
A copy of the above Booklet is enclosed herewith. It is requested that the same may kindly be uploaded in the website of office (Publication) for information of employers/Insured Persons/officers in the field.


(H.K. MEHTA)
Deputy Director (P&D)

Officer on Special Duty (Website).
U.O. Note No. Z-12/12//02-2010-P&D
Dated: 09/08/2011.

(DURING YEARS 2010 & 2011 {TILL 15-06-2011})
पणधारियों
के साथ
किया गया वादा

बीमा प्रभाग

- क.रा.बी. योजना के अंतर्गत अधिक सदस्यों के लिए नामांकन / व्याप्ति अभियान
- स्थाई अपंगता हितलाभ तथा आश्रित हितलाभ मामलों का भुगतान इंसीयर्स के जरिये
- लोक शिकायत संबंधी मामलों के निपटान में 15 दिन से अधिक समय नहीं
- प्रत्येक शाखा कार्यालय द्वारा नियोक्ताओं/कर्मचारियों के लिए महीने में एकबार एकमात्र कैशिलोटेशन कॉन्फ्रेक्शन (सुविधा समाप्त) का आयोजन
- समस्त भारत में 25 आदर्श शाखा कार्यालय— स्वच्छ पेयजल तथा सभी सुविधाओं सहित बनाना
- स्थाई अपंगता हितलाभ/आश्रित हितलाभ मामलों का निपटान एक महीने के भीतर
- नियोक्ताओं के सभी अपेक्षीय मामलों का निपटान 60 दिन के भीतर
- मॉडल्बोर्ड मामलों का निपटान एवं भुगतान तीन दिन के भीतर
- क.रा.बी.नि. शिक्षा/क्षेत्रीय कार्यालयों/उप-क्षेत्रीय कार्यालयों/प्रभावीय कार्यालयों/शाखा कार्यालयों में सुविधा केन्द्र

चिकित्सा प्रभाग

- सभी क.रा.बी.नि. अस्पतालों में सम्पूर्ण स्वास्थ्य मोबाइल डेव की शुरुआत
- सभी क.रा.बी.नि. अस्पतालों में आयुष यूनिटों (आईएसएम) की स्थापना
- प्रत्येक क.रा.बी.नि. अस्पताल द्वारा हर महीने एक स्वास्थ्य शिविर का आयोजन
- 05 क.रा.बी.नि. ग्रीन कॉल्ड अस्पतालों का शुभारम्भ
- 05 क.रा.बी.नि. अस्पतालों का उन्नयन / आधुनिकीकरण
- प्रत्येक क.रा.बी.नि. अस्पताल में सुविधा/काउंसिलिंग सेंटर
- निदान सुविधाओं सहित 60 हीरक जगती मॉडल औषधियों की स्थापना

वित्त प्रभाग

- सभी ग्राहकों को (नियमित ग्राहकों को) इंसीयर्स के जरिये 10 दिन के भीतर भुगतान
- मासिक एवं वार्षिक लेखों का कम्यूटरीकरण
- शिष्टाचार/लोक संचालन/सीमानत पर 100 प्रशिक्षण कार्यक्रमों का आयोजन
- डाटा प्राप्त होने के बाद 07 दिन के भीतर बीमित व्यक्तियों को पहचान पत्र जारी किए जाएगे
- नियोक्ताओं तथा बीमित व्यक्तियों के लिए रीयल टाइम ऑनलाइन रजिस्ट्रेशन
BOOKLET OF GAZETTE NOTIFICATIONS ON AMENDMENTS IN
EMPLOYEES’ STATE INSURANCE ACT, 1948,
EMPLOYEES’ STATE INSURANCE (CENTRAL) RULES, 1950
&
EMPLOYEES’ STATE INSURANCE (GENERAL) REGULATIONS, 1950.
(DURING YEARS 2010 & 2011 {TILL 15-06-2011})

## CONTENTS

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Subject</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Preface by Insurance Commissioner</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Amendments in Employees' State Insurance Act, 1948.</strong></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>The Employees' State Insurance (Amendment Act) 2010.</td>
<td>2-7</td>
</tr>
<tr>
<td>3.</td>
<td>Central Govt. Notification S.O, 1296 (E) dated 1st June, 2010 enforcing amendments.</td>
<td>8</td>
</tr>
<tr>
<td>4.</td>
<td>Central Govt. notification GSR 654 (E) dated 4th August, 2010 The Other Beneficiaries and Members of their Families Medical Facilities Scheme 2010.</td>
<td>9-10</td>
</tr>
<tr>
<td></td>
<td><strong>Amendments in Employees' State Insurance (Central) Rules, 1950.</strong></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Govt. of India, Gazette Notification No. G.S.R. 349 (E) dated 20th April, 2010.</td>
<td>11-12</td>
</tr>
<tr>
<td>8.</td>
<td>Govt. of India, Gazette Notification No. G.S.R. 229 (E) dated 23rd March, 2011.</td>
<td>20-21</td>
</tr>
<tr>
<td></td>
<td><strong>Amendments in Employees' State Insurance (General) Regulations, 1950.</strong></td>
<td></td>
</tr>
</tbody>
</table>
Consequent upon amendment in the Employees’ State Insurance Act, 1948, amendments have been carried out in the Employees’ State Insurance (Central) Rules, 1950 and the Employees’ State Insurance (General) Regulations, 1950. The same were circulated to all Regional Directors/Joint Directors (I/C) earlier. Now, the Central Government has further amended Employees’ State Insurance (Central) Rules, 1950 vide amending notification dated 15/06/2011. This amendment is very important since the procedure of payment of benefits from the Branch Offices has further been simplified.

Planning & Development Section, Hqrs. Office, has brought out this revised compilation containing copies of the Gazette Notifications issued by the Central Government and by ESIC amending Employees’ State Insurance Act, 1948, Employees’ State Insurance (Central) Rules, 1950 and Employees’ State Insurance (General) Regulations, 1950 during the year 2010 and 2011 (till 15/06/2011).

I hope this compilation will be of immense help to the Regional Directors/Joint Directors (I/C) in the Regions/ Sub-Regions including our Medical Officers working in field offices.


(B.K.SAHU)
Insurance Commissioner
The following Act of Parliament received the assent of the President on the 24th May, 2010, and is hereby published for general information:

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 2010

(No. 18 of 2010)

An Act further to amend the Employees' State Insurance Act, 1948

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:

1. (1) This Act may be called the Employees' State Insurance (Amendment) Act, 2010.

(2) Section 18 shall be deemed to have come into force on the 3rd day of July, 2008 and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Employees' State Insurance Act, 1948 (hereinafter referred to as the principal Act), in section 1, in sub-section (5), for the words "six months", the words "one month" shall be substituted
3. In section 2 of the principal Act, —

(a) in clause (6A),—

"(a) a widow, a legitimate or adopted son who has not attained the age of twenty-five years, an unmarried legitimate or adopted daughter,;"

(b) in sub-clause (ii), for the words "eighteen years", the words "twenty-five years" shall be substituted;

(B) in clause (9), for the words "or under the standing orders of the establishment;", the words "and includes such person engaged as apprentice whose training period is extended to any length of time" shall be substituted;

(C) in clause (11), for sub-clause (v), the following sub-clauses shall be substituted, namely:

"(v) dependant parents, whose income from all sources does not exceed such income as may be prescribed by the Central Government;

(vi) in case the insured person is unmarried and his or her parents are not alive, a minor brother or sister wholly dependant upon the earnings of the insured person;"

(D) for clause (12), the following clause shall be substituted, namely:

"(12) "factory" means any premises including the precincts thereof whereon ten or more persons are employed or were employed on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily so carried on, but does not include a mine subject to the operation of the Mines Act, 1952 or a railway running shed;".

35 of 1952

4. In section 10 of the principal Act, in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely:

"(a) the Director General, the Employees' State Insurance Corporation, ex officio as Chairman;

(b) the Director General, Health Services, ex officio as Co-chairman;"

5. In section 12 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:

"(3) A person referred to in clause (l) of section 4 shall cease to be a member on becoming a Minister or Speaker or Deputy Speaker of the House of the People or Deputy Chairman of the Council of States or when he ceases to be a member of Parliament."

6. In section 17 of the principal Act, in sub-section (2), in clause (a), after the proviso, the following proviso shall be inserted, namely:

"Provided further that this sub-section shall not apply to appointment of consultants and specialists in various fields appointed on contract basis,".

7. In section 37 of the principal Act, for the words "five years", the words "three years" shall be substituted.

8. In section 45 of the principal Act,—

(a) for the words "Inspectors" and "Inspector", wherever they occur, the words "Social Security Officers" and "Social Security Officer" shall respectively be substituted;
(b) after sub-section (3), the following sub-section shall be inserted, namely:

"(4) Any officer of the Corporation authorised in this behalf by it may, carry out re-inspection or test inspection of the records and returns submitted under section 44 for the purpose of verifying the correctness and quality of the inspection carried out by a Social Security Officer.”.

9. In section 45A of the principal Act, in sub-section (1),—

(i) for the word "Inspector", the words "Social Security Officer" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:

"Provided further that no such order shall be passed by the Corporation in respect of the period beyond five years from the date on which the contribution shall become payable.”.

10. After section 45A of the principal Act, the following section shall be inserted, namely:

"45AA. If an employer is not satisfied with the order referred to in section 45A, he may prefer an appeal to an appellate authority as may be provided by regulation, within sixty days of the date of such order after depositing twenty-five per cent of the contribution so ordered or the contribution as per his own calculation, whichever is higher, with the Corporation:

Provided that if the employer finally succeeds in the appeal, the Corporation shall refund such deposit to the employer together with such interest as may be specified in the regulation.”.

11. In the principal Act, in sections 51A and 51B, for the words "an insured person's", the words "an employee's" shall be substituted.

12. In the principal Act, in sections 51C and 51D, for the words "insured person", the word "employee" shall be substituted.

13. After section 51D of the principal Act, the following section shall be inserted, namely:

"51E. An accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, shall be deemed to have arisen out of and in the course of employment if nexus between the circumstances, time and place in which the accident occurred and the employment is established.”.

14. In section 56 of the principal Act, in sub-section (3), for the third proviso, the following proviso shall be substituted, namely:

"Provided also that an insured person who has attained the age of superannuation, a person who retires under a Voluntary Retirement Scheme or takes premature retirement, and his spouse shall be eligible to receive medical benefits subject to payment of contribution and such other conditions as may be prescribed by the Central Government.”.

15. In section 58 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:

"(5) The State Government may, in addition to the Corporation under this Act, with the previous approval of the Central Government, establish such organisation (by whatever name called) to provide for certain benefits to employees in case of sickness, maternity and employment injury:

Amendment of section 45A
Insertion of new section 45AA
Amendment of sections 51A and 51B
Amendment of sections 51C and 51D
Insertion of new section 51E
Amendment of sections 51A and 51B
Amendment of sections 51C and 51D
Amendment of section 56
Amendment of section 58
Provided that any reference to the State Government in the Act shall also include reference to the organisation as and when such organisation is established by the State Government.

(6) The organisation referred to in sub-section (5) shall have such structure and discharge functions, exercise powers and undertake such activities as may be prescribed.

16. In section 59 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:

"(3) The Corporation may also enter into agreement with any local authority, local body or private body for commissioning and running Employees' State Insurance hospitals through third party participation for providing medical treatment and attendance to insured persons and where such medical benefit has been extended to their families, to their families."

17. After section 59A of the principal Act, the following section shall be inserted, namely:

"59B. The Corporation may establish medical colleges, nursing colleges and training institutes for its para-medical staff and other employees with a view to improve the quality of services provided under the Employees' State Insurance Scheme."

18. For Chapter VA of the principal Act, the following Chapter shall be substituted, namely:

CHAPTER VA

SCHEME FOR OTHER BENEFICIARIES

73A. In this Chapter,—

(a) "other beneficiaries" means persons other than the person insured under this Act;

(b) "Scheme" means any Scheme framed by the Central Government from time to time under section 73B for the medical facility for other beneficiaries;

(c) "underutilised hospital" means any hospital not fully utilised by the persons insured under this Act;

(d) "user charges" means the amount which is to be charged from the other beneficiaries for medical facilities as may be notified by the Corporation in consultation with the Central Government from time to time.

73B. Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, frame Scheme for other beneficiaries and the members of their families for providing medical facility in any hospital established by the Corporation in any area which is underutilised on payment of user charges.

73C. The user charges collected from the other beneficiaries shall be deemed to be the contribution and shall form part of the Employees' State Insurance Fund.

73D. The Scheme may provide for all or any of the following matters, namely:

(i) the other beneficiaries who may be covered under this Scheme;

(ii) the time and manner in which the medical facilities may be availed by the other beneficiaries;
(iii) the form in which the other beneficiary shall furnish particulars about himself and his family whenever required as may be specified by the Corporation,

(iv) any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

73E. The Central Government may, by notification in the Official Gazette, add to, amend, vary or rescind the Scheme.

73F. Every Scheme framed under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or to be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.

19. All things done, or, omitted to be done, and all actions or measures taken or not taken during the period beginning on or after the 3rd day of July, 2008 and ending immediately before the date of commencement of the Employees' State Insurance (Amendment) Act, 2010, shall in so far as they are in conformity with the provisions of this Act, as amended by the Employees' State Insurance (Amendment) Act, 2010, be deemed to have been done, or taken, or not taken, under the provisions of this Act, as amended by the Employees' State Insurance (Amendment) Act, 2010, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period.

20. In section 87 of the principal Act, the following provisos shall be inserted at the end, namely:

"Provided that such exemptions may be granted only if the employees in such factories or establishments are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act:

Provided further that an application for renewal shall be made three months before the date of expiry of the exemption period and a decision on the same shall be taken by the appropriate Government within two months of receipt of such application."

21. In section 91A of the principal Act, for the words "either prospectively or retrospectively", the word "prospectively" shall be substituted.

22. After section 91A of the principal Act, the following section shall be inserted, namely:

"91AA. Notwithstanding anything contained in this Act, in respect of establishments located in the States where medical benefit is provided by the Corporation, the Central Government shall be the appropriate Government."

23. In section 95 of the principal Act, in sub-section (2),—

(i) after clause (ef), the following clause shall be inserted, namely—

"(eff) the income of dependant parents from all sources;",

(ii) after clause (eh), the following clause shall be inserted, namely—

"(ehh) the conditions under which the medical benefits shall be payable to the insured person and spouse of an insured person who has attained the age of
superannuation, the person who retires under Voluntary Retirement Scheme and
the person who takes pre-mature retirement;".

24. In section 96 of the principal Act, in sub-section (1), after clause (e), the following
clause shall be inserted, namely: —

"(ee) the organisational structure, functions, powers, activities and other matters for
the establishment of the organisation;".

25. In section 97 of the principal Act, in sub-section (2), —

(i) in clause (xx), for the word "Inspectors", the words "Social Security Officers"
shall be substituted;

(ii) after clause (xx), the following clause shall be inserted, namely:—

"(xxa) the constitution of the appellate authority and the interest on
amount deposited by the employer with the Corporation.".

V. K. BHASIN,
Secy. to the Govt. of India.
MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 1st June, 2010

S.O. 1296(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Employees’ State Insurance (Amendment) Act, 2010 (18 of 2010), the Central Government hereby appoints the 1st day of June, 2010, as the date on which the said Act, except Section 18 thereof, shall come into force.

[F. No. S-38012/01/2008-S.S.-I (Vol. VII)]

S. K. DEV VERMAN, Jr. Secy.
श्रम और रोजगार मंत्रालय
अधिसूचना

नई दिल्ली, 4 अगस्त, 2010

सा का नं. 654(अ)—कृत्यवहन सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73व के साथ पत्रन धरा 73व के प्रदत शक्तियों का प्रयोग करते हुए और अन्य नामांकनों तथा उनके परीक्षण के सदस्यों की चिकित्सा सुविधा योजना, 2008 का अंतर्गत करते हुए, इस अंतर्गत के कारण के पुर्त लिखे गए गठन करने के अनुरोध में निम्नलिखित योजना बनाई है:

1. योजना शीर्षक तथा प्रारंभण.—(1) यह योजना अन्य नामांकनों के निम्नलिखित योजना, 2008 के कारण बनाई गई है।
(2) यह मरक्कार राज्यात में इसके प्रकाशन की लिखी गई थी।

2. अनुश्रुति—यह योजना कर्मचारी राज्य बीमा योजना में शामिल है। यह योजना अन्य नामांकनों के अंतर्गत पंजीकृत अन्य जनसंख्या योजना, 2008 के कारण बनाई गई है।

3. पालन और परीक्षण—यह योजना में, जब तक संरचना में अनुपत्ती अपनी नहीं है:
(क) "अधिनियम" से आशय कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) से है,
(ख) "संग्रह" से आशय, कर्मचारी राज्य बीमा निगम से है,
(ग) "बाहिक" से आशय कर्मचारी राज्य बीमा के अंतर्गत केंद्र सरकार द्वारा बनाई गई अन्य योजना के अंतर्गत पंजीकृत व्यक्ति और उनके परीक्षण के गठन के साथ है।

(1) इस योजना में प्रस्तुत तथा अन्य अधिनियम अन्य सभी शिक्षा तथा अभिव्यक्तियों से आशय का प्रकाश: अधिनियम में उन्हें दिए गए अनुसार होगा।

4. प्रस्तुति—इस योजना के अंतर्गत चिकित्सा उपचार और परीक्षण का लाभ उठाने के इस्तेमाल के लिए निम्नलिखित अनुसार होगा:
(क) अपने तथा अपने परीक्षण के गठन के गठन में निगम द्वारा प्राप्तिलिखित जोरदार वाला पंजीकरण प्राप्त होगा,
(ख) निम्न वा केंद्र सरकार द्वारा बनाई गई किसी अन्य योजना के अंतर्गत उन्हें जारी किए गए वह प्रकाश प्रस्तुत करना।

5. लाभ—इस योजना के अंतर्गत पंजीकृत व्यक्तियों को कसूटर उपयोग वाले कर्मचारी राज्य बीमा अम्लातों से चिकित्सा उपचार तथा परीक्षण उपलब्ध करायी जाएगी।

6. प्रस्तुति प्राप्ति—(1) इस योजना के अंतर्गत निम्नलिखित रणनीति तथा परीक्षण का लाभ उठाने वाले व्यक्तियों को केंद्र सरकार द्वारा गठन से निगम द्वारा अंतर्गत कराया दर्जे पर प्रयोजकार्य प्रमाण की अंतर्गत कर्त्ता अपेक्षित होगा।
(2) उप-प्रमाण (1) के अंतर्गत एक्ट का ग्रहण प्राप्त भारत के अंतर्गत कर्मचारी राज्य बीमा निधि का हिस्सा होगा।
7. "Beneficiary" means a person, including members of their families, registered under any scheme, other than the Employees’ State Insurance Scheme framed by the Central Government.

(a) "Person" means a person, including members of their families, registered under any scheme, other than the Employees’ State Insurance Scheme.

(b) "Beneficiary" means a person, including members of their families, registered under any scheme, other than the Employees’ State Insurance Scheme.


The Central Government hereby makes the following Scheme, namely:—

[Notification No. S.O. 654(E), dated 4th August, 2010]

MINISTRY OF LABOUR AND EMPLOYMENT
NOTIFICATION

New Delhi, the 4th August, 2010

G.S.R. 654(E).—In exercise of the powers conferred by Section 71B read with Section 73D of the Employees’ State Insurance Act, 1948 (34 of 1948), and in supersession of the Other Beneficiaries and Members of their Families Medical Facilities Scheme, 2008, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following Scheme, namely:—

1. Short title and commencement.—(1) This Scheme may be called The Other Beneficiaries and Members of their Families Medical Facilities Scheme, 2010.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Application.—This Scheme shall apply to other beneficiaries and members of their families registered under any scheme, other than the Employees State Insurance Scheme, framed by the Central Government.

3. Definitions.—In this scheme, unless the context otherwise requires,—

(a) "Act" means the Employees’ State Insurance Act, 1948 (34 of 1948);

(b) "Corporation" means the Employees’ State Insurance Corporation;

(c) "Person" means a person, including members of their families, registered under any scheme, other than the Employees’ State Insurance Scheme framed by the Central Government.

(d) All other words and expressions used and not defined in this scheme shall have the meaning respectively assigned to them in the Act:

4. Registration.—A person desirous of availing medical treatment and attendance under the Scheme shall be required to—

(a) fill a registration form containing such particulars in respect of himself and members of his family as may be specified by the Corporation;

(b) produce the Identity Card issued to him by the Corporation or issued under any other scheme framed by the Central Government.

5. Benefits.—Persons registered under this Scheme shall be provided medical treatment and attendance from the underutilized Employees’ State Insurance Hospitals.

6. User Charges.—(1) Persons availing medical treatment and attendance under this Scheme shall be required to pay user charges at such rates as may be notified by the Corporation in consultation with the Central Government.

(2) The user charges collected under sub-paragraph (1) shall be deemed to be contribution and shall form part of the Employees’ State Insurance Fund.

7. Time and Manner of the Medical Facility.—The time and manner in which the medical facilities may be availed by other beneficiaries shall be such as may be specified by the Corporation from time to time.

8. Maintenance of Register and Records.—The concerned hospitals shall maintain separate register and record of the persons availing medical treatment and attendance under this Scheme and user charges collected from them in such form and manner as may be specified by the Corporation.

[ F. No. S-38025/14/2008-SS.1]
S. K. DEV VERMAN, Jt. Secy.