

 सत्यमेव जयते	 पेटा प्रादेशिक क्षेत्री/उपक्षेत्रीयकार्यालय /Sub Regional Office कर्मचारी राज्य बीमा निगम/कर्मचारी राज्य बीमा निगम Employees' State Insurance Corporation (श्रम एवं रोजगार मंत्रालय, भारत सरकार) (Min. of Labour & Employment, Govt. of India)
બીજો માળ, "સમર્થ હાઉસ", સમર્થ સર્કલ, ન્યુ પાલ લેક રોડ, પાલ, સુરત, ગુજરાત - 394510 द्वितीयतल, "समर्थ हाउस", समर्थ सर्कल, न्यू पाल लेक रोड, पाल, सूरत, गुजरात-394510 2nd Floor, "Samarth House", Samarth Circle, New Pal Lake Road, Pal, Surat, Gujarat - 394510 ☎ (0261)-2730124/5/6/7/8/9 📧 dir-surat@esic.gov.in www.esic.gov.in ; www.esic.in	

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परिपत्र/circular

सेवा में,

Kind attention : कर्मचारी राज्य बीमा निगम, उप क्षेत्रीय कार्यालय – सूरत के क्षेत्राधिकार के अंतर्गत सभी नियोक्ता संस्थानों के कार्यकारी अधिकारी/*Executive officers of all the employer institutions situated under jurisdiction of ESIC – SRO Surat*

विषय	सोशल सेक्युरिटी कोड 2020 का लागू होने पर Wages की परिभाषा में परिवर्तन और तदनुसार ESI कम्प्लायंस
Sub	Change in ESI compliance subsequent to change in definition of term "Wages" after implementation of the Code on Social Security'2020

महोदया/महोदय,

कर्मचारी राज्य बीमा निगम द्वारा प्रदान की जा रही सेवाओं में सुधार के प्रयास में विषय पर अधोहस्ताक्षरी आपके सम्मुख निम्न वस्तुस्थिति प्रस्तुत करने का अभिलाषी है :

2.1 Kind attention is invited to the fact of pan-India implementation of the four Labour Codes including the Code on Wages, 2019, the Industrial Relations Code, 2020, the Code on Social Security, 2020 (CoSS) and the Occupational Safety, Health and Working Conditions Code, 2020 **with effect from 21st November 2025**, rationalising 29 existing labour laws.

2.2 Subsequent to implementation of the CoSS 2020, the definition of term "Wages" has been redefined. The employers are required to change the manner of compliance of the ESI Scheme and amount of contribution thereof in accordance with the amended provisions. The definition of "Wages" envisaged in subsection 88 of section 2 is reproduced below for reference: -

"Wages" means all remuneration, whether by way of salaries, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,—

- (a) basic pay;*
- (b) dearness allowance; and*
- (c) retaining allowance, if any,*

but does not include—

- a) any bonus payable under any law for the time being in force, which does not form*

part of the remuneration payable under the terms of employment;

- b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government;*
- c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;*
- d) any conveyance allowance or the value of any travelling concession;*
- e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment;*
- f) house rent allowance;*
- g) remuneration payable under any award or settlement between the parties or order of a court or Tribunal;*
- h) any overtime allowance;*
- i) any commission payable to the employee;*
- j) any gratuity payable on the termination of employment;*
- k) any retrenchment compensation or other retirement benefit payable to the employee or any ex-gratia payment made to him on the termination of employment, under any law for the time being in force;*

Provided that for calculating the wages under this clause, if payments made by the employer to the employee under sub-clauses (a) to (i) exceeds one-half, or such other per cent. as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such one-half, or the per cent. so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause:

Provided further that for the purpose of equal wages to all genders and for the purpose of payment of wages, the emoluments specified in sub-clauses (d), (f), (g) and (h) shall be taken for computation of wage.

Explanation—Where an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind by his employer, the value of such remuneration in kind which does not exceed fifteen per cent. of the total wages payable to him, shall be deemed to form part of the wages of such employee;

3. The above change in definition impacts the coverability of the employee and the amount of contribution payable. An illustrative status of compliance in different scenarios is given below for assistance: -

Case	Basic Pay	DA+RA	Other Allow.	Gross Salary	Coverability and Contribution as per ESI Act		Coverability and contribution as per CoSS			
					Yes/No	Contri @ 4%	50 % of Gross	OA in Excess of 50%	Yes/No	Contri @ 4%
A	B	C	D	D	F	G	H	I	J	K
1	21500	0	0	21500	No	0	10750	0	No	0
2	16000	2000	8000	26000	No	0	13000	0	Yes	720
3	18000	2000	30000	50000	No	0	25000	5000	No	0
4	15000	3000	6000	24000	No	0	12000	0	Yes	720
5	20000	0	20000	40000	No	0	20000	0	Yes	800
6	15000	0	6000	21000	Yes	840	10500	0	Yes	600

4. In light of the above-mentioned provisions, the executive authorities of the factories/establishment covered/coverable under ESIC are advised to bring-in necessary changes in their record keeping for correct compliance of the Scheme.

5. It is also reminded that the SPREE-2025 scheme is ending shortly on 31.12.2025. The employers shall be entitled for immunity from retrospective liabilities in respect of employees registered during this SPREE period. It is strongly recommended to take advantage of this limited-time opportunity and complete the online registration of all the coverable employees without any further delay.

6. धन्यवाद सहित यह प्रस्तुत किया जाता है कि इस योजना को सभी संबंधित के संज्ञान हेतु यथा संभव प्रचार प्रसार किया जाए जिससे इस विशेष योजना का अधिकतर लाभ लिया जा सके । इस विषय पर किसी भी सहायता की आवश्यकता होने पर ESIC की वेबसाइट पर उपलब्ध विस्तृत दिशा निर्देश का संदर्भ लिया जा सकता है । अन्यथा अधोहस्ताक्षरी/ ESI के किसी भी कार्यालय से संपर्क किया जा सकता है ।

भवदीय,

(दीपक मलिक)
संयुक्त निदेशक और उप क्षेत्रीय कार्यालय प्रभारी