



मुख्यालय,
कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
HEADQUARTERS OFFICE,
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)



पंचदीप भवन, सी.आई.जी., मार्ग, नई दिल्ली - 110002
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No. P-11/14/11/Rules/2020-BFt II

Dated 20.05.2021

To,

All Regional Directors/ Sub-Regional office In-charge
Regional Office / Sub-Regional Office

.....

Subject: - Implementation of the Section 142 of the Code on Social Security, 2020 -Reg.

Sir,

You are aware that Code on Social Security (CoSS) 2020 has been notified on 29.09.2020. however, it is yet to be made enforceable. The Central Government using the provisions of Section 3 of the CoSS 2020, has made Section 142 effective w.e.f. 03.05.2021. The copy of the Gazette notification is enclosed.

Although the Section 142 has been made effective yet other provisions of the CoSS 2020 including provisions related to ESI Scheme/ benefits etc. are yet to be implemented so the requirement of Aadhar for availing benefits etc. under existing ESI Act 1948 shall not be mandatory as of now. Communication dated 12.05.2021 from Ministry of Labour & Employment is enclosed for ready reference. It is reiterated that no Insured person shall be denied any benefit under ESI Act 1948 for want of Aadhar.

In this connection it is informed that necessary changes in the Modules of Project Panchdeep are being made. Once the changes in the modules are completed, collection of Aadhar data form IPs/ beneficiaries will be started in terms of Section 142 of the Code. Separate communication will be made in this regard.

This issues with the approval of Director General.

Encl: - As above.

Yours Faithfully

(Rahul Bhardwaj)
Dy. Director (Bft.)


सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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नई दिल्ली, सोमवार, मई 3, 2021/वैशाख 13, 1943

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NEW DELHI, MONDAY, MAY 3, 2021/VAISAKHA 13, 1943

श्रम और रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 30 अप्रैल, 2021

का.आ.1730 (अ).—केंद्रीय सरकार साधारण खंड अधिनियम, 1897 (1897 का 10) की धारा 14 के साथ पठित सामाजिक सुरक्षा संहिता, 2020 (2020 की 36) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 3 मई, 2021 को उस तारीख के रूप में नियत करती है जिसको उक्त संहिता की धारा 142 के उपबंध प्रवृत्त होंगे।

[फा.सं. आर-11011/04/2021-एसएस-II]

आर.के.गुप्ता, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 30th April, 2021

S.O. 1730 (E).—In exercise of the powers conferred by sub-section (3) of section 1 of the Code on Social Security, 2020 (36 of 2020) read with section 14 of the General Clauses Act, 1897 (10 of 1897). the Central Government hereby appoints the 3rd day of May, 2021 as the date on which the provisions of section 142 of the said Code shall come into force.

[F. No. R-11011/04/2021-SS-II]

R. K. GUPTA, Jt. Secy.

2459 GI/2021

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MANOJ KUMAR
VERMA

F. No.S-38013/4/2021-SS-I
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, New Delhi.
12th May, 2021.

To,

The Director General
The ESI Corporation,
Panchdeep Bhawan, C.I.G. Marg,
New Delhi.

Sh. Rahul.
DD (BFD)
me
12/5/21

ts: PT
12/5
IC (PFD)
IC (REV.)

Subject: Implementation of the Section 142 of the Code on Social Security, 2020 - regarding.

Sir,

I am directed to refer to the advice sought by the DG, ESIC vide mail dated 5th May, 2021 with respect to implementation of the Section 142 of the Code on Social Security, 2020 which has been made effective w.e.f. 03.05.2021.

2. It may be mentioned that the Code on Social Security (CoSS), 2020 has been notified on 29.9.2020. However it is yet to be made enforceable. In the meantime, Section 142 of the Code has been made effective by the Central Government w.e.f. 03.05.2021 in pursuance to provisions under sub-section 3 of the section 1 of the Code, which empowers inter-alia for appointment of different dates for different provisions of this Code.

3. In this regard it may be observed from the provisions under Section 142 of the Code that the establishment of identity through the Aadhar for the employees or unorganised workers or any other person, for himself or dependents, has been made mandatory for availing of services, seeking benefits, receiving payments etc. under this Code or rules, regulations or schemes made or framed under it. It is obvious that establishing identity through Aadhar can be mandatorily applicable only when benefits, services etc are availed under this Code or any scheme/ rules/ regulations framed under it. Since other provisions of the CoSS 2020 including provisions related to the ESI scheme/ benefits etc. are yet to be implemented, the requirement of Aadhar for availing benefits etc. under the existing ESI Act, 1948 may not be mandatory.

4. However, to facilitate smooth implementation of the provisions related to the ESI in the CoSS 2020 as and when it is made enforceable, the ESIC may go ahead with the collection of Aadhar data from its Insured Persons/ beneficiaries, in terms of Section 142 of the Code. Further, ESIC may undertake all activities for making arrangements in ROs/SROs/Branch Offices/Hospitals/Dispensaries to enable these to authenticate IPs and their families based on Aadhar as and when

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CoSS 2020 is made enforceable. ESIC may also engage with UIDAI to finalise the modalities for the above.

5. Though ESIC may start collecting the Aadhar details, but it is made clear that no IP shall be denied any benefit under the existing ESI ACT, 1948.

Yours faithfully,



(Madan Chaurasia)
Under Secretary to the Govt. of India
Tel: 23766903