



सत्यमेव जयते

राजस्थान सरकार

मॉडल_स्टेट_राजस्थान

अब नहीं होगा युवाओं का शोषण



(ऑनलाइन प्लेटफॉर्म जैसे राइड शेयरिंग सर्विसेज,

फूड एंड ग्रॉसरी डिलीवरी सर्विसेज, लॉजिस्टिक्स सर्विसेज आदि में कार्यरत गिग वर्कर्स)

गिग वर्कर्स के कल्याण को प्राथमिकता देने वाला पहला राज्य राजस्थान

“सम्पूर्ण विश्व के साथ ही प्रदेश में भी कई ऑनलाइन कम्पनियों ने युवा कार्मिकों को संविदा पर 'प्रति ट्रांजेक्शन' के आधार पर जोड़ रखा है। आज प्रदेश में ऐसे गिग वर्कर्स की संख्या 3 से 4 लाख हो चुकी है। पूरे विश्व में 'गिग इकोनॉमी' का दायरा लगातार बढ़ रहा है। इन 'गिग वर्कर्स' के लिए सामाजिक सुरक्षा की कोई व्यवस्था ये कम्पनियां नहीं करती हैं। इन्हें शोषण से बचाने और संबल प्रदान करने के लिए हमने राज्य बजट 2023-24 में गिग वर्कर्स के कल्याण के लिए कई घोषणाएं की हैं।”

अशोक गहलोत, मुख्यमंत्री, राजस्थान

ऑनलाइन माध्यम से डोर स्टेप डिलीवरी करने वाले वर्कर्स जैसे
कैब ड्राइवर, फूड, दवा व अन्य सामग्री डिलीवरी करने वालों के लिए

प्लेटफॉर्म बेस्ड गिग वर्कर्स बिल का प्रारूप तैयार

राजस्थान प्लेटफॉर्म बेस्ड गिग वर्कर्स वेलफेयर बोर्ड का गठन

200 करोड़ रुपए का गिग वर्कर्स वेलफेयर और डवलपमेंट फंड

प्लेटफॉर्म बेस्ड गिग वर्कर्स बिल 2023 के प्रारूप के सम्बंध में आमजन से सुझाव आमंत्रण के लिए बिल का प्रारूप विभागीय वेबसाइट- <https://labour.rajasthan.gov.in/> पर उपलब्ध है तथा आमजन अपने सुझाव श्रम आयुक्त, राजस्थान को email:- lab-comm-rj@nic.in पर अथवा श्रम भवन, शान्ति नगर, हसनपुरा, जयपुर 302006 के पते पर दिनांक 7 जुलाई 2023 तक प्रेषित कर सकते हैं।

श्रम विभाग, राजस्थान

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

A

Bill

to constitute a Welfare Board and to setup a welfare fund for platform based gig workers, to register platform based gig workers, aggregators and primary employers 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:

Provided that the provisions of the Act shall be deemed to have commenced on the one hundred and twentieth day from the date of enactment, or on the date of notification, whichever is earlier.

(4) It applies to:-

- (i) an aggregator or primary employer operating in the State of Rajasthan;
- (ii) an aggregator or primary employer providing any one or more services specified in Schedule; and
- (iii) any service or work being carried out that meets with the definition of gig worker and platform as defined respectively under clause (f) and clause (g) of section 2 of the Act.

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

- (a) `aggregator_ means a digital intermediary for a buyer 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-Secretary 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 11 of the Act;
 - (e) `General Fund_ means fund provided by the State Government for the functioning of the Board and fund received through other means as may be prescribed to be spent on matters as may be prescribed;
 - (f) `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;
 - (g) `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;
 - (h) `prescribed_ means prescribed by rules made under this Act;
 - (i) `primary employer_ means those individuals or organizations who directly engage platform based gig workers for a particular task against payment;
 - (j) `regulations_ means the regulations made by the Board under this Act;
 - (k) `rules_ means the rules made under this Act;
 - (l) `State Government_ means the Government of Rajasthan;
 - (m) `Unique ID_ means the unique number issued to platform based gig worker registered as per section 9; and
 - (n) `Welfare Cess_ means the cess levied under section 12 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 functions assigned to it, under this Act.

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

(3) The Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may by that name, sue or be sued.

(4) 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	- Ex-officio Member-Secretary;
(iii)	the Secretary in-charge, Department of Information and Technology	- Ex-officio Member;
(iv)	the Secretary in-charge, Department of Social Justice and Empowerment	- Ex-officio Member;
(v)	the Secretary in-charge, Department of Transport	- Ex-officio Member;
(vi)	the Secretary in-charge, Department of Finance	- Ex-officio Member;
(vii)	five representatives of the platform based gig workers to be nominated by the State Government	- Members;
(viii)	five representatives of aggregators, primary employers, 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.

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

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

(6) In the event of any vacancy occurring on account of death, resignation, disqualification or removal under sub-section (8) and (9), such vacancy shall be filled by the State Government by fresh nomination for the remaining term.

(7) 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.

(8) 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 Board; 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.

(9) 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 (8) of this section; or
- (ii) is absent without leave of the Board for more than three consecutive meetings of the Board.

4. Meeting 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 by regulations:

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

Provided further that the Chairperson may convene additional meeting(s) 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 authorised by him, 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 per cent 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) register platform based gig workers as per section 9;
- (b) register aggregators and primary employers operating in the State as per section 10 and ensure registration of all aggregators and primary employers operating in the State;
- (c) ensure that welfare cess deduction mechanism is integrated with the functioning of the application of the aggregator or primary employer;
- (d) set up a monitoring mechanism to review compliance of provisions of this Act and to certify that welfare cess is being duly deducted;
- (e) formulate and notify schemes for social security of registered platform based gig workers and take such measures as it may deem fit for administering such schemes;
- (f) ensure that workers have access to the benefits as per the schemes formulated by the Board and to provide pro-active facilitation to workers in their engagement with concerned aggregator or primary employer;
- (g) ensure rights of platform based gig workers, under section 13 of this Act, are protected;
- (h) engage with registered unions working with platform based gig workers and hold regular open consultations with them;
- (i) nominate persons or officers who would be competent to act on behalf of any registered platform based gig worker to initiate action for making any claim under any law or rules made thereunder or award or settlement made under any such law and appear on behalf of the registered platform based gig worker in such proceedings;
- (j) may call special invitees for suggestions, consultation or any such advice as the need may be;
- (k) formulate general schemes for benefit of all platform based gig workers registered under this Act towards accidental insurance, immediate assistance in case of accident, medical emergencies and health insurance and other benefits concerning health, accident and education as may be prescribed;

- (l) transfer all monetary benefits accrued to the platform based gig workers through Direct Benefit Transfer (DBT); and
- (m) constitute a committee for formulating, their review and implementation of schemes:

Provided that the committee shall search for convergence with social security schemes of Government both Central and State so that optimum use can be made of social security contributions as well as maximum benefit possible be accrued to the platform based gig workers.

6. Officers and Employees of the Board.- (1) The Board shall appoint such officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of appointment and the salary and allowances payable to the officers and employees of the Board shall be such as may be prescribed.

7. Salaries and allowances.- (1) The nominated members of the Board shall be entitled for allowances for attending the meetings of the Board, at such rates as may be prescribed.

(2) The salaries and allowances to the officers and employees of the Board shall be paid from the General Fund of the Board as defined under clause (e) of section 2 of the Act, as prescribed:

Provided that no more than ten per cent of the General Fund of the Board shall be spent on such expenditure of the Board in a year.

8. Accounts and Audit.- (1) The Board 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 Board shall be audited annually by the office of the Accountant General of Rajasthan.

(3) The accounts of the Board 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 General Fund of the Board.

(6) All moneys forming part of the General 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 Board with prior approval of the State Government.

CHAPTER-III

Registration of Platform Based Gig Workers, Aggregators and Primary Employers

9. Registration of platform based gig workers.- (1) The aggregators or primary employers shall provide to the Board its database of all platform based gig workers onboarded or registered with them.

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

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

(4) The Board shall register and generate a unique ID to every platform based gig workers who is onboarded by one or more aggregators or primary employers operating in the State.

(5) The registration of platform based gig worker shall be valid in perpetuity.

10. Registration of aggregators and primary employer.- (1) The Board shall maintain a register of aggregators and primary employer operating in the State along with the name and designation of an officer authorised by the Board responsible for carrying out obligations under this Act.

(2) The Board shall publish the register of aggregators and primary employer on its web portal.

CHAPTER-IV

Platform Based Gig Workers Fund and Welfare Cess

11. 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 cess levied under section 12;
- (ii) all contributions made by individual platform based gig workers;
- (iii) all sums received as grant-in-aid from the State Government;
- (iv) all sums received by way of grants, gifts, donations, benefactions, bequests or transfers; and
- (v) all sums received from other sources.

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

12. Platform Based Gig Workers Welfare Cess.- There shall be levied, from an aggregator or primary employer a welfare cess known as `The Platform Based Gig Workers Welfare Cess_, which shall be at such rate as may be notified by the State Government, and it shall not exceed two per cent but shall not be less than one_per cent of the value of each transaction related to platform based gig worker.

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

CHAPTER-V

Rights of Platform Based Gig Workers and Duties of aggregators and primary employers

13. Rights of registered Platform Based Gig Workers.- All Platform Based Gig Workers shall have the right to,-

- (a) be registered with the Board on being onboarded on any app based platform work, 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 contribution made as may be notified by the Board;
- (c) have an opportunity to be heard for any grievances and appropriate grievance redressal mechanism as specified in section 15; 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.

14. Duties of aggregator and primary employer.- Every aggregator and primary employer shall be required to-

- (a) get registered with the Board within sixty days of enforcement of this Act;
- (b) provide the Board with the latest data of all platform based gig workers engaged by him within sixty days of enforcement of this Act;
- (c) update the Board about any changes, i.e., increase or decrease in numbers of platform based gig workers in the data provided under clause (b) within one month of such change;

- (d) deposit the amount of platform based gig workers welfare cess levied as per section 12, by fifth day of each calendar month; and
- (e) submit monthly return in such form as may be prescribed, by fifth day of each calendar month including all information as required under section 18.

CHAPTER-VI

Grievances, Appeals and Recovery of Welfare cess

15. 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 on through web portal, in relation to any grievance arising out of entitlements, payments, and other benefits provided under the 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 and may also issue a direction to the aggregator or primary employer, as the case may be, for payment of appropriate compensation.

(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.

16. Recovery of welfare cess.- Any amount of welfare cess due under this Act from an aggregator and primary employer may be recovered in the same manner as an arrear of land revenue, as may be prescribed.

CHAPTER-VII

Penalties

17. Penalties for contravention of provisions of this Act.- (1) Any primary employer or 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 Board may, impose a fine upon him-

- (i) in case of primary employer, which may extend up to ten thousand rupees for the first contravention and up to two lakh rupees for subsequent contravention;
- (ii) in case of 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 will be mapped on to a Central Transaction Information and Management System (CTIMS) administered and monitored by the Board.

(2) Every payment including its break up of commission charged, payment made to Platform Based Gig Workers, Goods and Services Tax (GST) deducted and welfare cess deducted will be recorded on the Central Transaction Information and Management System (CTIMS) for each transaction related to Platform Based Gig Worker. The formats of payment shall be such as may be prescribed.

(3) The details of welfare cess collected and spent at the Platform Based Gig Workers level shall be disclosed and made available for inspection on the Central Transaction Information and Management System (CTIMS).

CHAPTER-IX Miscellaneous

19. Annual Report.- (1) 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.

(2) The State Government shall, as soon as may be after the receipt of report under sub-section (1), cause the same to be laid before the House of the State Legislature.

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 except to the extent the provisions of other laws are inconsistent with the provisions of this Act.

21. Protection of action taken in good faith.- (1) 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.

(2) No prosecution or other legal proceeding shall lie against the Government, any Board or committee constituted under this Act or any member of such Board or any officer or employee of the Government or the Board or any other person authorised by the Government or any Board or committee, for any damage caused or likely to be caused by anything which is done in good faith or intended to be done in pursuance of this Act or any rule or order made or issued thereunder.

22. Power to make regulations.- The Board may, with the prior approval of the State Government, make such regulations consistent with the provisions of this Act and the rules made thereunder, as are necessary for the exercise of its powers and the discharge of functions under this Act.

23. Power to make rules.- (1) The State Government may make rules for carrying out the purpose 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.

24. Power to amend Schedule.-The State Government may, by notification in the Official Gazette include in the Schedule any services provided by aggregators and primary employers in respect of which it considers necessary to apply the provisions of this Act and upon the publication in the Official Gazette the Schedule shall be deemed to have been amended accordingly.

25. 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.

SCCHEDULE

[See section 1(4) (ii)]

Services provided by aggregators and primary employers

1. Ride sharing services.
2. Food and grocery delivery services.
3. Logistics services.
4. e-Market place (both market place and inventory model) for wholesale/retail sale of goods and/or services Business to Business /Business to Consumer (B2B/B2C).
5. Professional services provider.
6. Healthcare.
7. Travel and hospitality.
8. Content and media services.