

CONTENTS

THE CODE ON SOCIAL SECURITY, 2020

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application	1
2. Definitions	2
3. Registration and cancellation of an establishment	15

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

4. Constitution of Board of Trustees of Employees' Provident Fund	15
5. Constitution of Employees' State Insurance Corporation	16
6. National Social Security Board and State Unorganised Workers' Board	18
7. Constitution of State Building Workers' Welfare Boards	20
8. Disqualification and removal of a member of any Social Security Organisation	21
9. Procedure for transaction of business of Social Security Organisation, etc.	23
10. Executive Heads of Central Board and Corporation	23
11. Supersession of Corporation, Central Board, National Social Security Board or State Unorganised Workers' Board or the Building Workers' Welfare Board	24
12. State Board, Regional Boards, local committees, etc.	24
13. Entrustment of additional functions to Social Security Organisations	25

CHAPTER III

EMPLOYEES' PROVIDENT FUND

14. Appointment of officers of Central Board	25
15. Schemes	27
16. Funds	27
17. Contribution in respect of employees and contractors	28
18. Fund to be recognised under Act 43 of 1961	29
19. Priority of payment of contributions over other debts	29
20. Chapter not to apply to certain establishment	29
21. Authorising certain employers to maintain provident fund accounts	30
22. Transfer of accounts	30
23. Appeal to Tribunal	31

CHAPTER IV

EMPLOYEES STATE INSURANCE CORPORATION

24. Principal Officers and other staff	31
25. Employees' State Insurance Fund	32
26. Purposes for which Employees' State Insurance Fund may be expended	33
27. Holding of property, etc.	34

28. All employees to be insured	35
29. Contributions	35
30. Administrative expenses	35
31. Provisions as to payment of contributions by employer, etc.	35
32. Benefits	36
33. Corporation's power to promote measures for health, etc., of Insured Persons	37
34. Presumption as to accident arising in course of employment	37
35. Accidents happening while acting in breach of law, etc.	38
36. Occupational disease	38
37. References to medical board	39
38. Dependants' benefit	40
39. Medical benefit	41
40. Provision of medical treatment by State Government or by Corporation	42
41. General provisions as to benefits	44
42. Corporation's rights when an employer fails to register, etc.	45
43. Liability of owner or occupier of factories, etc., for excessive sickness benefit	45
44. Scheme for other beneficiaries	46
45. Schemes for unorganised workers, gig workers and platform workers	47
46. Exemption of factories or other establishments belonging to Government or any local authority	47
47. Contributions, etc., due to Corporation to have priority over other debts	47
48. Constitution of Employees' Insurance Court	47
49. Matters to be decided by Employees' Insurance Court	47
50. Powers of Employees' Insurance Court	49
51. Proceedings of Employees' Insurance Courts	49
52. Appeal to High Court	50
CHAPTER V	
GRATUITY	
53. Payment of gratuity	50
54. Continuous service	52
55. Nomination	53
56. Determination of amount of gratuity	53
57. Compulsory insurance	55
58. Competent authority	56
CHAPTER VI	
MATERNITY BENEFIT	
59. Employment of, or work by, women prohibited during certain period	56
60. Right to payment of maternity benefit	57
61. Continuance of payment of maternity benefit in certain cases	58
62. Notice of claim for maternity benefit and payment thereof	58
63. Payment of maternity benefit in case of death of a woman	59

64. Payment of medical bonus	59
65. Leave for miscarriage, etc.	60
66. Nursing breaks	60
67. Creche facility	60
68. Dismissal for absence during pregnancy	61
69. No deduction of wages in certain cases	61
70. Forfeiture of maternity benefit	62
71. Duties of employer	62
72. Power of Inspector-cum-Facilitator to direct payments to be made	62

CHAPTER VII**EMPLOYEE'S COMPENSATION**

73. Reports of fatal accidents and serious bodily injuries	63
74. Employer's liability for compensation	63
75. Compensation in case of death of or injury in plantation	65
76. Amount of compensation	66
77. Compensation to be paid when due and damages for default	68
78. Method of calculating monthly wages for purposes of compensation	68
79. Review	69
80. Commutation of half-monthly payments	69
81. Distribution of compensation	70
82. Notice and claim	71
83. Special provisions relating to accidents occurring outside Indian territory	73
84. Medical examination	74
85. Contracting	75
86. Remedies of employer against stranger	76
87. Insolvency of employer	76
88. Power to require from employers statements regarding fatal accidents	77
89. Registration of agreements	78
90. Reference to competent authority	79
91. Appointment of competent authority	79
92. Venue of proceedings and transfer	80
93. Form of application	81
94. Power of competent authority to require further deposit in cases of fatal accident	81
95. Powers and procedure of competent authority	82
96. Appearance of parties	82
97. Method of recording evidence	82
98. Power to submit cases	83
99. Appeal against order of competent authority	83

CHAPTER VIII	
SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS	
100. Levy and collection of cess	84
101. Interest payable on delay in payment of cess	84
102. Power to exempt from cess	84
103. Self-assessment of cess	85
104. Penalty for non-payment of cess within the specified time	85
105. Appeal to appellate authority	85
106. Registration of building workers as beneficiaries	86
107. Cessation as a beneficiary	86
108. Building and Other Construction Workers' Welfare Fund and its application	86
CHAPTER IX	
SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS	
109. Framing of schemes for unorganised workers	87
110. Funding of State Government schemes	88
111. Record keeping	88
112. Helpline, facilitation centre, etc., for unorganised workers, gig workers and platform workers	89
113. Registration of unorganised workers, gig workers and platform workers	89
114. Schemes for gig workers and platform workers	89
CHAPTER X	
FINANCE AND ACCOUNTS	
115. Accounts	91
116. Audit	92
117. Budget estimates	92
118. Annual report	92
119. Valuation of assets and liabilities	92
120. Holding of property, etc., by Social Security Organisation	93
121. Writing off of losses	93
CHAPTER XI	
AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY	
122. Appointment of Inspector-cum-Facilitators and their powers	94
123. Maintenance of records, registers, returns, etc.	96
124. Employer not to reduce wages, etc.	97
125. Assessment and determination of dues from employer	97
126. Appeal against order of Authorised Officer relating to Chapter IV	99
127. Interest on amount due	99
128. Power to recover damages	100
129. Recovery of amount due	100
130. Validity of certificate and amendment thereof	101

131. Other modes of recovery	102
132. Application of certain provisions of Income-tax Act	104
CHAPTER XII	
OFFENCES AND PENALTIES	
133. Penalty for failure to pay contributions, etc.	105
134. Enhanced punishment in certain cases after previous conviction	106
135. Offences by companies	107
136. Cognizance of offences	107
137. Prior opportunity before prosecution	108
138. Compounding of offences	108
CHAPTER XIII	
EMPLOYMENT INFORMATION AND MONITORING	
139. Reporting of vacancies to career centres	109
140. Exclusions from application of this Chapter	110
CHAPTER XIV	
MISCELLANEOUS	
141. Social Security Fund	111
142. Application of Aadhaar	111
143. Power to exempt establishment	112
144. Power to defer or reduce	114
145. Liability in case of transfer of establishment	114
146. The members, officers and staff to be public servants	115
147. Protection of action taken in good faith	115
148. Misuse of benefits	115
149. Power of Central Government to give directions to State Government and Social Security Organisations	116
150. Power to frame schemes	116
151. Protection against attachment, etc.	116
152. Power to amend Schedule	116
153. Transitional provisions	117
154. Power of appropriate Government to make rules	117
155. Power of Central Government to make rules	119
156. Power of State Government to make rules	122
157. Power of Corporation to make regulations	123
158. Prior publication of rules, regulations, etc.	125
159. Rules to give effect to arrangements with other countries for the transfer of money paid as compensation	125
160. Laying of rules, regulations and schemes, etc.	126
161. Effect of laws and agreements inconsistent with this Code	126
162. Delegation of powers	126
163. Power to remove difficulties	127
164. Repeal and savings	127

THE FIRST SCHEDULE—APPLICABILITY	129
THE SECOND SCHEDULE—LIST OF PERSONS WHO ARE EMPLOYEES WITHIN THE MEANING OF THE THIRD PROVISO TO CLAUSE (26) OF SECTION 2	130
THE THIRD SCHEDULE—LIST OF OCCUPATIONAL DISEASES	134
THE FOURTH SCHEDULE	
<i>PART I</i> —LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL DISABLEMENT	137
<i>PART II</i> —LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT	137
THE FIFTH SCHEDULE—MATTERS THAT MAY BE PROVIDED FOR IN THE SCHEMES	
PART A	140
PART B —MATTERS THAT MAY BE PROVIDED FOR IN THE PENSION SCHEME	141
PART C —MATTERS THAT MAY BE PROVIDED FOR IN THE EMPLOYEES' DEPOSIT-LINKED INSURANCE SCHEME	141
THE SIXTH SCHEDULE—FACTORS FOR WORKING OUT LUMP SUM EQUIVALENT OF COMPENSATION AMOUNT IN CASE OF PERMANENT DISABLEMENT AND DEATH	142
THE SEVENTH SCHEDULE—CLASSIFICATION OF AGGREGATORS	144