

**Bill No. 23 of 2020**

THE ONLINE PLATFORM DELIVERY PERSONNEL (PROTECTION)  
BILL, 2020

By

DR. KIRIT PREMJBHAI SOLANKI, M.P.

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BILL

*to provide rights, welfare and social security to online platform delivery personnel and  
for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Online Platform Delivery Personnel (Protection) Act, 2020. Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

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

2. In this Act, unless the context otherwise requires:—

Definitions.

10 (a) "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 that uses delivery personnel as an important part of its business model;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "online platform delivery personnel" means any person who performs the delivery services for an aggregator for remuneration;

(d) "overtime" means working hours beyond the maximum specified working hours; 5

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "wages" means the remuneration given to delivery personnel for the delivery services rendered by them.

Rights of  
online  
platform  
delivery  
personnel.

**3.** Every Online Platform Delivery Personnel shall have the right to— 10

(a) minimum wages as fixed by the appropriate Government;

(b) social security benefits including medical insurance and life insurance as sponsored by the aggregator;

(c) decent and safe working conditions, as may be prescribed with regular breaks for rest, paid leave and reasonable working hours; 15

(d) redressal of grievances through well established mechanisms;

(e) overtime allowances for working on national, State holidays and on days with extreme weather conditions; and

(f) form unions, associations and cooperatives to bargain collectively from the aggregator. 20

Responsibilities  
of the  
appropriate  
Government.

**4.** The appropriate Government shall, after consultation with the aggregators and online platform delivery personnel unions,—

(a) fix hourly fair minimum wages based on the economic needs for each category of online platform delivery personnel;

(b) fix minimum wages for each category of online platform delivery personnel in accordance with location such as tier-1, tier-2, tier-3, small towns and rural areas; 25

(c) fix hourly overtime allowance for each category of online platform delivery personnel for working on State, national or weekend holidays; and

(d) fix hourly allowances for each category for working on extreme climatic conditions and late night. 30

Appropriate  
Government  
to convene  
meetings.

**5.** The appropriate Government shall convene meetings of representatives of aggregators and online delivery personnel every six months to revise rate of allowance and minimum wages, if required, under section 4.

Responsibilities  
of the  
aggregators.

**6. (1)** Every aggregator shall provide the following social security benefits to every online platform delivery personnel— 35

(a) medical insurance for delivery personnel and his family members;

(b) life insurance cover; and

(c) fair compensation for injuries or permanent disability caused during working hour to online platform delivery personnel.

**(2)** In addition to the social security benefits as mentioned under sub-section (1), every aggregator shall,— 40

(a) provide the following equipments free of cost to online platform delivery personnel—

- (i) safety equipment like helmets, gloves, boots, goggles and armour;
- (ii) illuminated and reflective safety vests;
- (iii) appropriate bags and gears to carry goods;
- (iv) bluetooth enabled handsfree headsets and GPS devices; and
- 5 (v) t-shirts, shirts or badges mentioning the name of the delivery personnel;
- (b) reimburse vehicle maintenance and repair charges to the online platform delivery personnel on submission of receipt in this behalf;
- (c) establish offices in all the operating cities and towns to address grievances of the online platform delivery personnel; and
- 10 (d) in coordination with local authorities, establish free parking and resting zones for the online platform delivery personnel at appropriate places.
7. No online platform delivery personnel shall be required for allowed to work for more than thirty hours in a week and in case any personnel opts to work for more than the prescribed working hours he shall be entitled to overtime allowance on hourly basis. Working hours.
- 15 8. Any person who verbally or physically abuses the online platform delivery personnel shall be liable to such punishments as may be prescribed. Penalty for harassment of online platform delivery personnel.
- 9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government for effective implementation of the provisions of this Act.** Central Government to provide adequate funds.
- 20 10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, whether made before or after the commencement of this Act. Overriding effect.
11. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- 25 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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 under that rule.
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## STATEMENT OF OBJECTS AND REASONS

The rise in e-commerce and transport networking companies as part of the digital revolution in India has transformed the way in which people work. Millions of new jobs have been created in this segment especially in urban areas. Drivers for transport networking companies and delivery personnel for e-commerce companies or food delivery apps form the majority of these new jobs created. These jobs popularly are referred as "gig economy jobs" or "platform based jobs" as these are demand based jobs, have no human interface and the remuneration is based on the amount of tasks completed.

Most of these new "jobs" are not like the regular formal jobs which have fixed contracts, social security benefits, fixed working hours, fixed salary and overtime allowance etc. These jobs are based on contract between the online aggregator and the worker. The worker performs tasks based on the orders given by the aggregator through online communication devices and are paid according to the task completed. There is no human interface between the worker and the employer who operates the aggregator. These new kinds of jobs are not regulated and protected by any legislation, thereby putting the labour rights at stake. The rights given to the workers in the Constitution of India and various Supreme Court judgements have thus been denied.

Thus, the Bill aims to provide some basic labour rights to the online delivery personnel who form a large part of the gig economy workers. It specifically addresses the problems these workers face. Floating wages for tasks completed and no fixed contracts has affected their earnings and stability of work. Lack of formal working hours and demand based work has extended their working hours drastically and has resulted in exploitation. Due to the demand based nature of these jobs, often delivery personnel or drivers often violate traffic rules thus creating a dangerous situation. Lack of social security benefits like medical insurance has increased their out of pocket expenditure and drastically reduce their incomes. This Bill thus tries to address these grievances by providing certain rights and measures for welfare of online platform delivery personnel.

Hence this Bill.

NEW DELHI;  
*October 25, 2019*

KIRIT PREMJI BHAJI SOLANKI

#### FINANCIAL MEMORANDUM

Clause 9 of the Bill provides the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

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*(Dr. Kirit Premjibhai Solanki, M.P.)*