

 सत्यमेव जयते		પેટા પ્રાદેશિક કચેરી/उपक्षेत्रीयकार्यालय /Sub Regional Office કર્મચારી રાજ્ય વીમા નિગમ/कर्मचारी राज्य बीमा निगम <b>Employees' State Insurance Corporation</b> (શ્રમ અને રોજગાર મંત્રાલય, ભારત સરકાર) (श्रम एवं रोजगार मंत्रालय, भारत सरकार) (Min. of Labour & Employment, Govt. of India)	 भारत 2023 INDIA 
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### **Public Notice**

The ESI Scheme was implemented w.e.f. 30.03.1969 in the areas falling under municipal limits of Surat Municipal Corporation (SMC) in the state of Gujarat. In addition, certain villages of Surat district were notified for the purpose of the ESI Act from time to time.

Later, the municipal limits of SMC extended and Govt. of India, Ministry of Labour issued notification dated 14<sup>th</sup> October 1992 appointing the 16<sup>th</sup> October, 1992 as the date on which the provisions of the ESI Act were brought into force in the following areas in the State of Gujarat i.e. "Areas comprising of the extended Municipal limits of Surat in District Surat in addition to the areas in which the said provisions of the Act have already been brought into force". It is a generally known fact that corresponding to the continued growth of the city, the municipal limits of Surat have been further extended after the year 1992.

A query was raised as to whether the areas/villages subsequently added to the municipal limits of Surat shall mutatis mutandis be treated as areas notified for the purpose of implementation of the ESI Act, 1948.

In this regard findings of Hon'ble High Court of Jammu & Kashmir and Ladakh in order dated 27.08.2021 against MA 362/2014 are relied upon. While deciding a similar case, Hon'ble High Court observed that "any area subsequently included within the municipal limits of the city would be deemed to have become subject to the provisions of the Act on the premise that the applicability of notification (notifying implementation of the ESI Scheme in a municipal area) would deemed to be coextensive and coterminous with the issuance of any subsequent notification by the local government, either including or excluding any area from the municipal limits of the city, as such, fresh/new notification would not be required to be issued in this regard by the Central Government under sub section (3) of Section 1 of the Act. This would also be so in view of the principle that the construction furthering the policy and object of an Act, more beneficial to the employees has to be preferred, of course without doing violence to the language used by the legislature, as also in light of settled principle that a beneficial piece of legislation has to be interpreted in such a way as to assure a benefit and not to deny the same".

In light of the above, HQrs ESIC has clarified that no fresh notification is necessary in this regard. Thus, any area(s) falling within the municipal limits of Surat shall deemed to be treated as notified for the purpose of implementation of the ESI Scheme from the date such area(s) is declared as part of the municipal

1/627015/2015 limits of Surat by the Competent Authority. This provision shall also apply to the areas included in the municipal limits of Surat in future.

Therefore, establishments/factories/institutions falling within the municipal limits of Surat and coverable under the provisions of the ESI Act shall immediately get themselves registered as per already defined procedure. This office can be contacted for assistance, if any required in the matter.

(दीपक मलिक)

उप निदेशक तथा उप क्षेत्रीय कार्यालय प्रभारी

Distribution: -

All stakeholders of ESIC