valuable customer experience through speed, and the fastest order fulfillment that is practically possible.

However, this builds high pressure for gig workers because speed is prioritized over safety. Elaborating on the same, a gig worker refers to individuals who take on temporary and flexible jobs that are typically completed within a set time frame under non-traditional working conditions. They can be categorised as freelancers and independent contractors and not as traditional employees. They are very similar to the concept of platform workers who provide delivery services directly to consumers through digital platforms. Both these groups have a common reality as they operate without legal and financial protection that is usually given to employees. Without legal protection measures, they are often challenged with low income, exploitation and unregulated working conditions.

These jobs are generally opted by individuals who wish to choose when and how they want to work. However, the pressure to meet tight delivery deadlines pushes workers to prioritise speed over safety. Consequently, drivers report high incidents of accidents, stress, fatigue, poor mental health, exhaustion, etc. For example, in a recent incident that occurred in Bengaluru, a Swiggy worker was traveling at high speed to meet the deadline of delivery and consequently hit an elderly woman causing serious injuries.² Such examples underscore the risks imposed by an unregulated system that values speed over safety. Moreover, the uncertain income of gig workers does not help them with an adequate standard of living. They are usually paid for the tasks they have completed which results in irregular income that are not stable. As these opportunities for gig workers continue to expand, the need for stronger legal recognition and protection also becomes crucial.

Legal Perspective:

The rise of Quick commerce in India has exposed significant gaps in the traditional labour law framework. The gig economy has introduced a class of workers operating outside the role of a traditional employee. The standard classification of employer and employee or workman fails to accommodate the fluid nature of gig workers. The existing laws that recognize gig workers

² NDTV, <https://www.ndtv.com/india-news/heard-a-loud-bang-speeding-swiggy-delivery-rider-injures-elderly-woman-company-responds-8006961> (last visited Jun. 24, 2025).

are nominal and lack corresponding substantive rights. The Government of India introduced four labour codes to simplify India's existing labour laws. It included the *Social Security Code, 2020*, *Code on wages, 2019*, *Industrial Relations Code, 2020*, and the *Occupational Safety, Health and Working Conditions Code, 2020*. Analysing these existing laws, the flaws in the current laws and the steps taken by the state government are as follows.

The *Code on Social Security, 2020*³ is the only labour code that explicitly includes gig workers, platform workers and unorganised workers within its scope. It consolidates 9 previous laws including the Employee's Provident Fund Act, 1952, the Maternity Benefit Act, 1961 and the Unorganised Workers Social Security Act, 2008 that has enhanced the provisions of this code.

The code has introduced categories of workers as separate and distinct instead of broadening the definition of "employee" under Section 2(26). These separate provisions are as follows, *Section 2 (35) of the Code on Social Security*,⁴ 2020 defines "Gig worker" as a person who performs outside the scope of a traditional employer- employee relationship. *Section 2(61) of the Code on Social Security, 2020*⁵ defines "Platform worker" as a person who engages in platform work to provide solutions or services in exchange for payment. *Section 2(86) of the Code on Social Security, 2020*⁶ defines "Unorganised worker" are self-employed persons and wage workers in the unorganised sector. Since these categories are not under the same umbrella as the definition of "employee", it excludes them from the core labour protections that are provided to an "employee".

Moreover, *Chapter IX* of the Code specifically deals with the Social Security for unorganised workers including gig workers and platform workers. *Section 112 of the Code on Social Security, 2020*⁷ authorises government bodies to set up helplines or facilitation centres for workers and outlines the functions that it provides for the gig workers, unorganized workers and platform workers. *Section 113 of the Code on Social Security, 2020*⁸ provides for the registration of gig workers, unorganized workers and platform workers with the central government. It outlines the eligibility for the same because registration is a prerequisite for claiming benefits under various schemes of the Code on Social Security. Lastly, *Section 114*

³ The Code on Social Security, 2020, No. 36, Acts of Parliament, 2020 (India).

⁴ The Code on Social Security, 2020, § 2 (35), No. 36, Acts of Parliament, 2020 (India).

⁵ *Ibid.* at §2(61).

⁶ *Ibid.* at §2(86).

⁷ *Ibid.* at § 112.

⁸ *Ibid.* at §113.

*of the Code on Social Security, 2020*⁹ lists the various schemes for gig works and platform workers. It enables the central government to create welfare schemes, covering life and disability insurance, accident insurance, health and maternity benefits, old age protection, etc. The funds may come from the central or the state governments.

However, these schemes remain unattractive to workers. This is because there is no short term financial benefit for workers that would encourage them in opting for these long term social security schemes. Despite these measures, the code is criticised for its non- mandatory language and vague categorisation of workers. Additionally, there are various barriers in the implementation of the provisions of the social security code. This includes overlapping authorities and lack of clarity, absence of enforcement mechanisms, issues with registration, etc. The overlap of definitions and scheme applicability makes it difficult for understanding and compliance. This code lacks a clear framework to track whether these schemes are being implemented or not.

The *Code on Wages, 2019*¹⁰ aims to standardise a common wage between organised and unorganised sectors. It consolidates the Minimum Wages Act, 1948 and mandates minimum wage, timely payments and equal remuneration for equal work. However, gig workers, platform workers and unorganised workers are not recognised as “employees” under this code. Due to this, they remain outside the scope of all the rights provided to “employees” according to this code. Hence, they are not legally entitled to a minimum wage or timely payment protection.

The *Code on Industrial Relations, 2020*¹¹ also applies only to “employees” of the industrial establishments. This code is an amalgamation and replacement of the Industrial Disputes Act, 1947, the Trade Union Act, 1926 and the Industrial Employment Act, 1946. It provides for the formation of trade unions, dispute resolution, retrenchment and layoffs. Since this code only applies to “employees” of an industrial organisation, gig workers do not have a fixed place of work under this code. They fall outside the scope of the code and consequently lack formal employment contracts and are not protected against unfair dismissal.

⁹ *Ibid.* at §114.

¹⁰ The Code on Wages, 2019, No. 184, Acts of Parliament, 2019 (India).

¹¹ Code on Industrial Relations, 2020, No. 35, Acts of Parliament, 2020 (India).

Lastly, the *Code of Occupational Safety, Health and Working Conditions, 2020*¹² consolidated 13 labour laws including the Factories Act and the Mines Act. This code applies to workplaces with more than 10 or more workers. It addresses the working conditions and welfare provisions for the workers in addition to the health and safety standards. This code does not include gig workers or platform workers and this exclusion is alarming since most of the gig workers operate in unsafe and unpredictable conditions. For example, delivery workers during the COVID-19 pandemic were working without legal protection or compensation.

Some other relevant legislations are the *Contract Labour (Regulation and Abolition) Act, 1970*¹³ that regulates the employment of labour. However, it does not extend to gig workers. It might be theoretically invoked for platform workers who are engaged through intermediaries but judicial application of gig work remains untested. The *Employees Compensation Act, 1923*¹⁴ allows compensation for injuries/ death arising during the course of employment. However, its applicability to gig workers is uncertain because of not exactly given the employee status.

Sexual harassment and safety continue to be major unresolved issue for gig workers. While the *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH)*¹⁵ offers a broad and inclusive definition of “workplace”, its applicability to a non-traditional workspace like that of a gig worker remains ambiguous. This legal uncertainty leaves a critical gap in protection because the nature of digital platforms often falls outside the scope of traditional legal safeguards.

Judicial Intervention and Status in Indian courts:

Indian courts are yet to determine the legal status of gig workers. There are a very limited number of binding precedents that recognise gig workers, platform workers or unorganized workers as employees. Due to this, there are no enforceable labour rights, no rights for protection from arbitrary termination, no access to dispute resolutions and they are not entitled to fixed remuneration. On the 14th of June 2021, the *National Human Rights Commission (NHRC)* filed a writ petition before the Hon’ble Supreme Court seeking better conditions for

¹² Code of Occupational Safety, Health and Working Conditions, 2020, No. 37, Acts of Parliament, 2020 (India).

¹³ Contract Labour (Regulation and Abolition) Act, 1970, No. 37, Acts of Parliament, 1970 (India).

¹⁴ Employees Compensation Act, 1923, No. 8, Acts of Parliament, 1923 (India).

¹⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India).

gig workers, platform workers and migrant workers. The Supreme Court directed the Central and State governments to complete the registration processes necessary for unorganised workers to benefit from the Social Security Schemes already introduced. All State governments are to file affidavits detailing mechanisms for the distribution of dry ration to workers under the *Atma Nirbhar Bharat Scheme*.

Some of the most prominent incidents that showcase the struggle of gig workers was in the case of *All India Gig Workers Union v. Uber India Systems Pvt Ltd.* where gig workers approached the Hon'ble High Court of Delhi seeking their rights against Uber's practices and demanded fair compensation and social security benefits. In another prominent incident the Public Interest Litigation approached the Hon'ble Supreme Court to bring forward issues of Social Security for all workers. They argued that the classifications as "unorganised workers" are also entitled to statutory benefits.

Steps taken by State Governments:

The State governments have also hit a legislative milestone by taking steps for gig workers and platform workers. Rajasthan became the first Indian state to enact laws specifically to safeguard platform based gig workers through their *Rajasthan Platform based Gig Workers (Registration and Welfare) Act, 2023*¹⁶ on the 24th of July, 2023. It established the definition of a gig worker and authorizes the *Rajasthan Platform based Gig Workers Welfare Boards* to be responsible for registering gig workers, notifying workers about social security schemes, etc. This act has established the *Rajasthan Platform based Gig Workers Welfare Cess* that mandates aggregators and primary employers to contribute to it by the 5th of every month. This act also established the *Rajasthan Platform based Gig Workers Social security and Welfare Fund* to manage funds from the cess collections, the State government Grants, donations and other aids. The board is also empowered to track and supervise these payments made through platforms. Additionally, employers violating these provisions may face penalties accordingly. The State of Karnataka has also actively been chasing a path to advance protection for gig workers through legislative and administrative measures. They are expected to soon pass the *Karnataka Platform- based Gig Workers (Social Security and Welfare) Bill, 2024*¹⁷ bill that is aimed at safeguarding the rights of gig workers. This draft legislation includes protection

¹⁶ Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, No. 29, Act of Rajasthan State Legislature, 2023 (India).

¹⁷ Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill, 2024.

from arbitrary dismissal on unfair grounds, grievance redressal mechanisms, provisions on wages, the right to refuse work, mandates transparency requirements, etc. These developments serve as a model for other Indian states to expand the rights for gig workers in the gig economy.

Intersection of Labour Law and Human Rights:

Labour law is a direct instrument for the enforcement of Human Rights. It fights the non-negotiable human rights in the context of work and ensures that the inherent equality of humans is upheld in an economic environment. The Indian judiciary has repeatedly recognised Labour rights as a part of Human Rights. As stated in the case of *People's Union for Democratic Rights v. Union of India*,¹⁸ the Supreme Court held that non-payment of minimum wages does constitute forced labour.

The Constitution of India interprets the Right to Livelihood and the Right to life as per Article 21,¹⁹ the Right to equality and protection from discrimination as per Article 14,²⁰ the Freedom of association as per Article 19(1)(c),²¹ etc. as a fundamental right. It has recognised bonded labour and child labour as violations of basic human dignity.²² The reason behind this is majorly that the right to fair wages, safe working environments, healthcare, etc stem down from the broader principle of the right to live with dignity under the Article 21 of the Constitution of India.²³ Moreover, the case of *Olga Tellis v. Bombay Municipal Corporation*²⁴ broadened the scope of constitutional protection for workers when the Hon'ble Supreme Court declared that the right to livelihood is an integral part of right to life under Article 21. Article 23 of the Constitution²⁵ of India prohibits forced labour and human trafficking which establishes the freedom from exploitation as a basic human right.

As the digital market continues to evolve, it is crucial to extend human right frameworks to new categories of labour including gig workers and platform workers. Their exclusion from legal protections creates invisibility and inequality in the system. Recognising labour rights as human rights would mean moving beyond the rigid classification of "employee". It necessitates

¹⁸ *People's Union for Democratic Rights v. Union of India*, 1982 AIR 1473.

¹⁹ INDIAN CONST. art. 12.

²⁰ *Ibid.* at art. 14.

²¹ *Ibid.* at art. 19, §1, cl. 3.

²² *Supra*, note 18.

²³ *Supra*, note 19.

²⁴ *Olga Tellis v. Bombay Municipal Corporation*, 1986 AIR 180.

²⁵ INDIAN CONST. art. 23.

the development of legal frameworks that would adapt new forms of work and ensure legal protection regardless of the platform.

Conclusion:

The growth of quick commerce in India has brought convenience to consumers but has also exposed a significant gap in the legal and human rights protections for gig workers. These workers are often under precarious conditions without access to social security, stable income or workplace safety. For the first time the Code of Social Security, 2020 acknowledged gig workers under Indian Labor Law but it does not offer the same protection afforded to traditional employees. Other key labour codes continue to exclude them altogether. This absence of clear protection that remains vague in its implementation results in an environment for workers to be exploited. Although some States offer models and strategies for reform, that has been a notable success. Labour Law must be viewed as a vehicle for the enforcement of human rights. Without extending enforceable and practical legal protection to gig workers, India risks deepening inequality in the economic sectors. The need for a more inclusive, enforceable and right based legal framework is essential for building a fair environment for work in the future.