

(Authorised English Translation)

**THE RAJASTHAN PLATFORM BASED GIG WORKERS
(REGISTRATION AND WELFARE) BILL, 2023**

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

to constitute a Welfare Board and to set up a welfare fund for platform based gig workers, to register platform based gig workers and aggregators in the State and to facilitate guarantee of social security to platform based gig workers and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Seventy-fourth Year of the Republic of India, as follows:-

CHAPTER-I

Preliminary

1. Short title, extent, commencement and application.-

(1) This Act may be called the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) It applies to:-

- (i) an aggregator operating in the State of Rajasthan;
- (ii) any service or work being carried out that meets with the definition of gig worker and platform as

defined respectively under clause (e) and clause (f) of section 2 of this Act.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) “aggregator” means a digital intermediary for a buyer of goods or user of a service to connect with the seller or the service provider, and includes any entity that coordinates with one or more aggregators for providing the services;
- (b) “Appellate Authority” means the Member-Convener of the Board;
- (c) “Board” means the Rajasthan Platform Based Gig Workers Welfare Board constituted under section 3;
- (d) “Fund” means the Rajasthan Platform Based Gig Workers Social Security and Welfare Fund established under sub-section (1) of section 10 of this Act;
- (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;
- (f) “Platform” means an online transaction based arrangement of work that may involve a person or persons providing goods and services and a person or persons receiving goods and services against a specified rate of payment;
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “rules” means the rules made under this Act;
- (i) “State Government” means the Government of Rajasthan;

- (j) “Unique ID” means the unique number issued to a platform based gig worker registered as per section 8; and
- (k) “Welfare Fee” means the fee charged under section 11 of this Act.

CHAPTER-II

Platform Based Gig Workers Welfare Board

3. Rajasthan Platform Based Gig Workers Welfare Board.- (1) The State Government shall, with effect from such date as it may appoint, constitute a Board to be known as “The Rajasthan Platform Based Gig Workers Welfare Board” to exercise the powers conferred on, and perform the duties and functions assigned to it, under this Act.

(2) The headquarters of the Board shall be at Jaipur, Rajasthan.

(3) The Board shall consist of-

- (i) the Minister in-charge of the Department of Labour, Rajasthan - Ex-officio Chairperson;
- (ii) the Secretary in-charge, Department of Labour or his nominee not below the rank of Joint Secretary - Ex-officio Member - Convener;
- (iii) the Secretary in-charge, Department of Information and Technology or his nominee not below the rank of Joint Secretary - Ex-officio Member;
- (iv) the Secretary in-charge, Department of Social Justice and Empowerment or his nominee not below the rank of Joint Secretary - Ex-officio Member;
- (v) the Secretary in-charge, Department of Transport or his - Ex-officio Member;

- nominee not below the rank of Joint Secretary
- (vi) the Secretary in-charge, Department of Finance or his nominee not below the rank of Joint Secretary - Ex-officio Member;
 - (vii) two representatives of the platform based gig workers to be nominated by the State Government - Members;
 - (viii) two representatives of aggregators, owners and manufacturers of goods and services being delivered through platforms to be nominated by the State Government - Members; and
 - (ix) two representatives, one from Civil Society and another who evince interest in any other field, who, in the opinion of the State Government, ought to be represented in the Board, to be nominated by the State Government - Members:

Provided that the State Government shall ensure that the nominated members of the Board include at least one-third women.

Explanation.- For the purpose of this sub-section expression “Secretary in-charge” means the Secretary to the Government in-charge of a department and includes an Additional Chief Secretary or a Principal Secretary when he is in-charge of a department.

(4) The nominated members of the Board shall have a term of three years:

Provided that the State Government may extend their term for another one year if it deems appropriate.

(5) In the event of any vacancy occurring on account of death, resignation, disqualification, or removal under sub-section

(7) and (8), such vacancy shall be filled by the State Government by fresh nomination for the remaining term.

(6) Any nominated member of the Board may at any time resign from his/her office by writing under his/her hand addressed to the Chairperson, and his/her office shall, on acceptance of resignation, become vacant.

(7) No person shall be chosen as, or continue to be, a nominated member of the Board who-

- (i) is a salaried officer or an employee of the State Government; or
- (ii) is or at any time has been adjudged insolvent; or
- (iii) is found to be a lunatic or becomes of unsound mind; or
- (iv) is or has been convicted of any offence involving moral turpitude; or
- (v) is an aggregator or owner or manufacturer of goods who has defaulted or violated any provision of this Act.

(8) The State Government may remove from office any nominated member, who-

- (i) is or has become subject to any of the disqualifications mentioned in sub-section (7) of this section; or
- (ii) is absent without leave of the Board for more than three consecutive meetings of the Board.

4. Meetings of the Board.- (1) *The Board shall meet at such time and place and observe such rules of procedure for transaction of business at its meetings as may be prescribed:*

Provided that the Board shall meet at least once in six months:

Provided further that the Chairperson may convene a meeting of the Board upon a written request from at least six members of the Board.

(2) The Chairperson, or, if for any reason he is unable to attend any meeting of the Board, any other member as decided by members present, shall preside over the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or a casting vote.

(4) The quorum for the meeting of the Board shall be fifty percent of the total members.

5. Powers, duties and functions of the Board.- The powers, duties and functions of the Board shall be as follows:-

- (a) ensure registration of platform based gig workers as per section 8;
- (b) ensure registration of aggregators operating in the State as per section 9;
- (c) ensure that welfare fee deduction mechanism is integrated with the functioning of the application of the aggregator;
- (d) set up a monitoring mechanism to review compliance of provisions of this Act and to certify that welfare fee is being duly deducted;
- (e) monitor the schemes for social security of registered platform based gig workers and provide recommendations to the State Government for administering such schemes;
- (f) 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;

- (g) ensure protection of rights of platform based gig workers, under this Act;
- (h) ensure time bound redressal of grievances related to the rights of platform based gig workers as mandated under this Act and any other matter related to implementation of the provisions of this Act;
- (i) engage with registered unions working with platform based gig workers and hold regular open consultations with them; and
- (j) may constitute a committee for providing the recommendations to the State Government for formulation, review and implementation of the schemes.

6. Officers and employees.- The State Government shall depute such officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

7. Allowances.- The nominated members of the Board shall be entitled for allowances for attending the meetings of the Board, at such rate as may be prescribed.

CHAPTER-III

Registration of Platform Based Gig Workers and Aggregators

8. Registration of Platform Based Gig Workers.- (1) The aggregators shall provide to the State Government its database of all platform based gig workers onboarded or registered with them within sixty days of enforcement of this Act.

(2) All platform based gig workers onboarded or registered with any platform shall be automatically registered with the State Government.

(3) The State Government shall maintain a database of platform based gig workers in the State along with the details of their employment with one or more aggregators, and notwithstanding the duration or time of engagement with any platform.

(4) 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.

9. Registration of Aggregators.- (1) Every aggregator shall be required to get registered with the State Government within sixty days of enforcement of this Act.

(2) The State Government shall maintain a register of aggregators operating in the State along with the name and designation of an officer authorised by the State Government responsible for carrying out obligations under this Act.

(3) The State Government shall publish the register of aggregators on its web portal.

CHAPTER-IV

Platform Based Gig Workers Fund and Welfare Fee

10. Fund for Platform Based Gig Workers.- (1) The State Government shall establish a fund to be called “The Rajasthan Platform Based Gig Workers Social Security and Welfare Fund” for the benefit of registered platform based gig workers and the following money shall form part of, and be paid into, namely:-

- (i) all sums received from welfare fee charged under section 11;
- (ii) all sums received as grant-in-aid from the State Government; and
- (iii) all sums received from other sources.

(2) The Fund shall be utilized and managed in such manner as may be determined by the State Government.

11. Platform Based Gig Workers Welfare Fee.- (1) There shall be charged, from an aggregator a welfare fee known as “The Platform Based Gig Workers Welfare Fee”, which shall be at such rate (percent) of the value of each transaction related to platform based gig worker as may be notified by the State Government.

Explanation.-For the purposes of this section, ‘the value of each transaction’ shall not include any tax paid or payable.

(2) Such fee shall be collected by the State Government in such manner and within such time as may be prescribed.

12. Accounts and Audit.- (1) The State Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed.

(2) The accounts of the Fund shall be audited annually by the office of the Accountant General of Rajasthan.

(3) The accounts of the Fund certified by the auditor, together with the audited report thereon shall be forwarded annually to the State Government before such date as the State Government may specify in this behalf.

(4) The Board shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

(5) The cost of audit, as determined by the State Government, shall be paid out of the Fund.

(6) All moneys forming part of the Fund shall be kept in current or deposit account with the State Bank of India (SBI) or in any Nationalised Bank or invested in securities by the State Government.

CHAPTER-V

Rights of Platform Based Gig Workers

13. Rights of Platform Based Gig Workers.- All platform based gig workers shall have the right to,-

- (a) be registered with the State Government on being onboarded on any platform, irrespective of the duration of the work, and be provided a Unique ID applicable across all platforms;
- (b) have access to general and specific social security schemes based on contributions made as may be notified by the State Government;
- (c) have an opportunity to be heard for any grievances and appropriate grievance redressal mechanism as specified in section 14; and
- (d) participate in all decisions taken for their welfare through representation in the Board:

Provided that nothing in this Act shall affect any benefit or protection accorded to platform based gig workers under any other law for the time being in force.

CHAPTER-VI

Grievances, Appeals and Recovery of Welfare Fee

14. Grievances Redressal Mechanism for Platform Based Gig Workers.- (1) A platform based gig worker registered under this Act may file a petition in person, before an officer, to be designated by the State Government or make a petition through web portal, in relation to any grievance arising out of entitlements, payments and other benefits provided under this Act.

(2) The procedure, for the disposal of petition filed under sub-section (1), shall be such, as may be prescribed.

(3) The officer so authorised under sub-section (1), upon inquiries, dispose the said petition by passing an order of redressal.

(4) An appeal against the order under sub-section (3) shall lie within ninety days from the date of order before the Appellate Authority:

Provided that the Appellate Authority may admit the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) The Appellate Authority shall dispose of the appeal in accordance with the procedure as may be prescribed.

15. Recovery of Welfare Fee.- Any amount of welfare fee due under this Act from an aggregator may be recovered in the same manner as an arrear of land revenue.

CHAPTER-VII

Interest and Penalties

16. Interest payable on delay in payment of Welfare Fee.- If any aggregator fails to pay any amount of fee payable under section 11 within the time as may be prescribed, such aggregator shall be liable to pay simple interest, on the fee due, to be paid at the rate of twelve percent per annum from the date on which such payment is due till such amount is actually paid.

17. Penalties for contravention of provisions of this Act.-
 (1) Any aggregator who contravenes the provisions of this Act or rules made thereunder or who fails to comply with the provisions of this Act or any rules made thereunder, the State Government may, impose a fine upon an aggregator, which may extend up to five lakh rupees for the first contravention and up to fifty lakh rupees for subsequent contravention.

(2) In case of non-payment, fine shall be recoverable by the method as prescribed in Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956).

CHAPTER-VIII

Tracking and Monitoring

18. Central Transaction Information and Management System.- (1) All payments generated on platforms shall be mapped on to a Central Transaction Information and Management System (CTIMS) administered by the State Government and monitored by the Board.

(2) Every payment made to platform based gig workers and welfare fee deducted shall be recorded on the Central Transaction Information and Management System (CTIMS) for each transaction related to platform based gig worker. The formats for the payment shall be such as may be prescribed.

(3) The details of welfare fee collected and spent at the platform based gig workers level shall be disclosed and made available on the Central Transaction Information and Management System (CTIMS).

CHAPTER-IX

Miscellaneous

19. Annual Report.- The Board shall prepare every year a report of its activities under this Act during the year and submit the report to the State Government.

20. Act to be in addition to any other law.- The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

21. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

22. Power to make rules.- (1) The State Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or of the sessions immediately following, the House of the State Legislature makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

(3) Every rule made under this Act shall be published in the Official Gazette.

23. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may be necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is so made, be laid before the House of State Legislature.

STATEMENT OF OBJECTS AND REASONS

In the current economic scenario, gig work has a large potential to create jobs especially for a large section of low-skilled population. Gig work has led to the emergence of new business model. It has transformed the business, especially transportation and food delivery services.

In spite of major contribution in economy and employment gig workers form a part of unorganized workers and are still not covered under the labour laws. They do not receive the same level of protection as traditional employees get.

So far there is no regulatory frame work for gig workers and aggregators. Further, there is no adequate or effective dispute resolution mechanism for disputes arising from various platforms. Therefore, the State Government is of the opinion that interests of gig workers must be protected and they should be provided social security benefits.

The State Government, through this proposed legislation intends to constitute a Welfare Board and to setup a welfare fund for platform based gig workers, to register platform based gig workers and aggregators in the State and to facilitate guarantee of social security to platform based gig workers. Further, the said legislation makes provisions for charging and collection of gig worker welfare fee from aggregators.

Thus, the State Government has decided to bring a new legislation as “The Rajasthan Platform Based Gig Workers (Registration and Welfare) Bill, 2023”.

This Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

सुखराम विश्नोई,

Minister Incharge.

संविधान के अनुच्छेद 207 के खण्ड 1) और 3) के अधीन महामहिम
राज्यपाल महोदय की सिफारिश।

प्रतिलिपि: संख्या प. 2 44) विधि/ 2/ 2023 जयपुर, दिनांक 21 जुलाई, 2023

प्रेषक: अशोक गहलोत, प्रभारी मंत्री, प्रेषित: प्रमुख सचिव, राजस्थान विधान सभा, जयपुर)

भारत के संविधान के अनुच्छेद 207 के खण्ड 1) और 3) के
प्रसंग में, मैं, राजस्थान प्लेटफार्म आधारित गिग कर्मकार रजिस्ट्री करण
और कल्याण) विधेयक, 2023 को राजस्थान विधान सभा में
पुरःस्थापित किये जाने और विचारार्थ लिये जाने की सिफारिश करता हूं।

FINANCIAL MEMORANDUM

Clauses 4 and 7 of the Bill, if enacted, shall involve expenditure from the Consolidated Fund of the State which is estimated to the tune of rupees three crore twenty seven lakh sixty six thousand four hundred and eighty (Rupees 3,27,66,480) only as recurring expenditure per annum.

सुखराम विश्णोई,
Minister Incharge.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill, if enacted shall empower the State Government to prescribe for procedure for transaction of business at the meetings of the Board.

Clause 7 of the Bill, if enacted shall empower the State Government to prescribe for the rate of allowances for attending the meetings of the Board by the nominated members.

Clause 11 of the Bill, if enacted shall empower the State Government to prescribe the manner in which and the time within which the State Government shall collect the fee.

Clause 12 of the Bill, if enacted shall empower the State Government to prescribe the form in which an annual statement of accounts, including a balance-sheet shall be prepared.

Clause 14(2) of the Bill, if enacted shall empower the State Government to prescribe the procedure for disposal of petition filed under sub-section (1).

Clause 14(5) of the Bill, if enacted shall empower the State Government to prescribe the procedure in accordance of which the appeal shall be disposed of.

Clause 18(2) of the Bill, if enacted shall empower the State Government to prescribe the formats for payment.

Clause 22 of the Bill, if enacted shall empower the State Government generally to carry out the purposes of this Act.

The proposed delegation is of normal character and mainly relates to the matters of detail.

**सुखराम विश्नोई,
Minister Incharge.**

Bill No. 30 of 2023

**THE RAJASTHAN PLATFORM BASED GIG WORKERS
(REGISTRATION AND WELFARE) BILL, 2023**

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

to constitute a Welfare Board and to set up a welfare fund for platform based gig workers, to register platform based gig workers and aggregators in the State and to facilitate guarantee of social security to platform based gig workers and to provide for matters connected therewith or incidental thereto.

(To be introduced in the Rajasthan Legislative Assembly)

MAHAVEER PRASAD SHARMA,
Principal Secretary.

(Sukhram Vishnoi, **Minister-Incharge**)

2023 का विधेयक सं. 30

राजस्थान प्लेटफार्म आधारित गिग कर्मकार रजिस्ट्री करण और
कल्याण) विधेयक, 2023

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

राज्य में प्लेटफार्म आधारित गिग कर्मकारों और समूहकों को रजिस्ट्रीकृत करने, प्लेटफार्म-आधारित गिग कर्मकारों के लिए कल्याण बोर्ड गठित करने और कल्याण निधि स्थापित करने के लिए और प्लेटफार्म-आधारित गिग कर्मकारों को सामाजिक सुरक्षा की गारंटी को सुकर बनाने और उससे संसक्त या आनुषंगिक विषयों के लिए उपबंध करने हेतु विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

महावीर प्रसाद शर्मा,
प्रमुख सचिव।

(सुखराम विश्नोई, प्रभारी मंत्री)