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Date: 09 July, 2024

To,
Dr. H N Gopalakrishna, IAS
Commissioner of Labour
Karmika Bhavan, Dairy Circle
Bannerghatta Road
Bangalore-560029

Dear Sir,

Please find attached here with Objections/Suggestions to the Karnataka Platform Based Gig workers (Social Security and Welfare) Bill, 2024.

We are submitting this on behalf of the Centre for Labour Studies, National Law School of India, University, Bangalore.

Warm greetings,


Prof. Saurab Bhattacharjee
Co-Director
Centre for Labour Studies (CLS)
NLSIU, Bangalore.

To,
Respected Labour Minister
No: 342 & 342A
3rd Floor, Vidhanasowda Soudha
Bengaluru - 01.

Principal Secretary to Government
No. 414, 4th floor, Vikasa Soudha,
Dr. B. R. Ambedkar Veedhi, Bengaluru-01.

Commissioner of Labour,
Karmika Bhavan, Dairy Circle,
Bannerghatta Road, Bangalore-29

Respected Sir,

Subject: Objections/Suggestions to the Karnataka Platform based Gig Workers (Social Security and Welfare), Bill 2024 (**Karnataka Bill**)

We are writing to you on behalf of the Center for Labour Studies (**CLS**) at the National Law School of India University, Bengaluru (**NLSIU**), regarding the recently released bill on gig and platform workers by the Karnataka Labour Department. At the outset, we wish to commend the Hon'ble State Government's proactive engagement with issues concerning gig and platform workers and their initiative in framing the current bill. We also welcome the Karnataka Bill for its substantive improvements over the earlier Rajasthan legislation on gig and platform workers, which was narrowly limited in scope to social security.

As you may be aware, CLS prepared a draft bill on gig and platform workers last year and had the honour of presenting it before the Labour Minister and members of the Labour Department on the 14th of September, 2023. During the meeting, it was decided that a tripartite meeting with unions and aggregators would be held to discuss the bill and other matters concerning gig and platform workers across Karnataka. Regrettably, this did not come to fruition. Since then, we have not been invited to any discussions on the bill, although we have been informed that several consultations have been held with aggregators.

While we welcome the Karnataka Bill, we believe that certain labour protections deemed core labour standards by the International Labour Organization (**ILO**), and which have been secured by gig workers globally, have unfortunately been missed in the current text of the Karnataka Bill. Through this representation, we are presenting both our substantive and procedural concerns to the Karnataka Bill, with the hope that these objections will receive necessary attention from the State Government, and that the Karnataka Bill will be suitably modified to reflect our interventions.

We also wish to highlight that several reports indicate that Karnataka hosts the second largest population of gig workers, following Delhi. As a result, any regulatory model introduced in Karnataka sets a precedent for how gig and platform work is regulated across the country. Therefore, the Karnataka State Government has a significant responsibility to ensure that a well-thought-out and exhaustive legislation, with the best interests of workers at its core, is enacted.

- 1. Procedural Concerns:** To truly reflect the will of the people, any law introduced, especially those impacting specific communities, must undergo consultations with the affected community. Such consultations not only build legitimacy for the law but also embody the best traditions of democracy and help prevent snags in the law's implementation. Recognizing the importance of this process, the United Progressive Alliance (**UPA**) Government released the Pre-Legislative Consultation Policy in 2014. This policy mandates that any government-produced bill must be made available in the public domain for comments for at least 30 days. Additionally, the policy requires the government to release a note explaining the bill in simple language and justifying the proposal made.
2. However, in the case of the Karnataka Bill, neither of these steps have been followed. A mere 10 days have been provided for feedback and objections to the bill. This time-frame is insufficient for workers and unions, who are most impacted by the bill, to coordinate and compile their objections. More importantly, a Kannada version of the Karnataka Bill was released one day prior to the deadline for the consultation, making it impossible for gig workers to engage with and provide their feedback on the bill. Considering the above, a further thirty days must be given for consultations with workers and unions.
3. **Substantive Concerns:** Regarding the substantive content of the Karnataka Bill, we are pleased to note that the definition of "gig worker" adopted in the draft of the Karnataka Bill has been derived from a bill drafted by CLS. Globally, there has been a positive shift

towards pro-gig and platform worker regulation. This year, Europe adopted the EU Platform Directive (**EU Directive**), which is set to regulate platform work across the European Union, including aspects such as algorithm management, data protection, transparency of information, and grievance redressal. The EU Directive also seriously addresses the issue of worker misclassification and establishes a rebuttable legal presumption to determine if any employment relationship exists between a worker and a digital platform in cases where the platform controls certain elements of the work.

4. In the CLS bill, we have attempted to circumvent definitional traps that are likely to engender litigation. We surveyed the vast typology of labour legislations in India to arrive at the current definition and framework. We found the framework used by the Sales Promotion Employees (Conditions of Service) Act, 1976, to be the most useful and adopted the same in our bill.
5. Rather than providing a clause-by-clause objection to the Karnataka Bill, we would like to briefly outline the core labour protections that we feel the Karnataka Bill has failed to consider. We have been part of several consultations led by civil society organizations that are providing clause by clause objections, and have provided our inputs to those documents, and do not wish to replicate efforts.
 - a. **Freedom of Association and Collective Bargaining:** The Karnataka Bill has conspicuously omitted protections for the freedom of association and collective bargaining of gig and platform workers—a core ILO labour standard¹ and fundamental right guaranteed under the Indian Constitution². Gig and platform workers must be explicitly granted the right to form trade unions and seek redress under the Karnataka Bill. This is vital not only to strengthen the implementation of the Karnataka Bill but also to allow workers to advocate for rights beyond the Karnataka Bill's scope.
 - b. The Industrial Relations Code (**IR Code**), which is yet to come into effect, has adopted far-reaching provisions regarding trade union recognition and collective

¹ ILO's Core Labour Standards include Freedom of Association and Collective Bargaining. These labour standards are binding on all member countries of the ILO, even if the country concerned has not ratified the relevant ILO convention.

² Freedom of association is part of Article 19(1)(c) of the Indian Constitution. Freedom of association has also been fortified through the expanded definition of 'worker', in Sec.2(zr) of the Industrial Relations Code, 2020, which includes 'self-employed' person by virtue of incorporating clause (m) of section 2 of the 'Unorganised Workers Social Security Act, 2008', into the definition of worker under the new Code.

bargaining. The IR Code provides for compulsory recognition of trade unions and compulsory collective bargaining, a welcome move that should be extended to gig and platform worker unions and aggregators under the Karnataka Bill. Provisions related to the sole negotiating union and negotiating council, as provided under Section 14 of the IR Code, must also be extended. Regarding the verification of trade union membership, the method of secret ballot, as provided in the Industrial Relations (Central) Recognition of Negotiating Union or Negotiating Council and Adjudication of Disputes of Trade Unions Rules, 2021, should be adopted rather than physical verification provided for in Industrial Relation (Karnataka) Rules, 2021. Secret ballot has historically been the method adopted for verifying union membership by both public sector unions and unions in the private sector across Karnataka and is recommended as the most foolproof method of verification.

- c. It is also vital to enhance the role of trade unions in implementing the goals of the Karnataka Bill. As the Karnataka Bill now stands, there is no mention of unions in any provisions, including in the composition of the Gig Workers Welfare Board (**Board**). For the Board to be truly tripartite, it must have equal representation from the Government, Aggregators, and the Union, similar to the Building and Other Construction Workers Welfare Board, which has equal representation from all three parties. Currently, the representation on the Board is skewed towards government representatives. The composition of the Board should be modified to include 5 representatives from the Government, 5 representatives from the aggregators, and 5 trade union representatives of gig workers including a minimum of 3 representatives from the central trade unions. The selection of worker representatives should not be left to the discretion of the State. Workers should either be nominated by gig and platform worker unions, or the election framework provided in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 should be followed
- d. **Appointment Letter:** It is not sufficient for the Karnataka Bill to merely stipulate that a fair contract be entered into between the aggregator and the worker. Minimum content of what the contract or letter of appointment must contain must be explicitly mentioned in the bill. The information mandated to be provided under Section 14 of the Bill in relation to allocation of work, distribution of work, assessment of work, grounds of denial of work, rating system etc, as well as remuneration payable, permissible deductions, hours of work, or any other terms

of conditions agreed upon by both parties must be mentioned in the contract or the appointment letter.

- e. **Social Security:** Pension through the Employee Provident Fund (**EPF**) scheme and health care benefits through the Employee State Insurance (**ESI**) Scheme must be made available to all gig and platform workers. Since these schemes are operated by the Central Government, the State Government must adopt a resolution to request action from the Central Government to achieve this demand. We are enclosing the EPF scheme drafted by CLS for the Central EPF Authority with this memorandum.
- f. Drawing from the experience of poor implementation of schemes notified in relation to building and construction workers , it is important for the State to introduce appropriate schemes through the Welfare Board as soon as possible and clearly outline the nature of schemes in the parent legislation itself. While we recognise the challenges involved in specifying the details of the schemes in the parent legislation, the minimum welfare entitlement of workers ought to be legislatively recognised in order for the Bill to truly be a right-based legislation. We believe that the welfare fund must be first used to roll out health, education, and housing benefits. Health benefits must be provided using the funds collected by the Board until the Central Government expands ESI to gig and platform workers.
- g. As far as the cess collection to implement welfare schemes is concerned, the percentage levied per transaction should not be below the rate of 2% to ensure that at least minimum level of social welfare can be provided to the workers. It is also relevant to mention that often the aggregators lobby stands against higher collection of cess on the pretext that their earnings will take a hit. This is not true. The cess collection comes from the cost passed on to customers and is not a cost which is too prohibitive on the customer. We also insist that the percentage of cess must be specified in the parent statute.
- h. For the purpose of cess collection, defining what constitutes a 'transaction value' for levying a transaction fee is significant, as it directly impacts the available resources for welfare schemes under the Karnataka Bill. The language used in the draft for calculation of transaction fee, which is a percentage of the gig workers earnings, will amount to a pittance and will be hopelessly inadequate in funding the welfare schemes under the Karnataka Bill. Instead, the fee calculated must be

a percentage of the full transaction value which includes all elements of the transaction which attracts GST payment.

- i. **Minimum Wage:** Contrary to the popular assumption that gig and platform workers are well-remunerated, several studies show diminishing earnings for such workers and their inability to afford household expenses with their current wages. According to the recent report "Prisoner on Wheels" published in 2024, of the 10,000 cab and food delivery drivers surveyed across eight cities in India, 43.10% of cab drivers earned less than Rs 500 per day, and 32% of food delivery workers earned between Rs 200-400 per day after deducting costs such as food and fuel. Notably, these earnings do not correspond to an eight-hour workday. Gig and platform workers often work far beyond the stipulated workday, with the same report finding that over 60% of surveyed cab drivers work over 12 hours a day, and 55% of food delivery workers work at least 10 to 12 hours a day. Consequently, ensuring minimum earnings for workers for 8 hours is a core priority.³
- j. The Karnataka Bill must provide a minimum guarantee of wages to gig and platform workers through an appropriate minimum wage notification taking into consideration the fact that food delivery and ride-hailing workers have to incur their own expenditure with respect to fuel, maintenance and other costs. It is necessary to ensure that the minimum wages available to them includes an element which will compensate them for all the expenditures incurred. In other words, it is the net earnings which must be equivalent to the desired minimum wage applicable to them.
- k. In past studies conducted by CLS on platform work in food delivery (Bengaluru) and ride-hail (Hyderabad), we have found the net earning of the platform worker after accounting for the direct fuel cost, the indirect cost related to vehicle maintenance, taxes, loan repayment (EMI) on the vehicle and vehicle depreciation, and the commission to the platform, to be only around a third of the gross earning.
- l. This formula for net earning would differ between different types of platform work. Therefore, the wage (gross earnings) fixation should be based on a survey

³ Paigam, University Of Pennsylvania. 2024. "Prisoners on Wheels: Report on Working and Living Conditions of App-based workers in India". Available here: <https://tgpwu.org/wp-content/uploads/2024/03/Report-Final-Print-1.pdf>

to determine the average earnings and costs incurred by the worker for each type of platform work. This might then be converted to an hourly gross wage. Taking the example of the Chilean regulation for platform work, 20% may be added to the gross wage to account for waiting time. The standard per trip earning of the worker should be fixed to conform to this formula for minimum wage in the sector.

- m. Incentives offered to workers must not form a part of the minimum wage, and must be payable to workers over and above the minimum wages payable. Methods of calculating incentives must be jointly decided by workers, trade unions where present and aggregators.
- n. **Working Hours:** As noted above, most gig and platform workers in ride-hailing and food delivery work full-time and often exceed the existing standard of 8 hours stipulated by the ILO and Indian labour legislations like the Factories Act, 1948. Workers are compelled to work longer hours due to competitive pressures from lower wage rates and incentive schemes that promise higher remuneration. Long working hours are not only detrimental to the health of workers but also pose a public safety issue, particularly for those in food delivery and ride-hailing roles. This concern has been recognized by the Motor Vehicle Aggregators Guidelines of November 2020, which require aggregators to ensure that drivers are not logged in for more than 12 hours a day, even when engaged with multiple aggregators. Once a worker completes 12 hours of work, the guidelines stipulate a compulsory 10-hour break. Similar provisions regulating working hours must be included in the Karnataka Bill.
- o. **Gender-Based Violence and Harassment:** Although women are underrepresented in platform work related to ride-hailing and food delivery sectors, they predominate in historically gendered platform work, including care work, domestic work, and providing beauty services. For instance, Urban Company, which offers professional beauty services, employs a significant percentage of female gig and platform workers in India. Reports have noted a high incidence of sexual harassment of women workers by customers.⁴ Workers have also expressed feeling vulnerable in public spaces where they wait between orders.

⁴ People's Union for Democratic Rights (PUDR). 2021. "*Behind the veil of algorithms: Invisible workers*" Available at: <https://www.pudr.org/publications/behind-the-veil-of-algorithms-invisible-workers/>

The State must address these concerns by extending protections under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act) to gig and platform workers through an enabling provision in the Karnataka Bill. The Local Complaints Committee provided in the POSH Act should be designated as the authority for filing and registering complaints of sexual harassment for gig and platform workers. Additionally, obligations must be placed on aggregators to assist the aggrieved worker in filing police complaints and legal cases where required.

- p. **Regulation of Algorithm:** A unique protection for platform-based gig workers is safeguarding against arbitrary decisions and discrimination resulting from automated monitoring and decision systems deployed by aggregators, commonly referred to as algorithms. We welcome the Karnataka Bill's inclusion of transparency requirements for aggregators and their obligation to prevent discrimination by such algorithms. However, we notice that there is no obligation on the platform to disclose how an algorithm dictates the remuneration of the workers. Algorithms play a significant role in determining remuneration based on demand levels and task allocation times. Not requiring any disclosure on remuneration is a significant omission and must be amended. In addition, other disclosures regarding 'working time,' 'onboarding,' and 'offboarding of workers' must be included.

There should be transparency in relation to variable remuneration that is computed for different tasks which may be managed by the algorithm but which must be available in simple language for the worker to understand.

- q. Importantly, details on the algorithm are available only upon the worker's request. Given that algorithms change rapidly, expecting workers to demand explanations for each change is impractical. Instead, the government must mandate all aggregators to provide a minimum level of disclosures regarding the algorithm. There must also be an obligation on the aggregator to explain the various facets of the algorithm as mentioned in the Bill to the worker at the time of onboarding and at regular intervals, as prescribed by the Karnataka Bill.
- r. **Lack of Clarity on the designation and role of authorities notified under the Act:** We have also noticed that several key provisions have not been adequately detailed in the Karnataka Bill or have been left to be determined by rules that are

yet to be notified. It is well established under Indian law that rules cannot exceed the mandate of the statute, and core rights and obligations for any law must principally be spelled out in the parent statute. Therefore, the Karnataka Bill must clarify who qualifies as a Grievance Redressal Officer (GRO) as mentioned in Section 23 of the Bill, and what powers the GRO has. We recommend that the GRO appointed must not be less than the rank of a Labour Officer of the Labour Department. The GRO for the purpose of implementing the bill must be given the power of the civil court for the purpose of enforcing the attendance of any person and examining them on oath; requiring the discovery and production of documents; receiving evidence on affidavit; Issuing commission for the examination of witnesses, and other matters which may be explicitly provided for in the Karnataka Bill. Section 23 also mentions an Appellate Authority to which the orders of the GRO can be appealed before. The Karnataka Bill doesn't specify which body will perform the work of the Appellate Authority. We recommend that this Appellate Authority be the Industrial Tribunal under the Industrial Disputes Act, 1947.

- s. **Principles of Natural Justice:** The principle of *audi alteram partem* (hear the other side) — a fundamental principle of natural justice — has been overlooked in several provisions of the Karnataka Bill. While the Karnataka Bill obligates the aggregator to provide a list of grounds for termination under Section 15 and mandates a valid notice disclosing the reason for termination, it fails to afford the worker an opportunity under the law to refute the allegations made against them. Similarly, under Section 14, the Karnataka Bill requires the aggregator to inform the worker about changes to contract terms but does not provide the worker an opportunity to question the validity of these changes. This should be amended to allow the worker a reasonable opportunity under Sections 14 and 15 to respond to the allegations raised or to the modified terms and conditions, alongside an emphasis that all principles of natural justice be followed.
- t. **Application of Labour Laws:** Similar to how the Sales Promotion Employees (Conditions of Service) Act, 1976' extends the operation of various labour laws to sales promotion employees under the Act, the Karnataka Bill must also extend the application of the following labour legislations to gig and platform workers in Karnataka including: Minimum Wages Act, 1948, Industrial Disputes Act, 1947, Employee's Compensation Act, 1923, The Payment of Bonus Act, 1965 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Bill may adopt the following language: “*the provisions of*

the Minimum Wages Act, 1948, Industrial Disputes Act, 1947, Employee's Compensation Act, 1923, The Payment of Bonus Act, 1965 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as in force for the time being, shall apply to, or in relation to, platform based gig worker as they apply to, or in relation to, workmen within the meaning of that Act.

- u. The provisions of the Employees' Compensation Act will be deemed to be applicable for the worker to claim compensation for any injury "arising out of and in the course" of employment. This will be without prejudice to any remedy available to the aggrieved person under the Motor Vehicles Act, 1988.
- v. **Occupation Health and Safety:** Gig and Platform workers are exposed to various health and safety risks including road accidents, occupational hazards and different forms of physical and sexual harassment. As per the Prisoners on Wheels report, 86.5% of the surveyed cab drivers reported knee/leg/foot/back/head pain while 98.5% of the workers reported mental health issues. In view of this, legislative provision on occupational health, safety and accident protection is necessary. Recognising this, the Karnataka Government has already instituted the State Gig Workers Insurance Scheme. The provisions of this scheme should be converted into legal entitlement through incorporation in the Karnataka Bill.

In view of the far-reaching implications of the Karnataka Bill, and the proposals made by us for modification of the Bill, and keeping in mind that the precedent set by the Karnataka Bill will be a model for replication across the country, we request the Labour Ministry to conduct more broad based consultations with trade unions, impacted workers and civil society organizations prior to introducing the Karnataka Bill this Monsoon session. All stakeholders must be given the time and the opportunity to carry out a more detailed and thorough clause by clause impact analysis of the Karnataka Bill.

Proposal on a Platform Workers Social Security Scheme

Overview of the Structure of the Scheme

This is a framework for a contribution-based Social Security Scheme for platform workers, linked to the Employees Provident Fund Organisation (EPFO) and the Employees State Insurance Corporation (ESIC). The details are summarized below:

Benefits under social security

1. Pension as a benefit might not be attractive to the sector as few workers are likely to stay on with platforms for adequate number of years (20 years or more) to make contributory pension viable. However, savings are an important issue for the worker, given that with household expenses and vehicle EMIs, many workers would have poor capacity for savings. A savings model based on Provident Fund EPFO would benefit platform workers. The worker who remains a platform worker for ten years or more, however, might also benefit from a regular pension based on her/his contribution towards a pension annuity.
2. Medical benefit under the ESIC is an important benefit to include under the scheme. The work intensity is high for full time platform workers. Chronic health issues are not uncommon even among young workers.
3. Based on the Annual Report of the ESIC for 2022-23, the overall per capita expenditure (medical benefits + cash benefits+ administration) was Rs.5010 per annum. Expenditure on medical benefits alone was Rs.3188 per annum, and administration cost of Rs.387 per annum. The cash benefit component (including only sickness and extended sickness benefit and temporary disablement) was Rs.175 crores per annum. The ESIC per capita cost therefore including only sickness and disability under cash benefits was Rs.3750 per annum, or Rs312.50 per month. We conservatively assume the per capita cost of a limited ESIC cover for platform workers as Rs.400 per capita per month.

Working of the Scheme

4. The Scheme shall be mandatory, for all workers seeking to on-board with any platform/ platforms.
5. The Scheme would be transaction based, with 2% levy on each transaction taken towards social security, to be contributed by the platform. Transaction amount for the purpose shall be defined as the total amount net of GST. The aggregation of all transactions for the enterprise would therefore be its turnover from platform operations net of GST. Thus,

for a worker billing a gross amount of Rs.50000 per month (net of GST) in terms of transactions (net earnings around Rs.10000 for the month –based on empirical data for platform taxi workers), the 2% cess should yield around Rs.1000 per month.

6. If the platform passes on this additional cost to the customer as addition to each transaction amount, the 2% addition would not make much material difference to the customer. The customer pays just Rs.2 extra for each Rs.100 worth of purchases on the platform.
7. A contribution of 0.5% of transaction cost will be deducted from the worker's per transaction earning as worker contribution, and transferred to the Platform Workers Social Security Fund (Fund). For a worker billing a gross amount of Rs.50000 per month (net of GST) in terms of transactions, the 0.5% contribution would amount to Rs.250 per month. The combined cess plus worker contribution would in this instance be Rs. 1250 for the month. The platform contribution here is four times the platform worker contribution.
8. The cess plus worker contribution amount would be bifurcated into two parts: Rs.200 per month would be transferred to the Platform Workers Social Security Fund (Fund), to provide uniform benefits to all workers through the ESIC; any amount in excess of Rs.200 each month would be added to the individual account of the worker. In the case of the platform worker billing around Rs.50000 net of GST each month, Rs.200 is transferred to the Fund and Rs.1050 to the worker's individual account to accumulate as an interest-bearing savings. The worker would be entitled to access the amount, or part of it, whenever required. In the case of a worker earning cess plus worker contribution less than Rs.200 during a month, the whole amount would be transferred to the Fund.
9. The collection of cess and the worker contribution and transfer of the appropriate sums to individual worker account as well as to the Fund will be coordinated by the Unified Gig and Platform Workers Portal created for the Scheme. The amount in each individual account will be maintained and managed by the EPFO.
10. The 2% levy will be collected on every transaction. It will not depend on whether the worker engaged in the transaction has as yet become a member of the Scheme. A maximum of 3% of the revenue of the Fund will be allowed as management cost for the running of the Welfare Board.
11. The Government will contribute a matching amount of Rs.200 per worker per month to the Fund, equal to the contribution from cess and worker's contribution towards social security. The total transfer per worker is thus Rs.400 per month (Rs.4800 per annum), equal to the estimated cost per worker towards ESIC coverage. Any shortfall in this amount will be made up by the Government. The Government will also make up the shortfall for any worker for whom cess plus own contribution during any month is less than Rs.200.

12. The fiscal cost is estimated around Rs.2400 crores per annum, assuming one crore platform workers (the Niti Aayog estimates the present number of platform workers as 77 lakhs). The Government earns between 5-18% GST on platform revenues. Moreover, the platform worker also pays tax on the fuel used in her/his work, and other vehicle and road taxes. This is substantially more than the fiscal cost to the Government towards the Scheme, given that GST alone is more than the rate of cess.
13. This is an equitable scheme balancing a universal benefit with an individual benefit. The financial flows for the Scheme are presented in the attached Schematic Presentation.

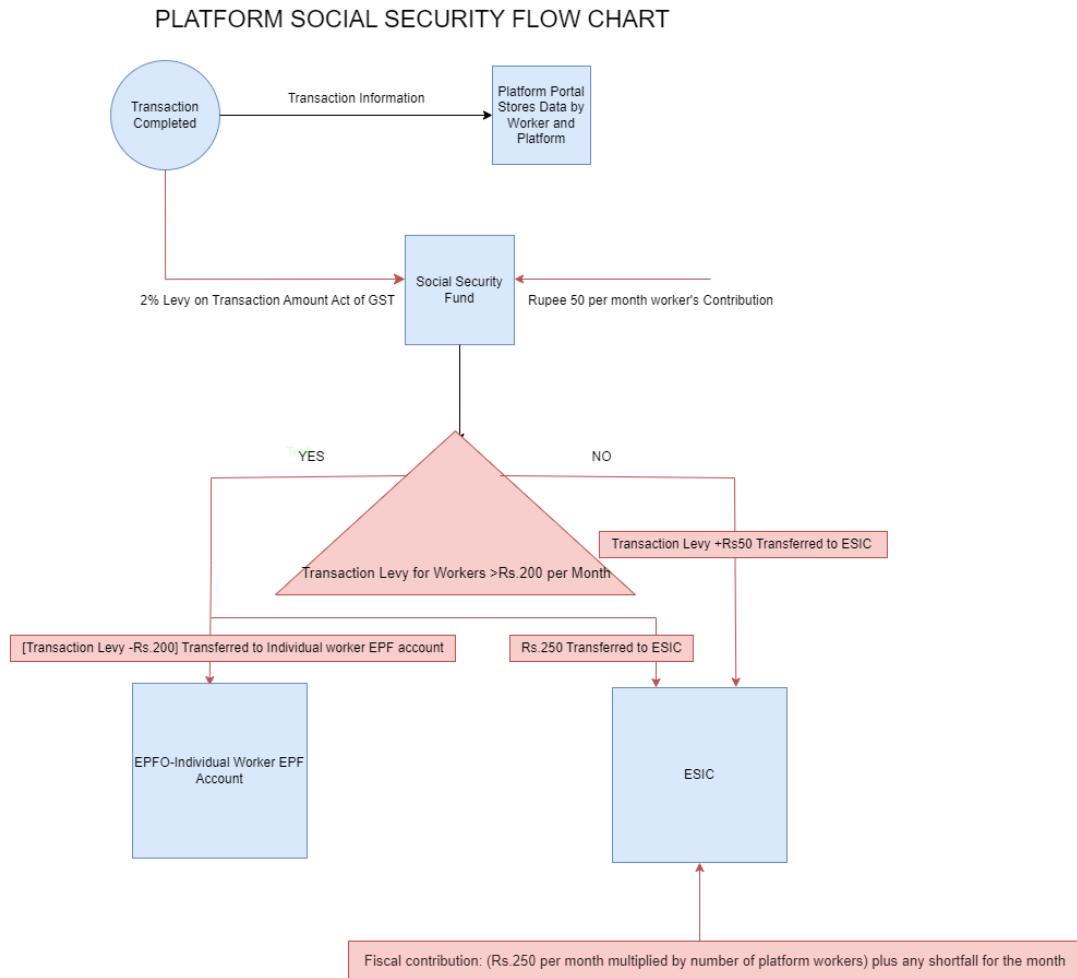
Basic operational details

14. The platform will have to ensure that any worker seeking to on-board is registered under the Scheme. Any worker on-boarding with a platform has to be registered on the portal. Off-boarding by a platform will not result in the worker details being removed from the portal. The transaction level data will be transferred in real time to the portal, which shall maintain data segregated for each worker of transactions done and value of transactions, and of the money credited into her/his account. Each worker will be able to access details of transactions, and their individual account details. In addition, the portal will also transfer the Welfare Fund share of the levy collection to the Fund.
15. The worker who exits platform work will continue to be a member of the Scheme for another six months, during which period she/he will also continue to be covered for medical benefits under the ESIC. At this stage the worker can also exercise the option of her/his details being removed from the portal. This will not prevent her/him from being carried on the portal if they subsequently rejoin platform work.
16. Data on the Portal and membership on the Board will be portable across States in India for each worker.
17. The amount accumulated in each individual worker account will be held in a single wallet designated in the worker's name; 50% of the accumulation each year will be transferred and held in a Pension Annuity, while the remaining money is available to meet contingent needs. The pension annuity can be converted by the worker to a monthly pension after a minimum of ten years membership of the scheme. The worker can also draw all or part of the money from the Pension Annuity after a minimum of five years, or after being off-boarded from all platform work for a period of 6 months. The worker might still make early withdrawal from her/his Pension Annuity for emergencies; but this will require the worker to make an application and receive appropriate sanctions.
18. The rate of interest on the Pension Annuity will be 2 percent higher than the balance fund available for contingent needs. Each contingent withdrawal will be treated as an

interest free loan to the worker, with the option to the worker to replenish the amount under this head in her/his wallet.

19. The worker will have the option to both withdraw and deposit funds in her/his wallet in the non-annuity deposit. This will encourage more savings by the worker. The worker will also have the option to shift funds to the long-term Pension Annuity bearing a higher interest rate, but with greater restrictions on withdrawal of funds.

Schematic Presentation of financial flows



Platform Workers' Provident Fund and Social Security Scheme 2023

In exercise of the powers conferred by sections 15, 44 and 45 of the Code on Social Security 2020, the Central Government hereby frames the following Platform Workers' Provident Fund and Social Security Scheme 2023, namely:

CHAPTER I: Preliminary

- 1) Short title and application. - (1) This Scheme may be called the following Platform Workers' Provident Fund and Social Security Scheme 2023
- 2) Save as otherwise provided in the Scheme, this Scheme shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different provisions.
- 3) It shall apply in the first instance to
 - (a) Every aggregator engaged in food delivery, ride sharing, delivery services and any other service as listed in schedule 7 of the Code on Social Security, 2020.
 - (b) Every platform worker.

Chapter II: Definitions

2. Definitions. - In this Scheme, unless the context otherwise requires —
 - i. "aggregator" means a digital intermediary or a market place for a buyer or user of a service to connect with the seller or the service provider
 - ii. "Board of Trustees" means the Board of Trustees of the Employees' Provident Fund constituted under Section 4 of the Code
 - iii. "Code" means the Code on Social Security 2020
- (iiia) "Consumer" means an individual who uses a digital platform to order services, or the performance of work or tasks from an aggregator,
- (iii) "Gig worker" means a gig worker defined by Section 2 (35) of the Code
- iv. "place of residence" means the residence address as indicated in the Aadhar card of the gig or platform worker, or, in the absence of Aadhar, the address in the ration card in which the gig or platform worker name appears;
- v. "platform work" means platform work as defined by Section 2 (60) of the Code

- vi. "platform worker" means a platform worker as defined in Section 2 (61) of the Code
- vii. "primary employer" means those aggregators who directly engage platform workers for a particular task against payment.
- viii. "Workplace" shall mean the area in which the gig and platform worker provides his services.
- ix. "Universal Account Number" shall mean the unique number prescribed to a platform worker registered under Section 113 of the Code.
- x. "Unified Platform Worker Portal" shall mean the database of gig and platform workers maintained by the Central Government under Paragraph 4 of this scheme;
- xi. Any term not defined in this Scheme shall have the meanings assigned to them in the Code.

Chapter III: Unified Platform Workers Portal and Registration of Platform Workers

3. Registration of Platform Workers.- Every platform worker shall be required to be registered for the purposes of this Scheme, subject to the fulfillment of the following conditions, namely:—

- a. he has completed sixteen years of age or such age as may be prescribed by the Central Government;
- b. he has submitted a self-declaration electronically or otherwise in such form and in such manner containing such information as may be prescribed by the Central Government.

4. Unified Platform Workers Portal.- (1) The Central Government shall maintain a database of platform workers called the 'Unified Platform Worker Portal'.

5. Mapping of Platform Workers with the Unified Platform Worker Portal.-

- 1) The aggregators or primary employers shall provide to the Unified Platform Worker Portal its database of all platform workers on boarded or registered with them, in such form and manner as may be prescribed.
- 2) All payments generated on platforms will be mapped on to the Unified Platform Worker Portal.
- 3) It shall be the duty of the aggregators and primary employers to ensure that immediately on the completion of a payment from the consumer for work or services rendered on their platform, such payment is recorded and shared with the 'Unified Gig and Platform Worker Portal'.
- 4) The payment transaction recorded under this section shall include:
 - a. The total amount the consumer paid for the transaction.

- b. The total amount the gig or platform worker receives from the transaction,
- c. The total amount of money the aggregator retains for itself from the amount that is paid by the consumer for the task performed or services rendered by the platform worker, and includes any money retained for the purposes of paying fees, taxes, charges and other costs, that the aggregator is required to pay in connection with the transaction or for the general operational costs of the aggregator.

5) The payment transaction details under this section shall also be disclosed to the platform worker immediately after the gig or platform worker completes the task.

Chapter IV: Platform Workers Social Security Fund, Provident Fund and Welfare Contribution

6) Platform Workers Social Security Fund. - The Central Government shall establish a fund to be called "Platform Workers Social Security Fund" for the benefit of registered platform workers

(2) The following money shall form part of, and be paid into, the Platform Workers Social Security

Fund namely:-

- i. all sums received from welfare contribution levied under this Scheme;
- ii. all sums received as grant-in-aid from the Central Government and the State Government;
- iii. all sums received by way of grants, gifts, donations, benefactions, bequests or transfers; and
- iv. all sums received from other sources.

7) Platform Workers Provident Fund. - The Central Government shall establish a fund to be called the Platform Workers' Provident Fund.

8) Platform Workers' Welfare Contribution. - (1) There shall be levied, from an aggregator or primary employer, a welfare contribution known as "The Platform Workers Welfare Contribution", which shall be at the rate of two per cent of the value of each transaction related to a registered platform worker.

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

(2) Out of this levy, an amount of Rs. 250 per month would be transferred to the Platform Workers Social Security Fund.

(3) The remaining amount of levy in excess of Rs. 250 each month shall be transferred to the Platform Workers Provident Fund.

(4) Where in a month the levy under clause (1) is not more than Rs. 250/-, the entire amount of the levy shall be transferred to the Platform Workers Social Security Fund.

Chapter IV: Platform Workers Provident Fund

9. Membership of Platform Workers Provident Fund. - (1) Every platform worker within the meaning of shall be entitled and required to become a member of the Fund from the day this paragraph comes into force in such factory or other establishment.

(2) A member of the Platform Workers Provident Fund shall continue to be a member until he withdraws under this Scheme the amount standing to his credit.

Explanation: Notwithstanding the transfer of a member from one aggregator to another, he shall continue to be a member of the Fund.

10. Administration of the Platform Workers Provident Fund. - The Platform Workers Provident Fund shall vest in, and be administered by, the Board of Trustees of the Employees' Provident Fund constituted under Section 4 of the Code.

11. Application of Employee's Provident Fund Scheme to Platform Workers Provident Fund. -

The provisions of the Employees' Provident Fund Scheme framed under Section 15 of the Code, in relation to matters provided in the Part A of the Fifth Schedule of the Code, shall also apply to the Platform Workers Provident Fund, subject to such modification as may be notified by the Board of Trustees.

12. Application of Employees' Deposit Linked Insurance Scheme to Platform Workers. – The provisions of the Employees' Deposit Linked Insurance Scheme framed under Section 15 of the Code, in relation to matters provided in the Part C of the Fifth Schedule of the Code, shall also apply to the Platform Workers who are members of the Platform Workers Provident Fund, subject to such modification as may be notified by the Board of Trustees.

13. Platform Workers Provident Fund as a Recognised Provident Fund. - For the purposes of the Income-tax Act, 1961, the Provident Fund shall be deemed to be a recognised provident fund within the meaning of clause (38) of section 2 of that Act:

Chapter V: Platform Workers Social Security Fund

14. Administration of the Platform Workers Social Security Fund. - The Platform Workers Social Security Fund shall vest in, and be administered by, the Employees' State Insurance Corporation constituted under section 5 of the Code.

15. Purposes for which Platform Workers Social Security Fund may be expended. - Subject to the provisions of Chapter IV of the Code and the rules and regulations relating thereto, the Platform Workers Social Security Fund shall be expended only for the purposes mentioned in Section 26 of the Code.

16. All Registered Platform Workers to be Insured. - Every platform worker registered in furtherance of Paragraph 3 of this Scheme shall be insured in such manner whether electronically or otherwise, as may be prescribed by the Central Government.

(2) A registered platform worker, whether insured or insurable under this scheme and in respect of whom contributions are or were payable under paragraph 8, and who is by reason thereof, entitled to any of the benefits provided under this Scheme, shall be called & "Insured Platform Workers";

17. Benefits for Insured Persons. - All insured Platform Workers, their dependents or the persons mentioned in Section 32 of the Code shall be entitled to the benefits specified in Section 32 of the Code.

18. Application of Chapter IV of the Code to Insured Platform Workers. - (1) Subject to such modification as may be specified by the Central Government, the provisions of Chapter IV of the Code and the rules and regulations relating thereto, shall apply to insured platform workers.

(2) Without prejudice to the generality of the preceding clause, Standard Benefit Rate for the purpose of calculating the quantum of benefit under Section 32 of the Code shall mean twenty percent of the total value of all transactions completed by the insured platform worker during the contribution period divided by the total number of days on which any transaction was completed by the worker in that contribution period;

Chapter V: Miscellaneous

19. Priority of payment of contributions over other debts. - Notwithstanding anything contained in any other law for the time being in force, any amount due under this Scheme shall be the charge on the assets of the establishment to which it relates and shall be paid in priority in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016.

20. Application of Specific Provisions of the Code. - Provisions of Section 125 to section 132 of the Code shall apply to the scheme for the purpose of its enforcement.

Proposal on a Platform Workers Social Security Scheme

Overview of the Structure of the Scheme

This is a framework for a contribution-based Social Security Scheme for platform workers, linked to the Employees Provident Fund Organisation (EPFO) and the Employees State Insurance Corporation (ESIC). The details are summarized below:

Benefits under social security

1. Pension as a benefit might not be attractive to the sector as few workers are likely to stay on with platforms for adequate number of years (20 years or more) to make contributory pension viable. However, savings are an important issue for the worker, given that with household expenses and vehicle EMIs, many workers would have poor capacity for savings. A savings model based on Provident Fund EPFO would benefit platform workers. The worker who remains a platform worker for ten years or more, however, might also benefit from a regular pension based on her/his contribution towards a pension annuity.
2. Medical benefit under the ESIC is an important benefit to include under the scheme. The work intensity is high for full time platform workers. Chronic health issues are not uncommon even among young workers.
3. Based on the Annual Report of the ESIC for 2022-23, the overall per capita expenditure (medical benefits + cash benefits+ administration) was Rs.5010 per annum. Expenditure on medical benefits alone was Rs.3188 per annum, and administration cost of Rs.387 per annum. The cash benefit component (including only sickness and extended sickness benefit and temporary disablement) was Rs.175 crores per annum. The ESIC per capita cost therefore including only sickness and disability under cash benefits was Rs.3750 per annum, or Rs312.50 per month. We conservatively assume the per capita cost of a limited ESIC cover for platform workers as Rs.400 per capita per month.

Working of the Scheme

4. The Scheme shall be mandatory, for all workers seeking to on-board with any platform/ platforms.
5. The Scheme would be transaction based, with 2% levy on each transaction taken towards social security, to be contributed by the platform. Transaction amount for the purpose shall be defined as the total amount net of GST. The aggregation of all transactions for the enterprise would therefore be its turnover from platform operations net of GST. Thus,

for a worker billing a gross amount of Rs.50000 per month (net of GST) in terms of transactions (net earnings around Rs.10000 for the month –based on empirical data for platform taxi workers), the 2% cess should yield around Rs.1000 per month.

6. If the platform passes on this additional cost to the customer as addition to each transaction amount, the 2% addition would not make much material difference to the customer. The customer pays just Rs.2 extra for each Rs.100 worth of purchases on the platform.
7. A contribution of 0.5% of transaction cost will be deducted from the worker's per transaction earning as worker contribution, and transferred to the Platform Workers Social Security Fund (Fund). For a worker billing a gross amount of Rs.50000 per month (net of GST) in terms of transactions, the 0.5% contribution would amount to Rs.250 per month. The combined cess plus worker contribution would in this instance be Rs. 1250 for the month. The platform contribution here is four times the platform worker contribution.
8. The cess plus worker contribution amount would be bifurcated into two parts: Rs.200 per month would be transferred to the Platform Workers Social Security Fund (Fund), to provide uniform benefits to all workers through the ESIC; any amount in excess of Rs.200 each month would be added to the individual account of the worker. In the case of the platform worker billing around Rs.50000 net of GST each month, Rs.200 is transferred to the Fund and Rs.1050 to the worker's individual account to accumulate as an interest-bearing savings. The worker would be entitled to access the amount, or part of it, whenever required. In the case of a worker earning cess plus worker contribution less than Rs.200 during a month, the whole amount would be transferred to the Fund.
9. The collection of cess and the worker contribution and transfer of the appropriate sums to individual worker account as well as to the Fund will be coordinated by the Unified Gig and Platform Workers Portal created for the Scheme. The amount in each individual account will be maintained and managed by the EPFO.
10. The 2% levy will be collected on every transaction. It will not depend on whether the worker engaged in the transaction has as yet become a member of the Scheme. A maximum of 3% of the revenue of the Fund will be allowed as management cost for the running of the Welfare Board.
11. The Government will contribute a matching amount of Rs.200 per worker per month to the Fund, equal to the contribution from cess and worker's contribution towards social security. The total transfer per worker is thus Rs.400 per month (Rs.4800 per annum), equal to the estimated cost per worker towards ESIC coverage. Any shortfall in this amount will be made up by the Government. The Government will also make up the shortfall for any worker for whom cess plus own contribution during any month is less than Rs.200.

12. The fiscal cost is estimated around Rs.2400 crores per annum, assuming one crore platform workers (the Niti Aayog estimates the present number of platform workers as 77 lakhs). The Government earns between 5-18% GST on platform revenues. Moreover, the platform worker also pays tax on the fuel used in her/his work, and other vehicle and road taxes. This is substantially more than the fiscal cost to the Government towards the Scheme, given that GST alone is more than the rate of cess.
13. This is an equitable scheme balancing a universal benefit with an individual benefit. The financial flows for the Scheme are presented in the attached Schematic Presentation.

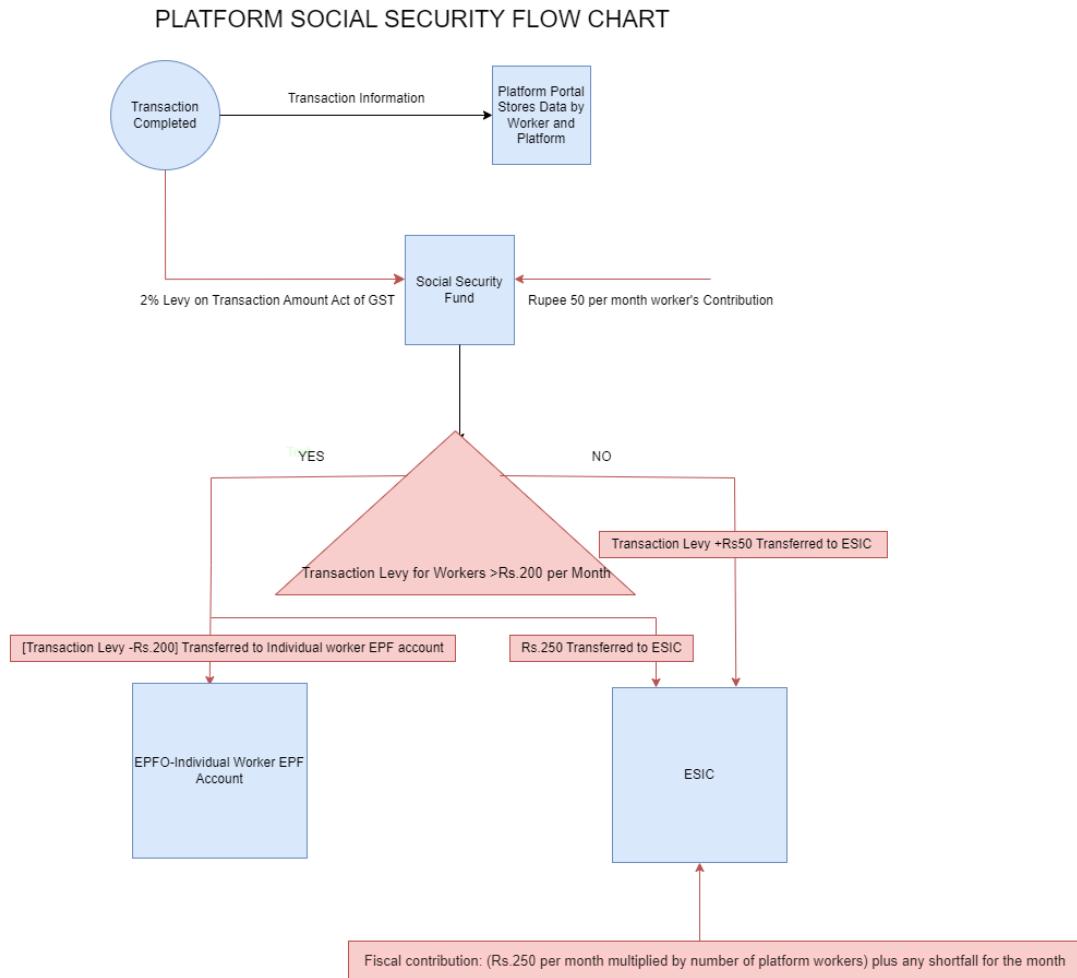
Basic operational details

14. The platform will have to ensure that any worker seeking to on-board is registered under the Scheme. Any worker on-boarding with a platform has to be registered on the portal. Off-boarding by a platform will not result in the worker details being removed from the portal. The transaction level data will be transferred in real time to the portal, which shall maintain data segregated for each worker of transactions done and value of transactions, and of the money credited into her/his account. Each worker will be able to access details of transactions, and their individual account details. In addition, the portal will also transfer the Welfare Fund share of the levy collection to the Fund.
15. The worker who exits platform work will continue to be a member of the Scheme for another six months, during which period she/he will also continue to be covered for medical benefits under the ESIC. At this stage the worker can also exercise the option of her/his details being removed from the portal. This will not prevent her/him from being carried on the portal if they subsequently rejoin platform work.
16. Data on the Portal and membership on the Board will be portable across States in India for each worker.
17. The amount accumulated in each individual worker account will be held in a single wallet designated in the worker's name; 50% of the accumulation each year will be transferred and held in a Pension Annuity, while the remaining money is available to meet contingent needs. The pension annuity can be converted by the worker to a monthly pension after a minimum of ten years membership of the scheme. The worker can also draw all or part of the money from the Pension Annuity after a minimum of five years, or after being off-boarded from all platform work for a period of 6 months. The worker might still make early withdrawal from her/his Pension Annuity for emergencies; but this will require the worker to make an application and receive appropriate sanctions.
18. The rate of interest on the Pension Annuity will be 2 percent higher than the balance fund available for contingent needs. Each contingent withdrawal will be treated as an

interest free loan to the worker, with the option to the worker to replenish the amount under this head in her/his wallet.

19. The worker will have the option to both withdraw and deposit funds in her/his wallet in the non-annuity deposit. This will encourage more savings by the worker. The worker will also have the option to shift funds to the long-term Pension Annuity bearing a higher interest rate, but with greater restrictions on withdrawal of funds.

Schematic Presentation of financial flows



Platform Workers' Provident Fund and Social Security Scheme 2023

In exercise of the powers conferred by sections 15, 44 and 45 of the Code on Social Security 2020, the Central Government hereby frames the following Platform Workers' Provident Fund and Social Security Scheme 2023, namely:

CHAPTER I: Preliminary

- 1) Short title and application. - (1) This Scheme may be called the following Platform Workers' Provident Fund and Social Security Scheme 2023
- 2) Save as otherwise provided in the Scheme, this Scheme shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different provisions.
- 3) It shall apply in the first instance to
 - (a) Every aggregator engaged in food delivery, ride sharing, delivery services and any other service as listed in schedule 7 of the Code on Social Security, 2020.
 - (b) Every platform worker.

Chapter II: Definitions

2. Definitions. - In this Scheme, unless the context otherwise requires —
 - i. "aggregator" means a digital intermediary or a market place for a buyer or user of a service to connect with the seller or the service provider
 - ii. "Board of Trustees" means the Board of Trustees of the Employees' Provident Fund constituted under Section 4 of the Code
 - iii. "Code" means the Code on Social Security 2020
- (iiia) "Consumer" means an individual who uses a digital platform to order services, or the performance of work or tasks from an aggregator,
- (iii) "Gig worker" means a gig worker defined by Section 2 (35) of the Code
- iv. "place of residence" means the residence address as indicated in the Aadhar card of the gig or platform worker, or, in the absence of Aadhar, the address in the ration card in which the gig or platform worker name appears;
- v. "platform work" means platform work as defined by Section 2 (60) of the Code

- vi. "platform worker" means a platform worker as defined in Section 2 (61) of the Code
- vii. "primary employer" means those aggregators who directly engage platform workers for a particular task against payment.
- viii. "Workplace" shall mean the area in which the gig and platform worker provides his services.
- ix. "Universal Account Number" shall mean the unique number prescribed to a platform worker registered under Section 113 of the Code.
- x. "Unified Platform Worker Portal" shall mean the database of gig and platform workers maintained by the Central Government under Paragraph 4 of this scheme;
- xi. Any term not defined in this Scheme shall have the meanings assigned to them in the Code.

Chapter III: Unified Platform Workers Portal and Registration of Platform Workers

3. Registration of Platform Workers.- Every platform worker shall be required to be registered for the purposes of this Scheme, subject to the fulfillment of the following conditions, namely:—

- a. he has completed sixteen years of age or such age as may be prescribed by the Central Government;
- b. he has submitted a self-declaration electronically or otherwise in such form and in such manner containing such information as may be prescribed by the Central Government.

4. Unified Platform Workers Portal.- (1) The Central Government shall maintain a database of platform workers called the 'Unified Platform Worker Portal'.

5. Mapping of Platform Workers with the Unified Platform Worker Portal.-

- 1) The aggregators or primary employers shall provide to the Unified Platform Worker Portal its database of all platform workers on boarded or registered with them, in such form and manner as may be prescribed.
- 2) All payments generated on platforms will be mapped on to the Unified Platform Worker Portal.
- 3) It shall be the duty of the aggregators and primary employers to ensure that immediately on the completion of a payment from the consumer for work or services rendered on their platform, such payment is recorded and shared with the 'Unified Gig and Platform Worker Portal'.
- 4) The payment transaction recorded under this section shall include:
 - a. The total amount the consumer paid for the transaction.

- b. The total amount the gig or platform worker receives from the transaction,
- c. The total amount of money the aggregator retains for itself from the amount that is paid by the consumer for the task performed or services rendered by the platform worker, and includes any money retained for the purposes of paying fees, taxes, charges and other costs, that the aggregator is required to pay in connection with the transaction or for the general operational costs of the aggregator.

5) The payment transaction details under this section shall also be disclosed to the platform worker immediately after the gig or platform worker completes the task.

Chapter IV: Platform Workers Social Security Fund, Provident Fund and Welfare Contribution

6) Platform Workers Social Security Fund. - The Central Government shall establish a fund to be called "Platform Workers Social Security Fund" for the benefit of registered platform workers

(2) The following money shall form part of, and be paid into, the Platform Workers Social Security

Fund namely:-

- i. all sums received from welfare contribution levied under this Scheme;
- ii. all sums received as grant-in-aid from the Central Government and the State Government;
- iii. all sums received by way of grants, gifts, donations, benefactions, bequests or transfers; and
- iv. all sums received from other sources.

7) Platform Workers Provident Fund. - The Central Government shall establish a fund to be called the Platform Workers' Provident Fund.

8) Platform Workers' Welfare Contribution. - (1) There shall be levied, from an aggregator or primary employer, a welfare contribution known as "The Platform Workers Welfare Contribution", which shall be at the rate of two per cent of the value of each transaction related to a registered platform worker.

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

(2) Out of this levy, an amount of Rs. 250 per month would be transferred to the Platform Workers Social Security Fund.

(3) The remaining amount of levy in excess of Rs. 250 each month shall be transferred to the Platform Workers Provident Fund.

(4) Where in a month the levy under clause (1) is not more than Rs. 250/-, the entire amount of the levy shall be transferred to the Platform Workers Social Security Fund.

Chapter IV: Platform Workers Provident Fund

9. Membership of Platform Workers Provident Fund. - (1) Every platform worker within the meaning of shall be entitled and required to become a member of the Fund from the day this paragraph comes into force in such factory or other establishment.

(2) A member of the Platform Workers Provident Fund shall continue to be a member until he withdraws under this Scheme the amount standing to his credit.

Explanation: Notwithstanding the transfer of a member from one aggregator to another, he shall continue to be a member of the Fund.

10. Administration of the Platform Workers Provident Fund. - The Platform Workers Provident Fund shall vest in, and be administered by, the Board of Trustees of the Employees' Provident Fund constituted under Section 4 of the Code.

11. Application of Employee's Provident Fund Scheme to Platform Workers Provident Fund. -

The provisions of the Employees' Provident Fund Scheme framed under Section 15 of the Code, in relation to matters provided in the Part A of the Fifth Schedule of the Code, shall also apply to the Platform Workers Provident Fund, subject to such modification as may be notified by the Board of Trustees.

12. Application of Employees' Deposit Linked Insurance Scheme to Platform Workers. – The provisions of the Employees' Deposit Linked Insurance Scheme framed under Section 15 of the Code, in relation to matters provided in the Part C of the Fifth Schedule of the Code, shall also apply to the Platform Workers who are members of the Platform Workers Provident Fund, subject to such modification as may be notified by the Board of Trustees.

13. Platform Workers Provident Fund as a Recognised Provident Fund. - For the purposes of the Income-tax Act, 1961, the Provident Fund shall be deemed to be a recognised provident fund within the meaning of clause (38) of section 2 of that Act:

Chapter V: Platform Workers Social Security Fund

14. Administration of the Platform Workers Social Security Fund. - The Platform Workers Social Security Fund shall vest in, and be administered by, the Employees' State Insurance Corporation constituted under section 5 of the Code.

15. Purposes for which Platform Workers Social Security Fund may be expended. - Subject to the provisions of Chapter IV of the Code and the rules and regulations relating thereto, the Platform Workers Social Security Fund shall be expended only for the purposes mentioned in Section 26 of the Code.

16. All Registered Platform Workers to be Insured. - Every platform worker registered in furtherance of Paragraph 3 of this Scheme shall be insured in such manner whether electronically or otherwise, as may be prescribed by the Central Government.

(2) A registered platform worker, whether insured or insurable under this scheme and in respect of whom contributions are or were payable under paragraph 8, and who is by reason thereof, entitled to any of the benefits provided under this Scheme, shall be called "Insured Platform Workers";

17. Benefits for Insured Persons. - All insured Platform Workers, their dependents or the persons mentioned in Section 32 of the Code shall be entitled to the benefits specified in Section 32 of the Code.

18. Application of Chapter IV of the Code to Insured Platform Workers. - (1) Subject to such modification as may be specified by the Central Government, the provisions of Chapter IV of the Code and the rules and regulations relating thereto, shall apply to insured platform workers.

(2) Without prejudice to the generality of the preceding clause, Standard Benefit Rate for the purpose of calculating the quantum of benefit under Section 32 of the Code shall mean twenty percent of the total value of all transactions completed by the insured platform worker during the contribution period divided by the total number of days on which any transaction was completed by the worker in that contribution period;

Chapter V: Miscellaneous

19. Priority of payment of contributions over other debts. - Notwithstanding anything contained in any other law for the time being in force, any amount due under this Scheme shall be the charge on the assets of the establishment to which it relates and shall be paid in priority in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016.

20. Application of Specific Provisions of the Code. - Provisions of Section 125 to section 132 of the Code shall apply to the scheme for the purpose of its enforcement.