CIRCULAR

Subject: Amendments in Employees' State Insurance (Central) Rules, Rules, 1950.

Sir,

A copy of the Notification No. S-38012/1/2011-SS.I. dated 15/6/2011 issued by the Central Government carrying out further amendments in Employees' State Insurance (Central) Rules, 1950 is enclosed herewith for information and immediate necessary action. The Gazette of India amending above Rules is awaited from the Govt. Press and will be sent to all concerned immediately after the same is received.

(2) The amendments as carried out as per above Notification are effective from 01/07/2011. Therefore, all Regional Directors/ Joint Directors (I/C) are advised to ensure that the amendments are complied with from above date.

Hindi version will follow

Encl: 4 pages.

(R.C.SHRAMA)
Director (P&D)

(1) Additional Commissioner (Benefits), Hqrs. Office.
(2) Joint Director (Benefits), Hqrs. Office.
(3) All Regional Directors/ Joint Directors (I/C), SROs/Divisional Offices________________________ for immediate compliance.
(4) PS to Insurance Commissioner.

Copy forwarded to: - Joint Director (System). It is requested that this circular along with copy of Notification may kindly be uploaded on official website immediately.

(H.K.MEHTA)
DEPUTY DIRECTOR (P&D)
NOTIFICATION

G.S.R. (E).—Whereas certain draft rules further to amend the Employees' State Insurance (Central) Rules, 1950, were published as required by sub-section (1) of section 95 of the Employees' State Insurance Act, 1948 (34 of 1948), vide notification of the Government of India in the Ministry of Labour and Employment, number G.S.R. 230 (E), dated the 23rd March, 2011, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 23rd March, 2011, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty 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 23rd March, 2011;

And whereas no objection or suggestion has been received from any person in this regard;

Now, therefore, in exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 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. (1) These rules may be called the Employees' State Insurance (Central) Amendment Rules, 2011.

(2) They shall come into force with effect from the 1st day of July, 2011.

2. In the Employees' State Insurance (Central) Rules, 1950, -
(1) in rule 2,-
  (i) for clause (1A), the following clause shall be substituted, namely:
      '(1A) "average daily wages during a contribution period" in respect of an
      employee, means the aggregate amount of wages payable to him during
      that period divided by the number of days for which such wages were
      payable.;

  (ii) for clause (7A), the following clause shall be substituted, namely:
      '(7A) "standard benefit rate" means average daily wages obtained by
      dividing the total wages paid during the contribution period by the number
      of days for which these wages were paid.;

(2) in rule 52, for the words "rupees seventy", the words "rupees one hundred"
    shall be substituted;

(3) rule 54 shall be omitted;

(4) in rule 55, for sub-rule (2), the following sub-rule shall be substituted,
    namely:

    "(2) The daily rate of sickness benefit in respect of a person during any
    benefit period shall be seventy per cent. of the standard benefit rate of that
    person during the corresponding contribution period rounded to the next
    higher rupee.;

(5) in rule 56, for sub-rule (5), the following sub-rule shall be substituted,
    namely:

    "(5) The daily rate of maternity benefit payable in respect of confinement
    occurring or expected to occur during any benefit period shall be equal to
    the standard benefit rate in respect of the insured woman during the
    corresponding contribution period, rounded to the next higher rupee, or
    rupees twenty-five, whichever is higher.;

(6) in rule 57, for sub-rule (3), the following sub-rule shall be substituted,
    namely:
"(3) The daily rate of disablement benefit shall be ninety per cent. of the standard benefit rate in the contribution period corresponding to the benefit period in which the employment injury occurs, rounded to the next higher rupee:

Provided that where an employment injury occurs before commencement of the first benefit period in respect of a person, the daily rate of disablement benefit shall be -

(i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of his average daily wages in that wage period, rounded to the next higher rupee;

(ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of his wages actually earned or which would have been earned, had he worked for a full day on the date of accident, rounded to the next higher rupee.

Explanation. – The disablement benefit calculated as aforesaid shall be called the "full rate."

(7) in rule 58, for sub-rule (2), the following sub-rule shall be substituted, namely: -

"(2) The daily rate of dependant's benefit shall be ninety per cent. of the standard benefit rate in the contribution period corresponding to the benefit period in which the employment injury occurs:

Provided that where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of dependants' benefit shall be -
(i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of his average daily wages during that wage period rounded to the next higher rupee;

(ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of wages actually earned or which would have been earned had he worked for a full day on the date of accident, rounded to the next higher rupee."

Note: The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide notification number S.R.O. 212, dated the 22nd June, 1950 and last amended vide notification number G.S.R. 229 (E), dated the 23rd March, 2011.