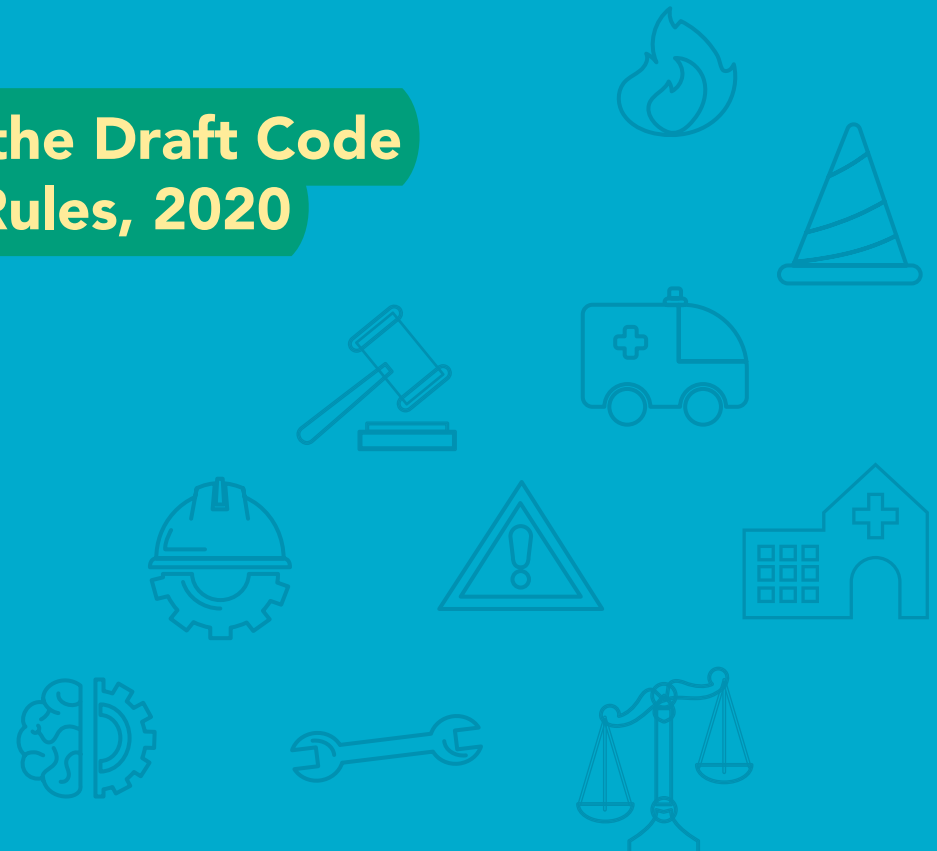


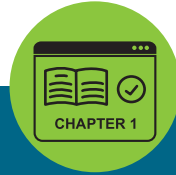
Suggested Amendments to the Draft Code on Social Security (Central) Rules, 2020

December 2020





Name and Address of Organization and Sr. No. of Suggested Change



Chapter - Rule
Sub-Rule proposed to be modified



Revised Rule
Sub-Rule



Reasons

1. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)

Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016

b) The Quantum Hub Private Ltd.

D-44, Ground Floor, Kalkaji, New Delhi-110019.

Chapter II - Rule 7(b)

The Executive Committee shall consist of the following persons as members, namely:

- (i) a Chairperson appointed by the Central Government from amongst the members of the Central Board;
- (ii) two persons appointed by the Central Government from amongst the persons referred to in clause (b) of sub-section (1) of section 4 of the Code;
- (iii) three persons appointed by the Central Government from amongst the persons referred to in clause (c) of sub-section (1) of section 4 of the Code;
- (iv) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (d) of sub-section (1) of section 4 of the Code;

The Executive Committee shall consist of the following persons as members, namely:

- (i) a Chairperson appointed by the Central Government from amongst the members of the Central Board;
- (ii) two persons appointed by the Central Government from amongst the persons referred to in clause (b) of sub-section (1) of section 4 of the Code, with 1 of these persons required to be a woman;
- (iii) three persons appointed by the Central Government, from amongst the persons referred to in clause (c) of sub-section (1) of section 4 of the Code, with 2 of these persons required to be women;
- (iv) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (d) of sub-section (1) of section 4 of the Code, with 2 of these persons required to be women;

In the case of the Executive Committee of EPFO, the minutes of the meeting document of the 94th executive committee meeting shows that of all the listed members, there was not even a single woman member.

Although the current standing committee has representation of a few women, there is no assurance that successive committees will continue to be representative of women, unless the rules stipulate it.

This shows that unless the rules stipulate that women are a part of the committees; the representation of women is not assured and can fluctuate from one term to another.

	<p>(v) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (e) of sub-section (1) of section 4 of the Code; and</p> <p>(vi) the Central Provident Fund Commissioner, ex-officio.</p>	<p>(v) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (e) of sub-section (1) of section 4 of the Code, with 2 of these persons required to be women; and</p> <p>(vi) the Central Provident Fund Commissioner, ex-officio.</p>	<p>Representation of women in these committees becomes important, as research shows that reservation of women improves the prospects for not only women but also for the other vulnerable groups like lower castes.</p>
<p>2. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter II - Rule 8(4)</p> <p>A Standing Committee of the Corporation shall be constituted from among its members, consisting of —</p> <p>(a) a Chairperson appointed by the Central Government;</p> <p>(b) three members of the Corporation, appointed by the Central Government;</p> <p>(c) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the Official Gazette, specify from time to time;</p> <p>(d) eight members elected by the Corporation as follows: —</p> <ul style="list-style-type: none"> (i) three members from among the members of the Corporation representing employers; 	<p>Chapter II - Rule 8(4)</p> <p>A Standing Committee of the Corporation shall be constituted from among its members, consisting of —</p> <p>(a) a Chairperson appointed by the Central Government;</p> <p>(b) three members of the Corporation, appointed by the Central Government with 2 of these persons required to be women;</p> <p>(c) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the Official Gazette, specify from time to time, with 2 of such persons required to be women:</p> <p>(d) eight members elected by the Corporation as follows:</p>	

	<ul style="list-style-type: none"> • ii) three members from among the members of the Corporation representing employees; • (iii) one member from among the members of the Corporation representing the medical profession; and • (iv) one member from among the members of the Corporation elected by Parliament; <p>(e) the Director-General of the Corporation, ex-officio.</p>	<ul style="list-style-type: none"> • (i) three members from among the members of the Corporation representing employers with 2 of these persons required to be women; • (ii) three members from among the members of the Corporation representing employees with 2 of these persons required to be women; • (iii) one member from among the members of the Corporation representing the medical profession; and • (iv) one member from among the members of the Corporation elected by Parliament; <p>(e) the Director-General of the Corporation, ex-officio.</p>	
<p>3. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter II - Rule 9(1)(d)</p> <p>Central Government may seek nomination from amongst the representatives of associations of unorganised sector workers and employers' associations of unorganised sector, in the National Social Security Board for Unorganised Workers, in the category of sub-clauses (i) and (ii) of clause (c) of sub-section (2) of section 6 in such a manner, as decided by the Government.</p>	<p>Chapter II - Rule 9(1)(d)</p> <p>Central Government shall seek nomination from amongst the representatives of associations of unorganised sector workers and employers' associations of unorganised sector, in the National Social Security Board for Unorganised Workers, in the category of sub-clauses (i) and (ii) of clause (c) of sub-section (2) of section 6 in such a manner, as decided by the Government.</p>	<p>Section 6(2)(c) of the Code on Social Security mandates the representation of unorganised sector workers and employers on the National Social Security Board for Unorganised Workers. The draft Rules make such representation discretionary to the will of the Government, which explicitly goes against the provisions of the parent Code.</p>

4. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)

Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016

b) The Quantum Hub Private Ltd.

D-44, Ground Floor, Kalkaji, New Delhi-110019.

Chapter II - Rule 9(2)

(a) The Board constituted under section 6 of the Code read with sub-section (6) of the section 114 of the Code shall be called as

'National Social Security Board for Gig Workers and Platform Workers'.

(b) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.

(c) A member shall be eligible for re-nomination: Provided that a member shall not hold the office for more than total of two terms:

(d) Central Government shall nominate five members under clause (a) of sub-section (6) of section 114, as representatives of aggregators on rotation basis from amongst the types of the aggregators mentioned in the Seventh Schedule.

(e) Central Government shall nominate five members under clause (b) of sub-section (6) of section 114 from amongst the gig workers and platform workers, on rotation basis, representing the different types of gig workers and platform workers.

Chapter II - Rule 9(2)

(a) The Board constituted under section 6 of the Code read with sub-section (6) of the section 114 of the Code shall be called as 'National Social Security Board for Gig Workers and Platform Workers'.

(b) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.

(c) A member shall be eligible for re-nomination: Provided that a member shall not hold the office for more than total of two terms:

(d) Central Government shall nominate five members under clause (a) of sub-section (6) of section 114, as representatives of aggregators on rotation basis from amongst the types of the aggregators mentioned in the Seventh Schedule, with 3 of these members required to be women.

(e) Central Government shall nominate five members under clause (b) of sub-section (6) of section 114 from amongst the gig workers and platform workers, on rotation basis, representing the different types of gig workers and platform workers, with 3 of these members required to be women.

6) of section 114 from amongst the gig workers and platform workers, on rotation basis, representing the different types of gig workers and platform workers.

Section 6(2)(c) of the Code on Social Security mandates the representation of unorganised sector workers and employers on the National Social Security Board for Unorganised Workers. The draft Rules make such representation discretionary to the will of the Government, which explicitly goes against the provisions of the parent Code.

<p>5. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Rule 25 (5) (c)</p> <p>In case the deceased person does not leave widow or legitimate or adopted child or widowed mother dependants' benefits shall be payable to other dependants as follows:</p> <p>(i) to widower, for life, an amount equivalent to three-tenths of the full rate;</p> <p>(ii) to a parent other than the widowed mother or grandparent, for life, at an amount equivalent to three-tenths of the full rate and if there are two or more parents (other than widowed mother) or grandparents the amount payable to the parents (other than widowed mother) or grandparents as aforesaid shall be equally divided between them;</p> <p>(iii) to any other —</p> <p>I. male dependant, until he attains the age of eighteen years,</p> <p>II. female dependant, until she attains the age of eighteen years or until marriage, whichever is earlier or if widowed, until she attains eighteen years of age or re-marriage, whichever is earlier at an amount equivalent to two-tenths of the full rate:</p> <p>Provided that if there be more than one dependant under sub-clause (iii) the amount payable under this subrule shall be equally divided between them.</p>	<p>In case the deceased person does not leave widow or legitimate or adopted child or widowed mother dependants' benefits shall be payable to other dependants as follows:</p> <p>(i) to widower, for life, an amount equivalent to three-tenths of the full rate;</p> <p>(ii) to a parent other than the widowed mother or grandparent, for life, at an amount equivalent to three-tenths of the full rate and if there are two or more parents (other than widowed mother) or grandparents the amount payable to the parents (other than widowed mother) or grandparents as aforesaid shall be equally divided between them;</p> <p>(iii) to any other dependant, until he/she attains the age of eighteen years, an amount equivalent to two-tenths of the full rate:</p> <p>Provided that if there be more than one dependant under sub-clause (iii) the amount payable under this subrule shall be equally divided between them.</p>	<p>For obtaining the dependent's benefits, a woman should not be subject to the condition of unmarried or if widowed, should not be subject to the condition of no re-marriage, when a man is not subject to similar conditions. Such differentiation in law would contravene the right to equality under Article 14 and right against discrimination under Article 15.</p> <p>Both men and women must be subject to the same conditions, in order to make the rules gender neutral.</p>
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<p>6. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VI - Rule 37 (1) (a)</p> <p>Form of notice under sub-section (1) and the proof of pregnancy and proof of delivery under sub-section (5) of section 62 and proof of miscarriage or medical termination of pregnancy under sub-section (1), the proof of tubectomy operation under sub-section (2) and the proof of illness under sub-section (3) of section 65.- (1)</p> <p>Proof.- (a) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or medical termination of pregnancy or tubectomy operation or is suffering from illness arising out of pregnancy, delivery, premature birth of a child or miscarriage or medical termination of pregnancy or tubectomy operation shall</p> <p>be proved by the production of a certificate in Form-X:</p> <p>(i) from a Medical Officer of a regional hospital or a dispensary set up under the Coal Mines Welfare</p>	<p>Chapter VI - Rule 37 Rule 37 (1) (a)</p> <p>Form of notice under sub-section (1) and the proof of pregnancy and proof of delivery under sub-section (5) of section 62 and proof of miscarriage or medical termination of pregnancy under sub-section (1), the proof of tubectomy operation under sub-section (2) and the proof of illness under sub-section (3) of section 65.- (1)</p> <p>Proof.- (a) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or medical termination of pregnancy or tubectomy operation or is suffering from illness arising out of pregnancy, delivery, premature birth of a child or miscarriage or medical termination of pregnancy or tubectomy operation shall</p> <p>be proved by the production of a certificate in Form-X:</p> <p>(i) from a Medical Officer of a regional hospital or a dispensary set up under the Coal Mines Welfare</p>	<p>NUHM recognises the importance of ASHA workers and ANMs in the following words.</p> <p><i>“The frontline health workforce such as the ANMs and the ASHAs have very crucial role in helping the people living in slums and slum-like habitations, not only for their health needs but also for various social and environmental factors affecting their health. The Mission envisages them to connect the marginalized with the public health system, to enhance the responsiveness of the system towards their health needs, to deliver certain services and to be champion of their rights and entitlements”.</i>¹</p> <p>The total number of Anganwadi Workers and Anganwadi Helpers sanctioned in the country are 13,99,697 and 12,82,847 respectively.² Estimates suggest that every urban or rural community of 400 to 800 people has at least one anganwadi center, which shows the wide spread of the Anganwadi network and its reach.³</p>
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¹ Guidebook for Enhancing Performance of Auxiliary Nurse Mid-Wife in Urban Areas, Preface
https://nhm.gov.in/images/pdf/NUHM/ANM_Guidebook_under_NUHM.pdf

² Anganwadi Sevikas, Ministry of Women and Child Development, PIB
<https://pib.gov.in/PressReleasePage.aspx?PRID=1578557>

³ Inside India's ambitious effort to provide early care and education to 400 million kids, Quartz India
<https://qz.com/india/1584703/indias-icds-anganwadi-system-is-a-challenged-but-impressive-effort/#:~:text=ICDS%20services%20are%20offered%20through,at%20least%20one%20anganwadi%20center>

	<p>Organisation; or (ii) where there is a Mines Board of Health within whose jurisdiction is situated, from the Medical Officer of that Board; or</p> <p>(iii) from a Registered Medical Practitioner.</p>	<p>Organisation; or (ii) where there is a Mines Board of Health within whose jurisdiction is situated, from the Medical Officer of that Board; or</p> <p>(iii) from a Registered Medical Practitioner; or</p> <p>(iv) from an ANM (Auxiliary Nurse Midwife)</p> <p>(v) from an Accredited Social Health Activist;</p> <p>(vi) from the relevant authority at an Anganwadi Centre.</p>	<p>Therefore, excluding the ASHA, Anganwadis and ANMs from the list of eligible authorities, can make obtaining certificates difficult for the deprived sections, dependent on their services.</p>
<p>7 a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VI - Rule 39</p> <p>Number of employees and distance for crèche facility under sub-section (1) of section 67.- (1) in every establishment where fifty or more women employees are ordinarily employed, there shall be provided and maintained a creche for the use of children under the age of six years of such women.</p> <p>(2) Such creche shall provide adequate accommodation with lighting, ventilation and shall be maintained in a clean and sanitary condition. The crèche shall be under the charge of women trained in the care of children and infants.</p>	<p>Chapter VI - Rule 39</p> <p>Number of employees and distance for crèche facility under sub-section (1) of section 67.- (1) in every establishment where fifty or more employees are ordinarily employed, there shall be provided and maintained a creche for the use of children under the age of six years of such women.</p> <p>(2) Such creche shall provide adequate accommodation, with lighting, ventilation and shall be maintained in a clean and sanitary condition. The crèche shall be under the charge of women trained in the care of children and infants.</p>	<p>There are some terms which need more detail and are currently vague. These terms can lead to confusion for the employer and can lead to difficulties in ensuring the implementation of the laid out rules. The terms are as follows</p> <p>1. Provide adequate accommodation:</p> <p>The term adequate accommodation may be subject to different interpretations and hence can lead to bottlenecks in regulation.</p>

3) The crèche facility shall be located within the establishment or at an appropriate distance from the establishment such that it is easily accessible to the women employees including a woman employee working from home.

(3) The crèche facility shall be located within the establishment or at an appropriate distance from the establishment such that it is easily accessible to the women employees.

4) The creche facility shall meet all the requirements as laid out in Chapter VIII and Chapter IX, of the Guidelines for the National Creche Scheme.

“An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of journey to and from the creche or the place where the children are left by women while on duty, provided that such extra period shall not be of less than 5 minutes and more than 15 minutes’ duration.”

Rule 38 puts a cap on the duration of journey to and from the creche at a maximum of 15 minutes. This implicitly constraints the maximum distance the creche can be from the office of the enterprise. In order to comply with rule 38, firms need to set up the creche at an appropriate distance such that journey to and from the creche can be easily undertaken within the maximum period of 15 minutes.

A point to be noted is, that even though there seems to be a time constraint, the distance will still be subject to different interpretations. Distances which can be covered under 15 minutes will be different in different places and setups, it would be hard for the regulators to implement this rule, if the distance cannot be measured objectively.

3. Easily accessible to women

Terms like easily accessible to women need to be described in more detail. Rule 38, while putting a cap of 15 minutes on the maximum duration of the creche breaks, tries to specify ease of access, but as pointed above it is a vague metric which can lead to difficulty in holding enterprises accountable towards the rule.

4. Easily accessible to the women employees including a woman employee working from home

It is very difficult for a firm to ensure ease of access for women who are working from home since the distance between the home of a woman and the office depends on her choice of residence and is something the employer will have no control over.

To avoid confusion in the requirements of an establishment having creches for its employees, we suggest integration of the requirements laid down under the guidelines of the National Creche Scheme into these Rules.

<p>8. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VII - Rule 47(1)</p> <p>It shall be the responsibility of the State Government and the State Building Workers' Welfare Board to register all such workers working as building or other construction workers within the geographical area of the state, on the specified portal of the Central Government and the State Government or Board through Aadhaar.</p>	<p>Chapter VII - Rule 47(1)</p> <p>It shall be the responsibility of the State Government and the State Building Workers' Welfare Board to register all such workers working as building or other construction workers within the geographical area of the state, on the specified portal of the Central Government and the State Government or Board through any documents prescribed by the appropriate Government.</p>	<p>By restricting registration to be done only through Aadhaar, the Rules have in effect made that document mandatory. This is unjustified because:</p> <p>a. The Supreme Court in the Aadhaar Judgement (Sept. 26, 2018) noted that sometimes persons cannot be denied benefits for not having updated Aadhaar number and card. In cases where the person does not have Aadhaar, suitable alternatives must be provided for. The Rules currently do not provide for any alternatives.</p> <p>b. Sec. 113(2) of the Code on Social Security states that worker registration may be done through 'such documents including Aadhar as may be prescribed. The Rules go against the parent Act by mandating and limiting registration through Aadhaar.</p> <p>c. There is lack of data on whether all unorganised, gig, platform workers, etc. have obtained Aadhaar. This may lead to their exclusion from the process of registration and inhibit access to social security schemes.</p>
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			<p>Currently, registration is made possible only through the portal specified by the Central Government. Internet penetration in India is less than 40%, with massive disparities based on gender, region (urban-rural), class (rich-poor), etc. There are risks of excluding workers without internet access and those with low digital literacy. It will be better to tap into the existing network of Common Service Centers, where workers can take the assistance of operators to access the portal. The operators can be given special toolkits by the Central Government to expedite the registration process.</p>
9.	<p>Chapter VIII - Rule 50(1)(a)</p> <p>Every eligible unorganised worker, or any category or subcategory of unorganised worker under section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the Central Government.</p>	<p>Chapter VIII - Rule 50(1)(a)</p> <p>Every eligible unorganised worker, or any category or subcategory of unorganised worker under section 113 shall be required to be registered with any document(s) prescribed by the Central Government, on self-declaration basis in the form on the portal or at any centre, as specified by the Central Government.</p>	

			<p>Currently, registration is made possible only through the portal specified by the Central Government. Internet penetration in India is less than 40%, with massive disparities based on gender, region (urban-rural), class (rich-poor), etc. There are risks of excluding workers without internet access and those with low digital literacy. It will be better to tap into the existing network of Common Service Centers, where workers can take the assistance of operators to access the portal. The operators can be given special toolkits by the Central Government to expedite the registration process.</p>
<p>10. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VIII - Rule 50(2)(a)</p> <p>Every eligible gig worker or platform worker, under section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the Central Government</p>	<p>Chapter VIII - Rule 50(2)(a)</p> <p>Every eligible gig worker or platform worker, under section 113 shall be required to be registered with any document(s) prescribed by the Central Government, on self-declaration basis in the form on the portal or at any centre specified by the Central Government.</p>	

<p>11</p>	<p>Chapter VIII - Rule 50(2)(g)</p> <p>For availing any benefit under any of the social security scheme(s) framed under the Code, a gig worker or platform worker shall be required to be registered on the portal with such details as may be specified by the Central Government.</p>	<p>Chapter VIII - Rule 50(2)(g)</p> <p>For availing any benefit under any of the social security scheme(s) framed under the Code, a gig worker or platform worker shall be required to be registered on the portal or at any centre and with such details as may be specified by the Central Government.</p>	
<p>12. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VIII - Rule 50(1)(d)</p> <p>On completion of registration, such worker shall be issued an acknowledgement, electronically or otherwise, bearing his Unique Registration Number.</p>	<p>Chapter VIII - Rule 50(1)(d)</p> <p>On completion of registration, such worker shall be issued an acknowledgement, electronically or through issuance of a physical identity card, bearing his Unique Registration Number.</p>	<p>Uncertain access to electronic devices and internet connections may jeopardise workers' access to social security benefits. Presuming that the URN will be used to validate their registration on the portal, workers who opt for a physical identity card with the URN may be issued one by the Central Government.</p> <p>This option should be extended to all categories of unorganised workers, gig workers, platform workers, etc.</p>

<p>13. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VIII - Rule 50(1)(g)</p> <p>For availing any benefit under any of the social security scheme(s) framed under the Code, an unorganised worker or any category or sub-category of unorganised worker shall require to be registered on the specified portal of the Central Government, with such details as may be specified by the appropriate Government.</p>	<p>Chapter VIII - Rule 50(1)(g)</p> <p>For availing any benefit under any of the social security scheme(s) framed under the Code, an unorganised worker or any category or sub-category of unorganised worker shall require to be registered on the portal or at any centre and with such details as may be specified by the appropriate Government</p> <p>Where any home-based worker or self-employed worker chooses to sell their goods or services through an online platform, such worker shall be free to register on either the unorganised workers portal, or the gig and platform workers portal, as they deem fit.</p>	<p>The Code on Social Security currently categorises home-based and self-employed workers as unorganised workers. Recently, digitisation has seen many of their enterprises come online. They sell their goods and services through platforms for better market reach. In such cases, an overlap of such workers with platform workers is inevitable. As the draft Rules currently provide for two separate registration portals, home-based and self-employed workers may register under the relevant portal as per their discretion.</p>
<p>14. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VIII - Rule 50(1)(h)</p> <p>The unorganised worker, or any category or sub-category of unorganised worker shall be required to update their particulars such as current address, current occupation, mobile number, skill, or any other particular(s) from time to time, as may be specified by the appropriate Government. In the absence of such updation, any unorganised worker, or any category or sub-category of unorganised worker may not remain eligible to avail such benefit (s) of the social security scheme(s) notified under the Code.</p>	<p>Chapter VIII - Rule 50(1)(h)</p> <p>The unorganised worker, or any category or sub-category of unorganised worker shall be required to update their particulars such as current address, current occupation, mobile number, skill, or any other particular(s) from time to time, as may be specified by the appropriate Government. In the absence of such updation, any unorganised worker, or any category or sub-category of unorganised worker may not remain eligible to avail such benefit (s) of the social security scheme(s) notified under the Code.</p>	<p>The Code on Social Security is a beneficial legislation for unorganised workers who enjoy very little legal and economic protection. It is important that mere technicalities do not exclude unorganised workers, who continue to live a hand-to-mouth existence. Inability to update records may occur due to a variety of reasons, such as poor internet access, low digital literacy, lack of awareness of scheme guidelines, technical glitches on the portal, etc. The worker should not be punished for this;</p>

		<p>Provided that such worker has been granted a hearing by the appropriate authority before the decision to deny the social security benefits is taken.</p>	<p>rather the appropriate Government must take a benevolent approach in this matter.</p>
<p>15. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VIII - Rule 50(1)(j)</p> <p>It shall be responsibility of the State Government or Building workers welfare board or the State Government(s) or any other such Board of the unorganised = worker, employer of the Building workers or aggregators or the contractors of unorganised workers or any category or sub-category of unorganised workers, or gig workers or platform workers, to register such eligible workers with Aadhaar who are not registered with ESIC or EPFO on the portal specified by the Central Government.</p>	<p>Chapter VIII - Rule 50(1)(j)</p> <p>It shall be responsibility of the State Government or Building workers welfare board or the State Government(s) or any other such Board of the unorganised worker, employer of the Building workers or aggregators or the contractors of unorganised workers or any category or sub-category of unorganised workers, or gig workers or platform workers, to register such eligible workers with Aadhaar who are not registered with ESIC or EPFO on the portal specified by the Central Government.</p> <p>Provided that domestic workers, home-based workers, and self-employed workers shall be registered by the State Government.</p>	<p>Of the female labour force in India, estimates suggest that more than 94% are in the unorganised sector, primarily working as domestic workers, home-based, and self-employed workers. Their numbers vary drastically in Government records, academia, and the media. Despite some initiatives at the state level in the past, these workers have traditionally remained outside the social security net.</p> <p>There are no corresponding entities (employers, aggregators, etc.) for domestic, home-based and self-employed workers, who will register them on the ESIC and EPFO portals, as is the case with other categories of unorganised workers. Thus, the Rules should explicitly attribute this responsibility to the State Government.</p>

<p>16. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter VIII - Rule 50(2)(c)</p> <p>Aggregator(s) shall link their database with the unique registration number issued under clause(d) of sub-rule (1) to facilitate registration of their gig and platform workers on the portal specified by the Central Government.</p>	<p>Chapter VIII - Rule 50(2)(c)</p> <p>Aggregator(s) shall link their database with the unique registration number issued under clause(d) of sub-rule (1) to facilitate registration of their gig and platform workers on the portal specified by the Central Government.</p> <p>Provided where a gig or platform worker is associated with more than one aggregator, all such aggregator(s) will link their database with the unique registration number issued to the worker.</p>	<p>Due to the nature of gig and platform work, workers have greater flexibility in taking with multiple assignments simultaneously. This often results in situations where the worker is associated with more than one aggregator, as means to increase the former's income. The Rules should account for such instances.</p>
<p>17. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Chapter XII - Rule 57(3)</p> <p>The Career Centres established under sub-rules (1) and (2) above shall inter-alia perform the following functions namely:</p> <p>(a) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:</p> <ul style="list-style-type: none"> • (i) persons who seek to employ employees; • (ii) persons who seek employment; • (iii) occurrence of vacancies; and • (iv) persons who seek vocational guidance and career counseling or guidance to start self-employment; 	<p>Chapter XII - Rule 57(3)</p> <p>The Career Centres established under sub-rules (1) and (2) above shall inter-alia perform the following functions namely:</p> <p>(a) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:</p> <ul style="list-style-type: none"> • (i) persons who seek to employ employees, with special emphasis on women employers; <p>(c) organizing job-fairs and job drives;</p> <p>(d) employment related surveys and studies, where data is disaggregated for women;</p>	<p>Only about 1 in 5 women in the working age group of 15-59 are in the labour force. There are various reasons for this low number, ranging from lack of information on and availability of appropriate jobs, lack of appropriate skills, etc. The Career Centres are expected to act as conduits between the employer and prospective employee. They can relay information on skills which are in demand in the market, and those available with women on ground. This will help set the expectations of employers, and also help the Government make relevant interventions through skilling programs, etc.</p>

	<p>(b) providing career counseling & vocational guidance;</p> <p>(c) organizing job-fairs and job drives;</p> <p>(d) employment related surveys and studies;</p> <p>(e) employability enhancement activities; and</p> <p>(f) other services as may be decided by the appropriate Government from time to time.</p> <p>Explanation: Appropriate Government for this purpose would be Central Government for Career Centre (Central) and respective State Government for Career Centre(Regional)</p>	<p>(e) employability enhancement activities; and</p> <p>(g) other services as may be decided by the appropriate Government from time to time.</p> <p>Explanation: Appropriate Government for this purpose would be Central Government for Career Centre (Central) and respective State Government for Career Centre(Regional)</p> <p>Provided that in performing these functions, Career Centres will pay due consideration to improving female participation in the labour force, with a focus on orienting the activities listed above for women.</p>	
<p>18. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>Form XXII - Serial No. 2</p> <p>Name of woman and her father's (or, if married, husband's) name.</p>	<p>Form XXII - Serial No. 2</p> <p>Name of woman and her parents' names.</p>	<p>The present draft promotes a patriarchal view of society where the women's identity is linked strongly to the male members in her family. In requiring only the father's name, it obfuscates the role of the mother, which is critical especially in the case of single mothers, and even otherwise. Similarly, in tying the identity of a married woman to her husband, the draft Rule introduces an unwarranted sense of dependency.</p>

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INITIATIVE FOR WHAT WORKS TO ADVANCE WOMEN AND GIRLS IN THE ECONOMY

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