

The Code on Social Security, 2020

Section 41 - General provisions as to benefits

- (1) Save as may be provided in the regulations, no person shall be entitled to commute for a lump sum any disablement benefit admissible under this Chapter.
- (2) Save as may be provided in the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a holiday in respect of which he receives wages or on any day on which he remains on strike.
- (3) A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)-
 - (a) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Chapter, and shall carry out the instructions given by the medical officer or medical attendant in-charge thereof;
 - (b) shall not while under treatment do anything which might retard or prejudice his chances of recovery;
 - (c) shall not leave the area in which medical treatment provided by this Chapter is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and
 - (d) shall allow himself to be examined by any duly appointed medical officer or other person authorised by the Corporation in this behalf.
- (4) An Insured Person shall not be entitled to receive for the same period
 - (a) both sickness benefit and maternity benefit; or
 - (b) both sickness benefit and disablement benefit for temporary disablement; or
 - (c) both maternity benefit and disablement benefit for temporary disablement.
- (5) Where a person is entitled to more than one of the benefits mentioned in sub-section (4), he shall be entitled to choose which benefit he shall receive.
- (6) If a person dies during any period for which he is entitled to a cash benefit under this Chapter, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.
- (7)
 - (a) Any person eligible for availing dependant or disablement benefit under this Chapter shall not be entitled to claim Employees Compensation from his employer under Chapter VII.
 - (b) Any women employee eligible for availing maternity benefit under this Chapter shall not be entitled to claim maternity benefit from her employer under Chapter VI.
- (8) Where any person has received any benefit or payment under this Chapter when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of death, his legal representative shall be liable to repay the same from the assets of the deceased devolved on him.
- (9) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.
- (10) The amount recoverable under this section may be recovered in the manner specified under sections 129 to 132.