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Code on Social Security 2020 Becomes Operational: ESIC Expands ‘Dependant’ and ‘Family’ Benefits

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Introduction

Barely a week after the Ministry of Labour & Employment notified the coming-into-force of the Code on Social Security, 2020 (CoSS) vide Gazette Notification No. 5143 dated 21 November 2025, the Employees' State Insurance Corporation has moved to operationalise the enlarged social-security basket. Circular No. N-11011/2/2025-BFT-II, issued on 28 November 2025 under the signature of the Deputy Director (Benefit) and approved by the Director-General, commands every disbursing and medical office of the Corporation to extend Dependent Benefit and medical care to two additional classes of relatives who were hitherto outside the ESI Act, 1948 (now repealed) net.

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Legal Trigger

Section 2(24)(c) of the CoSS re-defines "dependant" to include, inter alia, a widower and a grand-parent, while Section 2(33)(e) brings a woman employee's father-in-law and mother-in-law within the expression "family". These textual expansions are not directory suggestions; they are self-executing statutory mandates that oblige the Corporation to recalibrate every sanction order with prospective effect from 21 November 2025.

Scope of Instruction

The circular is addressed to Regional Directors, Joint Directors-in-charge, Deans of all ESIC Medical Colleges, Medical Superintendents of ESIC/ESIS Hospitals and all Deputy Medical Directors. They are directed to apply the revised definitions while processing claims for Dependent Benefit as well as while issuing medical eligibility certificates. No fresh administrative sanction is required; the Code itself has altered the contour of entitlement.

Operational Consequence

A widower-husband who was earlier denied survivors' pension on the ground that "widow" alone was recognised under the repealed Act can now insist on payment, provided other contributory conditions are met. Likewise, a maternal or paternal grand-parent who was wholly dependent on a deceased insured person becomes a legitimate claimant. On the medical side, in-laws of a woman employee step into the shoes of "family" for the purpose of outpatient, inpatient and specialist care under the ESI scheme, effectively ending decades of litigation around the meaning of "natal" versus "affinal" relations.

Compliance Protocol

Field offices have not been given any transition period. Claims pending on or after 21 November 2025 must be examined afresh; where eligibility is established solely by virtue of the new definitions, sanction shall issue within the statutory timeline. A tacit administrative estoppel has been created: failure to apply the CoSS definition will expose the Corporation to writ jurisdiction and possible direction for interest on delayed benefits.

Concluding Paragraph

By compressing the legislative enlargement into a one-page operational command, ESIC has signalled that the Code on Social Security is not a dormant parchment but a living charter whose expanded benevolent sweep must be felt at the first point of interface between the claimant and the Corporation. Widowers, grand-parents and in-laws who once knocked on the doors of courts for recognition can now anchor their plea in the text of the Code itself, confident that the Corporation's own circular obliges

every benefit officer to translate statutory promise into tangible relief.

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