



# भारत का राजपत्र The Gazette of India

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नई दिल्ली, शनिवार, फरवरी 2, 1991/माघ 13, 1912  
NEW DELHI, SATURDAY, FEBRUARY 2, 1991/MAGHA 13, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय  
अधिकारियों द्वारा विधि के अन्तर्गत बनाए और जारी किए गए साधारण सचिद्विक नियम,  
(जिनमें साधारण प्रकार के आदेश, उपनियम आदि सम्मिलित हैं)।

General Statutory Rules (including Orders, Bye-laws etc. of a general  
Character) issued by the Ministries of the Government of India (other  
than the Ministry of Defence) and by the Central Authorities (other  
than the Administration of Union Territories)

मह मंत्रालय

(भारत के महारजिस्ट्रार का कार्यालय)

नई दिल्ली, 16 जनवरी, 1991

सा. का. नि. 65:—राष्ट्रपति, संविधान के अनुच्छेद 309 के परलोक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के महारजिस्ट्रार का कार्या-  
लय और राज्यों और संघ राज्य क्षेत्रों में स्थित जनगणना कार्य निदेशालयों में आपरेटर के पद के पद नाम, प्रहृतियों, शर्तों की पद्धति आदि में संशोधन करने के  
विश्वनिश्चिन नियम बनाते हैं, अर्थात्:—

- (i) इन नियमों का नाम भारत के महारजिस्ट्रार का कार्यालय और राज्यों और संघ राज्य क्षेत्रों में स्थित जनगणना कार्य निदेशालयों (आपरेटर)  
शर्तों (संशोधन) नियम, 1991 होगा।
- (ii) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
- 2 भारत के महारजिस्ट्रार का कार्यालय और राज्यों और संघ राज्य क्षेत्रों में स्थित जनगणना कार्य निदेशालयों (आपरेटर) शर्तों नियम, 1984 में—  
(i) नियम 2 में, "आपरेटर" शब्द के लिए "आंकड़े प्रबन्धि आपरेटर ग्रेड 'ब'" शब्द प्रतिस्थापित किए जाएंगे।

(7)	"	1082	"	29-6-1966
(8)	"	545	"	14-4-1967
(9)	"	500	"	26-3-1968
(10)	"	677	"	29-3-1968
(11)	"	1106	"	22-5-1968
(12)	"	2113	"	28-11-1968
(13)	"	306	"	7-3-1974
(14)	"	1122	"	1-10-1974
(15)	"	56	"	23-12-1976
(16)	"	80	"	4-1-1982
(17)	"	129	"	9-2-1987
(18)	"	199	"	6-3-1990

### MINISTRY OF LABOUR

New Delhi, the 22nd January, 1991

G.S.R. 76.—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), with the notification of the Government of India in the Ministry of Labour No. G.S.R. 629 dated the 17th September, 1990 in the Gazette of India, Part II, Section 3, Sub-section (i), dated the 6th October, 1990 inviting objections or suggestions from all persons likely to be affected thereby till the expiry of the period of forty five days from the date on which the copies of the Gazette of India, in which the notification was published were made available to the public :

And whereas, the copies of the said Gazette were made available to the public on the 10th October, 1990 ;

And whereas, no objection and suggestion has been received from any person likely to be affected thereby ;

Now therefore, in exercise of the powers conferred by section 95 of the said Act, 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, 1991.

(2) They shall come into force with effect from the 1st February, 1991.

2. In the Employees' State Insurance (Central) Rules, 1950,—

(1) in rule 2,—

(i) after clause (1), the following clauses shall be inserted, namely :—

(1-A) "Average daily wages during a contribution period" means, in respect of any employee for the purpose of the daily rate of sickness benefit, maternity benefit, disablement benefit and dependent's benefit, the sum equal to one hundred

and fifteen per cent of the aggregate amount of wages payable to him during that period, divided by the number of days (including paid holidays and leave days) for which such wages were payable.

(1-B) "Average daily wages during a wage period" means :—

(a) in respect of an employee who employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 14 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated ;

(b) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the contribution period divided by the number of days in full or part for which he has worked for wages in that wage period

Provided that where an employee receives wages without working on any day during such wage period he shall be deemed to have worked for 26, 13, or 1 days or day if the wage period be a month, fortnight, a week or a day respectively.

Explanation.—Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the days worked as part of the day preceding ;

(1-C) "benefit period" means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the regulations ;

(ii) after clause (2), the following clause shall be inserted namely :—

(2-A) "Contribution period" means the period not exceeding six consecutive months, as may be specified in the regulations ;

(iii) after clause (7), the following clause shall be inserted, namely :—

(7-A) "Standard benefit rate" means the daily rate of benefit specified in rule 54 ;

(iv) after clause (9), the following clause shall be inserted, namely :—

"(10) all other words and expressions shall have the meaning respectively assigned to them in the Act."

(2) in rule 10, for word "eleven", the word "fifteen" shall be substituted ;

(3) for rule 15, the following rule shall be substituted, namely :—

“15. Salaries, allowances and conditions of service of the Director General and Financial Commissioner,—

- (1) Director General shall be in the scale of pay of Rs. 7300—7600 and the Financial Commissioner shall be in the scale of pay of Rs. 5900—6700.
- (2) The Director General and the Financial Commissioner shall receive dearness allowance, city compensatory allowance, house rent allowance, travelling allowance and other allowances, at such rates, and such provident fund, leave and medical benefits as may be sanctioned for the officers of the Central Government drawing similar salary at the place where they are posted :

Provided that where the Director General or the Financial Commissioner is a person already in the service of the Corporation, he shall be entitled to pension, gratuity and other superannuation benefits to which he would have been otherwise entitled but for his appointment as the Director General or the Financial Commissioner :

Provided further that the pay, allowances and conditions of service of the Director General or the Financial Commissioner, if he is a person already in the service of the Government, shall be such as may be determined by the Central Government in each individual case.”;

(4) in rule 16, in sub-rule (1), clause (ii) shall be omitted ;

(5) rules 17 and 18 shall be omitted :

(6) in rule 19, for the words “Chief Accounts Officer”, the words “Financial Commissioner” shall be substituted ;

(7) for rule 20, the following rules shall be substituted, namely :—

“20. Creation of posts by the Corporation.—The powers for creation of posts vested in the Corporation under sub-section (1) of section 17 of the Act shall be exercised by the Corporation in relation to posts carrying maximum scale of pay of Rs. 4500—5700.”;

(8) in rule 21, in sub-rule (2), for the words “Chief Accounts Officer”, the words “Financial Commissioner” shall be substituted :

(9) rule 36 shall be omitted ;

(10) in rule 37, for the words “the auditors” the words “The Comptroller and Auditor General of India” shall be substituted ;

(11) in rule 38, for the word “auditors”, occurring at two places the words “Comptroller and Auditor General of India” shall be substituted ;

(12) in rule 39, for the words “auditors’ report”, the words “report of the Comptroller and Auditor General of India” shall be substituted ;

(13) in rule 40, in sub-rule (2), for the words “auditors’ report” occurring at two places, the words “report of Comptroller and Auditor General of India” shall be substituted ;

(14) in rule 41,—

(a) for the words “auditors’ report” occurring at two places, the words, “the report of the Comptroller and Auditor General of India” shall be substituted ;

(b) after the words “copies thereof”, the words “together with the comments of the Corporation on the report of the Comptroller and Auditor General” shall be inserted ;

(15) rule 43 shall be omitted ;

(16) after rule 49, the following rules shall be inserted, namely :—

“50. Wage limit for coverage of employee under the Act.—The wage limit for coverage of an employee under sub-clause (b) of clause (9) of Section 2 of the Act shall be one thousand and six hundred rupees a month ;

Provided that an employee whose wages (excluding remuneration for overtime work) exceed one thousand and six hundred rupees a month at any time after and not before the beginning of the contribution period, shall continue to be an employee until the end of that period.

51. Rates of contribution.—The amount of contribution for a wage period shall be in respect of,—

(a) employer’s contribution, a sum (rounded to the next higher multiple of five paise) equal to five per cent of the wages payable to an employee ; and

(b) employees contribution, a sum (rounded to the next higher multiple of five paise) equal to two and one fourth per cent of the wages payable to an employee.

52. Exemption from payment of employee’s contribution.—The average daily wages during a wage period for exemption from payment of employee’s contribution under section 42 shall be upto and inclusive of rupees fifteen.

53. Writing off of losses.—(1) Where the Corporation is of the opinion that the amount of contribution, interest and damages due to the Corporation has become irrecoverable, the Corporation or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely :—

(i) establishment or factory has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts ;

- (ii) decree obtained by the Corporation could not be executed successfully for want of sufficient assets of the defaulting employer ; or
- (iii) claim for contribution is not fully met by—
- the Official Liquidator in the event of factories establishments having gone into liquidation ; or
  - the Commissioner of payment in the event of unit being nationalised or taken over by the Government.

54. Daily rate of benefit.—Daily rate of benefit hereinafter referred to as the "Standard benefit rate", in respect of group of employees specified in the first column of the table below shall be the amount respectively specified in the corresponding entry in the second column thereof.

TABLE

Group of Employees Whose Average Daily Wages are	Standard Benefit Rate
	Rs. NP
1. Below Rs. 6	2 50
2. Rs. 6 and above but below Rs. 8	3 50
3. Rs. 8 and above but below Rs. 12	5 00
4. Rs. 12 and above but below Rs. 16	7 00
5. Rs. 16 and above but below Rs. 24	10 00
6. Rs. 24 and above but below Rs. 36	15 00
7. Rs. 36 and above but below Rs. 48	20 00
8. Rs. 48 and above	28 00

55. Sickness benefit.—(1) Subject to the provisions of the Act and the regulations a person shall be qualified to claim sickness benefit for sickness occurring during any benefit period if the contributions in respect of him were payable for not less than half the number of days of the corresponding contribution period and shall be entitled to receive such benefit at the daily standard benefit rate for the period of his sickness.

Provided that he shall not be entitled to the benefits for the first two days of sickness in the case of a spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefits were last paid ;

Provided further that sickness benefits shall not be paid to any person for more than ninety one days in any two consecutive benefit periods.

(2) The daily rate of sickness benefits in respect of a person during any benefit period shall be the "standard benefit rate" specified in rule 54 corresponding to the average daily wages of that person during the corresponding contribution period.

56. Maternity benefits.—(1) An insured woman shall be qualified to claim maternity benefits for a confinement occurring or expected to occur in a benefit period, if the contributions in respect of her were payable for not less than eighty days in the immediately preceding two consecutive contribution periods.

(2) Subject to the provisions of the Act and the regulations, if any, an insured woman who is qualified to claim maternity benefits in accordance with sub-rule (1) shall be entitled to receive it at the daily rate specified in sub-rule (5) for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six weeks shall precede the expected date of confinement.

Provided that where the insured woman dies during her confinement or during the period of six weeks immediately following her confinement for which she is entitled to maternity benefits, leaving behind either case, the child, maternity benefits shall be payable for the whole of that period but if the child also dies during the said period, then for the days upto and including the day of the death of the child, to the person nominated by the insured woman, in such manner as may be specified in the regulations, and there is no such nominee, to her legal representative.

(3) An insured woman who is qualified to claim maternity benefits in accordance with sub-rule (1) shall, in case of miscarriage or medical termination of pregnancy, be entitled, on production of such proof, as may be required under the regulations, to maternity benefits at the rates specified in sub-rule (5), for all days on which she does not work for remuneration during a period of six weeks immediately following the date of her miscarriage or medical termination of pregnancy.

(4) An insured woman who is qualified to claim maternity benefits in accordance with sub-rule (1) in case of sickness arising out of pregnancy, confinement, premature birth of child or miscarriage or medical termination of pregnancy shall, on production of such proof as may be required under the regulations be entitled, in addition to the maternity benefits payable to her under any other provisions of the Act for all days on which she does not work for remuneration to maternity benefits at the rates specified in the sub-rule (5) for all days on which she does not work for remuneration during an additional period not exceeding one month.

(5) The daily rate of maternity benefits payable in respect of confinement occurring or expected to occur during any benefit period shall be equal to twice the "standard benefit rate" specified in rule 54 corresponding to the average daily wages in respect of the insured woman during the corresponding contribution period.

57. Disablement benefits.—(1) A person shall be qualified to claim disablement benefits for temporary disablement for not less than three days (excluding the day of accident) for the period of such disablement sustained as an employer under the Act.

(2) A person shall be qualified to claim periodical payment for permanent disablement sustained as an employee under the Act, whether total or Partial, such disablement :

Provided that where permanent disablement, whether total or partial, has been assessed provisionally for a limited period or finally, the benefit provided under this rule shall be payable for that limited period as if the assessment were final.

(3) (a) The daily rate of disablement shall be, forty per cent more than the standard benefit rate specified in rule 54 rounded to the next higher multiple of five paise corresponding to the average daily wages in the contribution period corresponding to the benefit period in which the employment injury occurs.

(b) Where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of disablement shall be :—

- (i) where person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs, the rate, forty percent more than the standard benefit rate rounded to the next higher multiple of five paise corresponding to the wage group in which the average daily wages during that wage period fall ;
- (ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, the rate, forty percent more than the standard benefit rate, rounded to the next higher multiple of five paise corresponding to the group in which wages are actually earned or which would have been earned, had he worked for a full day on the date of accident, fall.

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

(4) The disablement benefits shall be payable to the insured person as follows :—

- (a) for temporary disablement, at the full rate ;
- (b) for permanent total disablement, at the full rate ;
- (c) for permanent partial disablement resulting from an injury specified in part II of the Second Schedule, at such percentage of the full rate which would have been payable in the case of permanent total disablement, as specified in the said Schedule as being the percentage of the loss of earning capacity caused by the injury ;
- (d) for permanent particular disablement resulting from an injury not specified in part-II of the Second Schedule, at such percentage of the full rate payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

Explanation :—Where more injuries than one are caused by the same accident, the rate of benefit payable under clauses (c) & (d) shall be aggregated but not so in any case as to exceed the full rate and in cases of disablement not covered by clauses (a), (b), (c) and (d) at such rate, not exceeding the full rate, as may be provided in this regulations.

38. Dependents' benefits :—(1) Dependents benefit shall be paid to the dependents of the insured

person who dies as a result of an employment injury, in the following manner :—

(A) In the case of death of the insured person, the dependents' benefits shall be payable to his widow and children as follows :—

- (a) to the widow during life until remarriage, an amount equivalent to three-fifths of the full rate and, if there are two or more widows the amount payable to the widow as aforesaid shall be divided equally between the widows;
- (b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until the attains the age of eighteen years.

Provided that in the case of a legitimate son who is infirm and who is wholly dependent on the earnings of the insured person at the time of his death, dependents' benefits shall continue to be paid while the infirmity lasts ;

- (c) to each legitimate or adopted unmarried daughter an amount equivalent to two-fifths of the full rate until the attains the age of eighteen years or until marriage, whichever is earlier :

Provided that in the case of legitimate or adopted unmarried daughter who is infirm and is wholly dependent on the earnings of the insured person at the time of his death, dependents' benefit shall continue to be paid while the infirmity lasts and she continues to be unmarried;

Provided further that if the total of the dependents' benefits distributed among the widow or widows and legitimate or adopted children of the deceased person as aforesaid exceeds at any time the full rate, the share of each of the dependents shall be proportionately reduced so that the total amount payable to them does not exceed the amount of disablement benefits at the full rate.

(B) In case the deceased person does not leave a widow or legitimate or adopted child, dependents' benefit shall be payable to other dependents as follows :

- (a) to a parent or grand-parent, for life, at an amount equivalent to three tenths of the full rate and if there are two or more parents or grand-parents, the amount payable to the parents or grand-parents as aforesaid shall be equally divided between them;
- (b) to any other—
  - (i) male dependant, until the attains the age of eighteen years,
  - (ii) female dependent, until she attains the age of eighteen years or until marriage, whichever is earlier or if widowed, until she attains eighteen years of age or remarriage, whichever is earlier;

at an amount equivalent to two tenths of the full rate :

Provided that if there be more than one dependant under clause (b) the amount payable under this clause shall be equally divided between them.

(2) (a) The daily rate of dependant's benefit shall be forty percent more than the standard benefit rate specified in rule 54 rounded to the next higher multiple of five paise corresponding to the average daily wages in the contribution period corresponding to the benefit period in which the employment injury occurs.

(b) Where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of dependant's 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, the rate, forty percent more than the standard benefit rate rounded to the next higher multiple of five paise corresponding to the wage group in which his average daily wages during that wage period fall;
- (ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, the rate, forty percent more than the standard benefit rate, rounded to the next higher multiple of five paise corresponding to the group in which wages actually earned or which would have been earned had he worked for a full day on the date of accident fall.

Explanation :—The dependant's benefit rate calculated as aforesaid shall be called the "full rate".

59. Funeral expenses :—The amount of funeral expenses for the purpose of clause (f) of sub-section (1) of section 46 of the Act shall be one thousand rupees.

60. Medical benefits to insured person who ceases to be in an insurable employment on account of permanent disablement.—An insured person who ceases to be in an insurable employment on account of permanent disablement caused due to an employment injury shall be eligible to receive medical benefits for himself and his spouse at the scale prescribed under the Act and the regulations made thereunder till the date on which he would have vacated the employment on attaining the age of superannuation, had he not sustained such permanent disablement, subject to :—

- (i) the production of proof by such an insured person that he ceased to be in an insurable employment on account of permanent disablement due to employment injury to the satisfaction of such officer as may be authorised by the Corporation; and
- (ii) the payment of contribution at the rate of ten rupees per month in lump-sum for one year at a time in advance to the concerned office of the corporation in the manner prescribed by it.

61. Medical benefits to retired insured persons.—An insured person who leaves the insurable employment on attaining the age of superannuation after being insured for not less than five years, shall be eligible to receive medical benefits for himself and his spouse at the scale prescribed under the Act and the regulations made thereunder, subject to :—

- (i) the production of proof of his superannuation and having been in the insurable employment for a minimum of five years to the satisfaction of such officer as may be authorised by the Corporation; and
- (ii) the payment of contribution at the rate of ten rupees per month in lump-sum for one year at a time in advance to the concerned office of the Corporation in the manner prescribed by it.

62. Bar on grant of cash benefits :—Where an insured person is convicted under section 84 of the Act, he shall not be entitled to any cash benefit admissible under the Act for a period of three months for first conviction and six months for each subsequent conviction from the date of receipt of judgement of the court in the concerned office of the Corporation.

[S-65012|1|89-S.S.I.]

Foot Note : The principal rules were published in the Gazette of India, Part II, Section 3, sub-section (i) vide Government of India, Ministry of Labour Notification No. S.O. 212, dated 22-6-1950 and these rules were subsequently amended by the following notifications :—

1. GSR dt. 9-1-1960, 2. GSR 1200 dt. 27-9-1960, 3. GSR 594 dt. 29-3-1963, 4. GSR 240 dt. 6-2-1984, 5. GSR 1834 dt. 18-12-1964, 6. GSR 474 dt. 19-3-1965, 7. GSR 1082 dt. 29-6-1966, 8. GSR 545 dt. 14-4-1967, 9. GSR 500 dt. 6-3-1968, 10. GSR 677 dt. 29-3-1968, 11. GSR 1106 dt. 22-5-1968, 12. GSR 2113 dt. 28-11-1968, 13. GSR 306 dt. 7-3-1974, 15. GSR 1122 dt. 1-10-74, 15. GSR 56 dt. 23-12-1976, 16. GSR 60 dt. 4-1-1982, 17. GSR 129 dt. 9-2-1987, 18. GSR 199 dt. 6-3-1990.

सा. का. नि. 77.—केन्द्रीय सरकार, उपदान संदाय अधिनियम, 1972 (1972 का 39) की धारा 4 की उपधारा (1) के तहत परन्तुक के साथ पठित धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उपदान संदाय (केन्द्रीय) नियम, 1972 में निम्नलिखित और संशोधन करती है, अर्थात्:—

1. (1) इन नियमों का संश्लिप्त नाम उपदान संदाय (केन्द्रीय) संशोधन नियम, 1991 है।

(2) ये फरवरी 1991 के पन्ने 314 को प्रकृत होंगे।

2. उपदान संदाय (केन्द्रीय) नियम, 1972 में नियम 9 में दूसरे परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात्: "परन्तुक और की कि किसी ऐसे नामनिर्दिष्ट, या किसी कारिग के मामले में हो अथवाक है निम्नलिखित प्राधिकारी उमरे पाम जमा की गई