

**EMPLOYEES STATE INSURANCE CORPORATION
'PUNCHDEEP BHAWAN': KOTLA ROAD: NEW DELHI**

No.P/11/14/11/2008-Bft.II

Date: 27.05.2008

To
All RDs/Director/Jt.Dirs (I/c)
Regional/Sub Regional Office,
ESI Corporation

Subject:-Amendment in Rule 50 and 54 and insertion of new Rule 51 A in ESI Central, Rules 1950 for coverage of disabled Person drawing wages up to Rs. 25000.

Sir,

As you are aware, Rule 50 and 54 of ESI Central Rules 1950 have been amended and Rule 51A below Rule 51 therein have been inserted vide Notification No.S-38025/2/2008 SSI published in the Gazette of India Extra ordinary part II, Section, 3 Sub-Section (1)(copy enclosed for ready reference) **Annexure-I**. These provisions have come into force with effect from 1st April, 2008.

According to the above amendments, wage limit for coverage of an disabled employee under 'The Persons With Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and under the National Trust of welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999), shall be Rupees twenty-five thousand a month.'

The employers who provides employment to a person with disability as per the details provided at **Annexure-II** should submit Declaration Forms in respect of such persons with distinct marking 'Disabled' alongwith copy of disability certificate, issued by the competent authority (standard format of certificates are enclosed) with appropriate Branch Office of the Corporation within 10 days of his appointment as required vide Regulation 14 of ESI (General) Regulation 1950. On receipt of such Declaration Form, the appropriate Branch Office shall allot Insurance No. along with distinct marking 'D' (as suffix) and issue Temporary Identification Certificate for availing benefits under the ESI Scheme.

A monthly statement indicating the number of such disabled employees registered with you may be forwarded to Benefit Division endorsing its copy to Revenue Division of Hqrs. Office by 15th of the following month.

The employer has to furnish the details of wages and contributions in respect of such employees in a separate sheet along with the return of contribution for the contribution period ending 31st March, and 30th September. In the column against employers' share of contribution in respect of such employees employer can write "To be paid by the Government".

While posting returns in ESIC-38 Register in respect of such disabled person the Regional/Branch Office shall also maintain a separate record in respect of these disabled persons along with the details of contribution due, but not paid by the employer. A statement shall be sent to Hqrs. Office Revenue Division for making good the employer's share of contribution in respect of such disabled Insured Persons from the corpus to be provided by the Central Govt. within 30 days after the receipt of Return of Contribution.

These instructions may please be brought to the notice of all concerned under your jurisdiction.

Receipt of this letter and its enclosure may kindly be acknowledged.

Hindi version will follow.

Encl: As Above

Yours faithfully

(A.K.MUKHOPADHYAY)
JT. DIRECTOR (BENEFIT)
For Insurance Commissioner

Copy to: Revenue Division (HQ) with the request to please make suitable arrangements for maintaining the records so that they may claim the amount of contribution so assessed from Central Govt.

- : All officers of H.Q. office.
- : All branches of H.Q. office.

Am
21/5/08
JT. DIRECTOR (BENEFIT)

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,-
PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF LABOUR and EMPLOYMENT

New Delhi, the 31st March., 2008

NOTIFICATION

G.S.R.(E), - WHEREAS certain draft rules further to amend the Employees' State Insurance (Central) Rules, 1950, were published as required under sub-section (1) of section 95 of the Employees' State Insurance Act, 1948 (34 of 1948), in the notification of the Government of India, in the Ministry of Labour and Employment *vide* Number, GSR 86(E), dated the 14th February, 2008, in the Gazette of India, Extraordinary, Part II, Section 3 sub-section (i) inviting objections and suggestions from all persons likely to be affected thereby within a period of forty-five days from the date on which the copies of the Gazette of India, in which the said notification was published, were made available to the public;

AND WHEREAS, the copies of the said Gazette were made available to the public on 14th February, 2008;

AND WHEREAS, no objections and suggestions have been received in respect of proposed draft rules.

NOW, THEREFORE, in exercise of the powers conferred by section 95 of the Employees State Insurance Act, 1948, (34 of 1948) the Central Government, after consultation with the Employees' State Insurance Corporation, hereby makes the following rules further to amend the Employees' State Insurance (Central) Rules, 1950, namely:-

1. Short title and commencement.- (1) These rules may be called the Employees' State Insurance (Central)(Amendment) Rules, 2008.
(2) They shall come into force with effect from 1st April, 2008.
2. Amendment of rule 50.- In the Employees' State Insurance (Central) Rules, 1950, -(hereinafter referred to as the said rules), in rule 50, after the proviso, the following proviso shall be inserted, namely,-

“Provided further that the wage limit for coverage of an employee who is a person with disability under the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) respectively, shall be twenty-five thousand rupees a month.”

3. **New rule 51A,-**

After rule 51 of the said rules, the following rule shall be inserted, namely:-

"51-(A). (1) Employer's contributions in respect of certain employees.- (1) In respect of an employee who is a person with disability under the Persons with Disabilities (Equal Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999), the employer shall not be required to pay employer's share of contribution upto a maximum period of three years from the date of commencement of the contribution period.

(2) The employer's share of contribution in respect of such employees and for such period under sub-section (1) shall be reimbursed to the Corporation by the Central Government.";

4. Amendment of rule 54.- In rule 54 of the said rules,-

(i) in the TABLE, against serial number 42, for the abbreviation, figures and words "Rs.380 and above", the abbreviation, figures and words "Rs.380 and above but below Rs.390" shall be substituted;

(ii) after serial number 42 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely,-

"43.	Rs.390 and above but below Rs.400	200
44.	Rs.400 and above but below Rs.410	205
45.	Rs.410 and above but below Rs.420	210
46.	Rs.420 and above but below Rs.430	215
47.	Rs.430 and above but below Rs.440	220
48.	Rs.440 and above but below Rs.450	225
49.	Rs.450 and above but below Rs.460	230
50.	Rs.460 and above but below Rs.470	235
51.	Rs.470 and above but below Rs.480	240
52.	Rs.480 and above but below Rs.490	245
53.	Rs.490 and above but below Rs.500	250
54.	Rs.500 and above but below Rs.510	255
55.	Rs.510 and above but below Rs.520	260
56.	Rs.520 and above but below Rs.530	265
57.	Rs.530 and above but below Rs.540	270

58.	Rs.540 and above but below Rs.550	275
59.	Rs.550 and above but below Rs.560	280
60.	Rs.560 and above but below Rs.570	285
61.	Rs.570 and above but below Rs.580	290
62.	Rs.580 and above but below Rs.590	295
63.	Rs.590 and above but below Rs.600	300
64.	Rs.600 and above but below Rs.610	305
65.	Rs.610 and above but below Rs.620	310
66.	Rs.620 and above but below Rs.630	315
67.	Rs.630 and above but below Rs.640	320
68.	Rs.640 and above but below Rs.650	325
69.	Rs.650 and above but below Rs.660	330
70.	Rs.660 and above but below Rs.670	335
71.	Rs.670 and above but below Rs.680	340
72.	Rs.680 and above but below Rs.690	345
73.	Rs.690 and above but below Rs.700	350
74.	Rs.700 and above but below Rs.710	355
75.	Rs.710 and above but below Rs.720	360
76.	Rs.720 and above but below Rs.730	365
77.	Rs.730 and above but below Rs.740	370
78.	Rs.740 and above but below Rs.750	375
79.	Rs.750 and above but below Rs.760	380
80.	Rs.760 and above but below Rs.770	385
81.	Rs.770 and above but below Rs.780	390
82.	Rs.780 and above but below Rs.790	395
83.	Rs.790 and above but below Rs.800	400
84.	Rs.800 and above but below Rs.810	405
85.	Rs.810 and above but below Rs.820	410
86.	Rs.820 and above but below Rs.830	415
87.	Rs.830 and above but below Rs.840	420
88.	Rs.840 and above but below Rs.850	425
89.	Rs.850 and above but below Rs.860	430
90.	Rs.860 and above but below Rs.870	435
91.	Rs.870 and above but below Rs.880	440
92.	Rs.880 and above but below Rs.890	445
93.	Rs.890 and above but below Rs.900	450
94.	Rs.900 and above but below Rs.910	455
95.	Rs.910 and above but below Rs.920	460
96.	Rs.920 and above but below Rs.930	465
97.	Rs.930 and above but below Rs.940	470
98.	Rs.940 and above but below Rs.950	475
99.	Rs.950 and above	480"

(No. S-38025/2/2008-SS-I)


(S. K. Srivastava)

Joint Secretary to the Government of India

Annex. II

Definitions of Disabilities as per the Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995

1. "Disability" means-
 - (i) blindness;
 - (ii) low vision;
 - (iii) leprosy-cured;
 - (iv) hearing impairment;
 - (v) loco motor disability;
 - (vi) mental retardation;
 - (vii) mental illness;
2. "Person with Disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority;
3. "Blindness" refers to a condition where a person suffers from any of the following conditions, namely :-
 - (i) total absence of sight; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or
 - (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
4. "Person with Low Vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
5. "Leprosy Cured Person" means any person who has been cured of leprosy but is suffering from-
 - (i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
 - (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
 - (iii) Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation,
and the expression "leprosy cured" shall be construed accordingly;
6. "Hearing Impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies;
7. "Loco motor Disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;
8. "Cerebral Palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;
9. "Mental Retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence;
10. "Mental Illness" means any mental disorder other than mental retardation;

CERTIFICATE OF MENTAL RETARDATION FOR GOVERNMENT BENEFITS

This is to certify that /Smt./Kum. _____ Son/Daughter of
_____ of _____ Town/City
_____ with particulars given below:-

- a) Age
- b) Sex
- c) Signature/Thumb impression

CATEGORISATION OF MENTAL RETARDATION

Mild/Moderate/Severe/Profound

Validity of the Certificate: Permanent

Signature of the Government
Doctor/Hospital with seal
Chairperson Mental Retardation
Certification Board

Recent Attested Photograph
Showing the disability affixed here

Dated:

Place:

Annex. III

**STANDARD FORMAT OF THE DISABILITY CERTIFICATES AS PRESCRIBED IN THE
GUIDELINES FOR EVALUATION OF VARIOUS DISABILITIES AND PROCEDURE FOR
CERTIFICATION – NOTIFIED VIDE GAZETTE NOTIFICATION NO. 16-18/97-NLI.
DATED 1ST JUNE, 2001**

NAME & ADDRESS OF THE INSTITUTE/HOSPITAL ISSUING THE CERTIFICATE

Certificate No.

Date

CERTIFICATE FOR THE PERSONS WITH DISABILITIES

This is to certify that Shri/Smt./Kum/wife/daughter of Shri _____ Age
_____ old male/female, Registration No. _____ is a case of
physically disabled/visual disabled/speech & hearing disabled and has _____ %
(_____) permanent (physical impairment/visual impairment/speech & hearing
impairment) in relation to his/her _____

Note: -

1. This condition is progressive/non-progressive/likely to improve/not likely to improve. *
2. Re-assessment is not recommended/is recommended after a period of _____
months/years.

*Strike out which is not applicable.

Sd/-
(DOCTOR)
Seal

Sd/-
(DOCTOR)
Seal

Sd/-
(DOCTOR)
Seal

Signature/Thumb impression
Of the patient

Countersigned by the
Medical Superintendent/CMO/Head of
Hospital (with seal)

Recent Attested Photograph
Showing the disability affixed here.

Definitions of disabilities as per National Trust for the Welfare of Persons With Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

1. "Persons with Disability" means a person suffering from any of the conditions relating to autism, Cerebral Palsy, Mental Retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability;
2. "Autism" means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behaviour;
3. "Cerebral Palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development;
4. "Mental Retardation" means a condition of arrested or incomplete development of mind of person, which is specially characterised by sub-normality of intelligence;
5. "Multiple Disabilities" means a combination of two or more disabilities as defined in clause (i) of section 2 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
6. "Severe Disability" means disability with eighty per cent or more of one or more of Multiple Disabilities;
