

A. General Framework & Registration

FAQ 1: Are all procedures under the Social Security Rules mandatory in digital mode?

Answer: No. While the Rules prioritise digital processes to ensure transparency and ease of access, **physical submission is also permitted in specified cases**. For instance, claims relating to **gratuity and maternity benefits** may be submitted physically in addition to electronic modes.

FAQ 2: Does registration under the Rules guarantee automatic payment of benefits?

Answer: No. **Registration is only an entry point** that enables workers to access various social security schemes. Benefits are payable **only under schemes that are onboarded on the relevant portal** (such as the e-Shram portal) and subject to fulfilment of scheme-specific eligibility conditions.

B. Schemes, Rule-Making & Social Security Funds

FAQ 3: Can the Social Security Rules be amended only through Parliament?

Answer: No. The Rules constitute **subordinate legislation**. Accordingly, they can be **modified, revised, or updated through government notifications**, without requiring Parliamentary approval.

FAQ 4: Can Social Security Funds be merged with general government accounts?

Answer: No. The Rules mandate that **Social Security Funds be maintained as separate accounts**. They also provide for **periodic reporting, audit by the Comptroller and Auditor General of India (CAG)**, and restricted utilisation exclusively for worker welfare.

C. Maternity Benefit Provisions

FAQ 5: Can maternity benefit claims be rejected for not using prescribed forms?

Answer: No. The Rules clearly state that **procedural lapses do not defeat substantive rights**. Applications may be submitted **physically on plain paper or electronically**, and claims cannot be rejected solely due to non-use of prescribed formats.

FAQ 6: Is certification by a registered medical practitioner mandatory for maternity benefits?

Answer: No. The Rules broaden acceptable proof and allow certificates from **ASHAs, Auxiliary Nurse Midwives (ANMs), local authorities, and other prescribed village or municipal officials**, in addition to registered medical practitioners.

FAQ 7: Are nursing breaks strictly limited to two fixed intervals?

Answer: No. While the Rules prescribe **minimum nursing breaks**, they also allow **additional time**, including travel time, depending on the distance to the crèche or childcare facility.

FAQ 8: Must crèche facilities always be located within the employer's premises?

Answer: No. The Rules permit **common crèches, shared or pooled arrangements, and negotiated facilities**, particularly to assist smaller establishments. Where crèche facilities are not provided, **payment of a crèche allowance** is mandated.

D. Gratuity Rules

FAQ 9: Can gratuity be claimed only after employment ends?

Answer: No. The Rules permit **advance submission of gratuity applications** where the date of retirement or cessation of employment is known in advance.

FAQ 10: Does delay in filing gratuity applications lead to forfeiture of claims?

Answer: No. The Rules explicitly provide that **delay alone cannot invalidate a gratuity claim**.

FAQ 11: How is gratuity payable to minor nominees protected?

Answer: The Rules require gratuity amounts payable to minor nominees to be **invested in term deposits with specified nationalised banks**, ensuring safety and future benefit to the nominee.

FAQ 12: Do employers have unfettered discretion to reject gratuity claims?

Answer: No. The Rules prescribe **mandatory notices, reasoned orders, defined timelines, and appeal mechanisms**, ensuring transparency and preventing arbitrary decisions.

E. Building and Other Construction Workers' Welfare

FAQ 13: Is BOCW Welfare Cess payable only after completion of construction?

Answer: No. The Rules permit **advance payment of cess based on self-assessment**, with final adjustment upon completion and assessment.

FAQ 14: Can BOCW Cess be paid in instalments without disclosures?

Answer: No. Instalment payments are allowed **only with disclosure of work progress and cost assessment**, and are subject to verification and scrutiny.

FAQ 15: Is refund of excess BOCW Cess allowed?

Answer: Yes. The Rules provide a **time-bound refund mechanism** for excess cess deposited, following assessment or appellate orders.

FAQ 16: Who is responsible for payment of BOCW Cess?

Answer: Responsibility is **clearly allocated** among employers, contractors, government departments, and public sector undertakings, depending on the nature and execution of the construction work.

FAQ 17: Do construction workers lose welfare benefits when they move across States?

Answer: No. The Rules enable **inter-State portability of registration and benefits**, subject to updation of migrant worker data on the destination State portal.

F. Gig and Platform Workers

FAQ 18: Are only direct engagements by aggregators covered?

Answer: No. The Rules cover gig and platform workers engaged through **subsidiaries, associate companies, holding companies, LLPs, and third-party arrangements.**

FAQ 19: Does failure to update gig worker data permanently disqualify workers?

Answer: No. Non-updation leads to **temporary ineligibility.** Eligibility can be **restored upon updating required information** on the designated portal.

G. Compliance, Inspection & Enforcement

FAQ 20: Are inspections under the Rules routine and random?

Answer: No. The Rules emphasise **risk-based inspections,** corrective directions, and compliance notices with defined timelines before initiating penal action.

FAQ 21: Are penalties imposed automatically for every non-compliance?

Answer: No. The Rules provide for **notice, opportunity to comply, hearing, reasoned orders,** and **compounding of offences** before prosecution.

FAQ 22: Are appeals under the Rules time-bound?

Answer: Yes. The Rules prescribe **clear limitation periods, standard appeal formats, and timelines for disposal.**

H. Exemptions & Trust Governance

FAQ 23: Are exempted establishments free from regulatory oversight?

Answer: No. Exempted establishments must meet **eligibility conditions, audit and reporting requirements,** and exemptions may be cancelled upon structural changes.

FAQ 24: Are trusts managing exempted funds unregulated?

Answer: No. The Rules mandate **Boards of Trustees, equal employer-employee representation, periodic meetings, and arm's-length governance norms.**

I. Administration & Records

FAQ 25: Must all records be maintained only at the workplace?

Answer: No. The Rules allow **electronic maintenance of records** or storage at a **notified nearby location**, provided they are accessible during inspection.

FAQ 26: Are the Social Security Rules rigid and inflexible?

Answer: No. The Rules explicitly allow **revision of limits, forms, contribution rates, and procedures** through government notifications, enabling adaptability to emerging needs.

Disclaimer: The above FAQs are for information purposes only, to enable public to have quick and easy access to information, and do not purport to be legal documents. In case of any variance between what has been stated and what is contained in the relevant Labour Code, the latter shall prevail.