

HR Law Hotline

June 25, 2019

MANDATORY INSURANCE COVERAGE FOR ELIGIBLE EMPLOYEES IN INDIA: REDUCED RATES OF CONTRIBUTIONS

- The monthly ESI contribution rate has been reduced to 4% with effect from July 1, 2019.
- While the employer’s monthly contribution has been reduced to 3.25% from 4.75%, the employee’s monthly contribution has been reduced to 0.75% from 1.75%.
- Besides extending the social security coverage net, the revised contribution rates are expected to pave way for increased compliance with the law.

INTRODUCTION

The monthly rate of contribution under the Employees’ State Insurance Act, 1948 (“**ESI Act**”) has been reduced to 4% from 6.5%. While the employer’s share of contribution has been reduced from 4.75% to 3.25%, the employee’s share of contribution has been reduced from 1.75% to 0.75% of the employee’s monthly wages¹.

The revised contribution rates have been introduced *vide* amendments² to the Employees State Insurance (Central) Rules, 1950. The revised contribution rates shall become effective from July 01, 2019.

BACKGROUND

The ESI Act along with the schemes framed thereunder is one of India’s social security legislations enacted with the objective of protecting the interests of workers in contingencies resulting in the loss of wages or earning capacity, such as sickness, maternity, temporary or permanent disablement, or employment injury.

The ESI Act applies to all factories and specified establishments employing at least 10 persons (“**Covered Establishments**”). Covered Establishments are required to provide benefits envisaged under the ESI Act to all employees who draw ‘wages’ up to INR 21,000 per month (approx. USD 300). The ESI Act is administered by the Employees’ State Insurance Corporation (“**ESIC**”). The monthly contribution payable to the ESIC with respect to each employee comprises of both the employer’s contribution as well as the employee’s contribution. Previously, employers were required to make monthly ESI contributions at the rate of 6.5% of the employee’s monthly wages, which comprised of 4.75% of the employer’s contribution and 1.75% of the employee’s contribution.

On February 15, 2019, the Ministry of Labour and Employment had released draft rules proposing to reduce the monthly contribution rate to 5% of the employee’s monthly wages (4% contribution for the employer and 1% contribution for the employee). Based on due consideration of the suggestions and objections received from the stakeholders involved, the Employee’s State Insurance (Central) Amendment Rules, 2019 were published on June 13, 2019 revising the monthly rate of ESI contribution to 4% instead of the proposed 5%³.

ANALYSIS

The government’s initiatives to enhance the ease of doing business in India is taking greater strides this year. While the wage threshold under the ESI Act has been revised from time to time, it is interesting to note that the ESI contribution rates have been revised after almost two decades⁴. The objective behind the revision in contribution rates is to *inter alia* enhance the social security coverage, increase compliance of law and facilitate enrollment of more workers under the ESI Scheme⁵. Although the revision in the ESI contribution rates may appear to be small, it is expected to have a huge impact on the economy. As per government estimates, the revised rates are likely to benefit around 3.6 crore employees and 12.85 lakh employers across India⁶. The reduced contribution rates would also ensure a greater take home pay for covered employees and reduced costs for employers.

In 2017, the Government had increased the wage ceiling under the ESI Act from INR 15,000 per month to INR 21,000 per month⁷ and had also taken certain other measures such as introduction of an amnesty scheme⁸ to extend the coverage of the ESI Scheme to a larger pool of employees. While the government’s efforts are aimed at covering a wider section of the employee population under the social security umbrella, the government will need to simultaneously adopt necessary steps to ensure that ESIC managed hospitals/dispensaries are able to deliver prompt and superior medical facilities in order to achieve the larger goal of ensuring employee welfare.

— Srinivas Raman & Preetha S
You can direct your queries or comments to the authors

¹ The definition of ‘wages’ is provided under Section 2(22) of the ESI Act.

² The Employee’s State Insurance (Central) Amendment Rules, 2019

³ Notification number G.S.R. 423 (E), dated June 13, 2019 available at <https://cdn.caclub.in/wp-content/uploads/mole-goi-notification-dt-13-june-2019-revised-esi-contribution-rates-employer-3-25-employee-0-75.pdf>

⁴ <http://pib.nic.in/newsite/PrintRelease.aspx?relid=190452>

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Notification number G.S.R. 1166(E), dated December 22, 2016 available at https://gt-stacowiki3.s3.amazonaws.com/media/filer_public/3a/81/3a81b6be-6688-4f8e-9c11-bf7393f3160e/esic_notification_on_21k_limit.pdf

⁸ [http://coachieveindia.com/regdocs/uploads/Scheme%20To%20Promote%20Registration%20Of%20Employers%20OR%20Employees%20\(SPREE\)%20Date%20Extended.pdf](http://coachieveindia.com/regdocs/uploads/Scheme%20To%20Promote%20Registration%20Of%20Employers%20OR%20Employees%20(SPREE)%20Date%20Extended.pdf)

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spam law, we are not responsible for the content of this mail. If you do not wish to receive this mail, please click on the unsubscribe link at the bottom of this mail.

Research Papers

Littletr International Guide (India) 2024

November 08, 2024

Unmasking Deepfakes

October 25, 2024

Are we ready for Designer Babies

October 24, 2024

Research Articles

The Bitcoin Effect

November 14, 2024

Acquirers Beware: Indian Merger Control Regime Revamped!

September 15, 2024

Navigating the Boom: Rise of M&A in Healthcare

August 23, 2024

Audio

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part II

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

“Investment return is not enough” Nishith Desai with Nikunj Dalmia (ET Now) at FI8 event in Riyadh

October 31, 2024

Analysing SEBI's Consultation Paper on Simplification of registration for FPIs

September 26, 2024

Scope of judicial interference and inquiry in an application for appointment of arbitrator under the (Indian) Arbitration and Conciliation Act, 1996

Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Act, 1996

September 22, 2024