

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.
