THE EMPLOYEES' STATE INSURANCE (CENTRAL) RULES, 1950

MINISTRY OF LABOUR

NOTIFICATION

***New Delhi, the 22nd June,* 1950**

S.R.O. 212. — In exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely : —

RULES

CHAPTER I

PRELIMINARY

1. Short title and extent. — (1) These Rules may be called the Employees' State Insurance (Central) Rules, 1950.

(2) They extend to the whole of India.

2. Definitions. — In these rules, unless there is anything repugnant in the subject or context, —

(1) " the Act " means the Employees' State Insurance Act, 1948 (Act XXXIV of 1948) ;

(1-A) " 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 ;

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

(a) in respect of an employee who is 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, 13 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, 6 or 1 days or day if the wage period be a month, a 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 day 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 ;

(2) " Chairman " means the Chairman of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be ;

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

(3) " Form " means a form appended to these Rules ;

(4) the " Fund " means the Employees' State Insurance Fund ;

(5) " Government Securities " means Government Securities as defined in the Indian Securities Act, 1920 ;

(6) " immovable property " includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth ;

(6A) "Insured woman" means a woman who is or was an employee in respect of whom contribution is or were payable under the Act and who is by reason thereof, entitled to any of the benefits provided under the Act and shall include -

(i) a commissioning mother who as biological mother wishes to have a child and prefers to get embryo implanted in any other woman:

(ii) a woman who legally adopts a child of up to three months of age,

(7)" movable property " means property of every description except immovable property ;

(7-A) " 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 ;

(8) " State Medical Commissioner " means a duly registered medical practitioner including a medical officer in the service of a State Government appointed as such by the Corporation ;

(9) " year " shall mean the financial year, that is to say, the period beginning from the first of April and ending with the thirty-first of March of the year following.

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

CHAPTER II

2-A. Election of members of Parliament to the Corporation. —The House of the People (Lok Sabha) and the Council of States (Rajya Sabha) shall elect in such manner as the Speaker of the House of the People or as the case may be the Chairman of the Council of States may direct, two members of the House of the People (Lok Sabha) and one member of the Council of States (Rajya Sabha) to be members of the Corporation.

3. Election of members to the Standing Committee. — (1) The Chairman of the meeting shall, at a meeting of the Corporation at which it is proposed to elect members of the Standing Committee under clause (c) of section 8, invite members to propose names from among members of the Corporation belonging to the group from which election is to be made. The names proposed shall be duly seconded by another member of the Corporation.

(2) If the number proposed from any group for election does not exceed the number of vacancies to be filled from that group, the persons whose names have been so proposed shall be declared elected to the Standing Committee.

(3) If the number proposed for election from a group exceeds the number of vacancies to be filled therefrom, each member of the Corporation present at the meeting shall be given a ballot paper containing the names of all the candidates proposed and he shall be required to vote thereon for as many candidates from the group as there are vacancies to be filled up. Not more than one vote shall be given in favour of any one candidate. If any member votes for more candidates than there are vacancies in the group or gives more than one vote in favour of any one candidate, all his votes shall be deemed to be invalid.

(4) The persons getting the highest number of votes shall be declared by the Chairman at the meeting or as soon thereafter as possible as duly elected to the Standing Committee :

Provided that where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared to be elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Chairman and in such manner as he may determine.

(5) If any question shall arise as to the validity of any election it shall be referred to the Central Government whose decision in the matter shall be final.

4. Restoration to membership. — (1) A member of the Corporation, the Standing Committee or the Medical Benefit Council, who ceases to be a member by virtue of section 12, shall be informed of such cessation by a letter sent to him by registered post. The letter shall also indicate that if he desires restoration to membership, he may apply therefor within thirty days from the receipt of the letter.

(2) The application under sub-rule (1) shall indicate the reasons which prevented him from attending three consecutive meetings and shall be addressed to the Chairman concerned.

(3) The application shall be pl f the Corporation, the Standing

Committee or the Medical Benefit Council, as the case may be, and if a majority of the members present at such meeting are satisfied that the reasons for failure to attend three consecutive meetings are adequate, he shall be restored to membership immediately after a resolution to that effect is adopted.

(4) The benefit of restoration to membership as provided for in this rule shall be allowed to a member only once during any one term as a member.

5. Fees and allowances of members. — (1) Subject to the provisions of sub-rules (2) and (3), every non-official member of the Corporation, Standing Committee or the Medical Benefit Council shall be allowed travelling and daily allowance for attending the meetings of the Corporation or the Standing Committee or the Medical Benefit Council, as the case may be, at the following rates :-

(i) ***Travelling Allowance*** :

(A) A non-official member residing at the place where a meeting is held shall be allowed the actual expenditure incurred by him on conveyance subject to the maximum of rupees one hundred and fifty for each day for travel within the city ;

(B) a non-official member, not residing at the place where a meeting is held, shall be allowed to draw :

(a) actual expenditure incurred by him on air journey by economy class ; or

(b) actual expenditure incurred by him on journey by rail by 2nd class A.C., two tier sleeper or First Class, as the case may be ;

(c) actual fare or expenditure incurred on road journey by taxi or own car or autorickshaw or bus (other than an air conditioned bus) but not exceeding the rates notified by the concerned Director of Transport for journey by taxi or autorickshaw. When the journey is performed between places connected by railway, mileage would be limited to what would have been admissible to the member under clause (b) of this item.

(ii) ***Daily allowance*** :

(A) A non-official member residing at a place where a meeting is held shall not be entitled to any daily allowance ;

(B) A non-official member, not residing at the place where a meeting is held shall be paid, Rs. 1500 per day if member stays in a hotel and, not exceeding Rs. 200 per day as expenses towards food :

Provided that the daily allowances shall be calculated for the entire absence from the normal place of residence of the non-official member on calendar day basis, *i.e.*, midnight to midnight as under :

For absence not exceeding 6 hours	Nil
For absence exceeding 6 hours but not exceeding 12 hours	70%
For absence exceeding 12 hours	100%.

(2) A non-official member of the Corporation or Standing Committee or the Medical Benefit Council who is a Member of Parliament or a Member of State Legislature shall be paid travelling allowance and daily allowance in accordance with the provisions of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provision of the law pertaining to the members of the concerned State Legislature.

(2A) Travelling and daily allowance shall be allowed if a member certifies that he has not drawn any travelling or daily allowance from any other source in respect of the journey and halt for which the claim is made.

(2B) The daily and travelling allowance shall also be payable in respect of the meetings of any sub-committee set up by the Corporation, the Standing Committee or the Medical Benefit Council.

(3) For attending a meeting of the Corporation, the Standing Committee, Medical Benefit Council or meetings of a sub-Committee set up by the Corporation, Standing Committee or the Medical Benefit Council, an official member of the Central Government shall draw his travelling allowance from his department on a scale admissible to him under the Central Government rules and the amounts so drawn shall, on a demand being made therefor by the Central Government, be to that Government.

(4) Payments shall not be made to a non-official member earlier than the last date upto which the allowance is claimed. The travelling allowance for both the onward and return journeys will be included in the travelling allowance bill and the payment made thereof treated as final, irrespective of the date of completion of the journey. The Director General, Employees' State Insurance Corporation, will, however, obtain a formal intimation from the non-official member to the effect that the return journey has, in fact, been completed.

6. Minimum number of meetings. — (1) The Corporation and the Medical Benefit Council shall meet at least twice each year.

(2) The Standing Committee shall meet at least four times each year.

(3) The Chairman may, whenever he thinks fit, and shall, within fifteen days of the receipt of a requisition in writing from not less than one half of the members of the body concerned, call a meeting thereof.

(4) Any requisition made under this rule shall specify the object of the meeting proposed to be called.

7. Roll of members. — (1) The Corporation shall maintain a Roll of Members separately for the Corporation, the Standing Committee and the Medical Benefit Council. The name and the address of each member shall be stated therein.

(2) If a member changes his address, he shall notify such change to the Corporation for the correction of his address in the Roll.

8. Notice of meeting and list of business. — (1) The Chairman shall decide the date, time and place of every meeting. A notice of not less than twenty one days from the date of issue shall ordinarily be given to every member, of each meeting of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be. Such notice may be sent to every member by post or in any other suitable manner. A list of business proposed to be transacted shall, after approval by the Chairman, be posted along with the notice. Brief notes on each item of the agenda shall be sent along with the agenda or as soon thereafter as possible. If it is necessary to convene an emergency meeting, a reasonable notice thereof shall be given to every member.

(2) No business other than that for which a meeting is convened shall be considered at that meeting, except with the permission of the Chairman of the meeting.

9. Chairman of the meeting. — The Chairman, or in his absence the Vice-Chairman, if any, of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, shall preside at the meetings. In the event of the absence of both the Chairman and the Vice-Chairman, if any, the members present may elect one from amongst themselves to preside.

10.Quorum. — No business shall be transacted at any meeting unless a quorum of [1][fifteen] members in the case of the Corporation, five members in the case of the Standing Committee and seven members in the case of the Medical Benefit Council, is present :

Provided that if at any meeting there is not a sufficient number of members present to form a quorum, the Chairman of the meeting may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

11.Disposal of business. — Any business which requires consideration by the Corporation, the Standing Committee or the Medical Benefit Council shall be considered at a meeting thereof :

Provided that the Chairman may, if he thinks fit, direct that the necessary papers may be referred for opinion to all members :

Provided further that the decision on any question which is so referred shall be acted upon if supported by not less than a two-thirds majority of the members of the body concerned. In other cases or where the Chairman so decides, the question shall be considered at a duly convened meeting.

12.Proceedings of the meetings. — (1) The proceedings of each meeting showing *inter alia* the names of the members present thereat, shall be forwarded to each member of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, and to the Central Government as soon after the meeting as possible and in any case not later than four weeks after the meeting.

(2) The minutes of each meeting shall be confirmed with such modifications as may be considered necessary at the next meeting.

13.Minute Books. — (1) The minutes of a meeting of the Corporation, the Standing Committee and the Medical Benefit Council shall be kept in separate Books (hereinafter referred to as minute-books) and shall be signed by the Chairman of the meeting at which the proceedings are confirmed.

(2) A copy of the minutes so confirmed shall be forwarded to the Central Government within fifteen days from the date of such confirmation.

(3) The minute-books shall be kept open at the principal office of the Corporation during office hours on working days for inspection free of charge by any member of the Corporation.

(4) The minute-book of the Medical Benefit Council shall be kept open at the principal office of the Corporation during office hours on working days for inspection free of charge by any member of the Medical Benefit Council.

14.Powers and duties of the Medical Benefit Council. — The powers and duties of the Medical Benefit Council shall be —

(1) to advise the Corporation in regard to the constitution, setting up, duties and powers of the Regional and Local Medical Benefit Councils ;

(2) to make recommendations to the Corporation in regard to —

(i) the scale and nature of medical benefit provided at hospitals, dispensaries, clinics and other institutions and the nature and the extent of the medicines, staff and equipment which shall be maintained at such institutions and the extent to which these fall short of the desired standard ;

(ii) the medical formulary for use in connection with the medical benefit provided under the Act ;

(iii) medical certification, including the procedure and the forms for such certification, statistical returns, registers and other medical records ;

(iv) measures undertaken for the improvement of the health and welfare of insured persons, and the rehabilitation and re-employment of insured persons, disabled or injured ;

(3)to advise the Corporation on any matter relating to the professional conduct of any medical practitioner employed for the purpose of providing medical benefit under the Act.

CHAPTER III

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. 22400 — 24500 and the Financial Commissioner shall be in the scale of pay of Rs. 18400 –22400.

(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 other 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.

16. Powers and duties of the Director General. — (1) The powers and duties of the Director General shall be —

(i) to act as the Chief Executive Officer of the Corporation ;

(ii) [* * *]

(iii) to convene, under the orders of the Chairman, meetings of the Corporation, the Standing Committee and the Medical Benefit Council in accordance with the Act and the Rules and to implement the deci

(iv) to enter into contracts on behalf of the Corporation in accordance with the Act or the Rules or Regulations made thereunder, or the general or special instructions of the Corporation or the Standing Committee ;

(v) to furnish all returns and documents required by the Act or the Rules to the Central Government and to correspond with the Central Government and the State Governments upon all matters concerning the Corporation ;

(vi) to undertake such other duties and to exercise such other powers as may from time to time, be entrusted or delegated to him.

(2) The Director General may, with the approval of the Standing Committee, by general or special order, delegate any of his powers or duties under the Rules or the Regulations or under any resolution of the Corporation or the Standing Committee, as the case may be, to any person subordinate to him. The exercise or discharge of any of the powers or duties so delegated shall be subjected to such restrictions, limitations and conditions, if any, as the Director General may, with the approval of the Standing Committee, impose.

[*17.* * *]

[*18.* * *]

19.Powers and duties of theFinancial Commissioner. — The powers and duties of the Financial Commissioner shall subject to the control of the Director General be —

(i) to maintain the accounts of the Corporation and to arrange for the compilation of accounts by the collection of returns from the Centres and Regions ;

(ii) to prepare the budget of the Corporation ;

(iii) to arrange for internal audit of the accounts of the Centres and Regions and of the receipts and payments thereat ;

(iv) to make recommendations for the investment of the funds of the Corporation ; and

(v) to undertake such other duties and to exercise such other powers as may, from time to time, be entrusted or delegated to him.

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. 37,400 — 67,300 with Grade pay of Rs. 8900/-.

CHAPTER III-A

20-A. Appeals to Medical Appeal Tribunal. — (1) If the insured person or the Corporation is not satisfied with the decision of the medical board, the insured person or the Corporation may appeal against such decision to the medical appeal tribunal referred to in sub-section (2) of section 54-A by

presenting an application within three months from the date of communication of the said decision to the insured person or the Corporation, as the case may be :

Provided that the medical appeal tribunal may entertain an application after the period of three months, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

Form 2 and shall contain a statement of the grounds upon which the appeal is made.

(3) The application may be sent to the Chairman of the medical appeal tribunal by registered post or may be presented personally.

20-B. Appeals to Employees' Insurance Court. — (1) The insured person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within three months of the date of communication of the decision of the medical board or of the medical appeal tribunal to the insured person or the Corporation as the case may be :

Provided that the Employees' Insurance Court may entertain an application after the period of three months, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

(2) The rules made by the State Government in respect of the form and manner to be followed in presenting applications to the Employees' Insurance Court, shall be applicable to the applications presented under this rule.

CHAPTER IV

21.Bank or banks for depositing the Fund. — (1) All moneys accruing or payable to the Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf. The amount so received shall as soon as practicable be acknowledged by a receipt in

Form I and deposited in the Reserve or the State Bank of India or any of its subsidiaries or the Nationalised Banks to the account of the Fund :

Provided that any moneys may also be paid directly to the account of the Fund in any such bank.

Explanation. — " Nationalised Bank " means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).]

Form I shall be numbered serially by machine and the unused form shall be kept in the custody of the Financial Commissioner or such other officer of the Corporation as may be authorised by the Corporation in this behalf.

22. Procedure for crediting moneys to the Banks. — (1) All moneys accruing or payable to the Corporation shall be credited to the approved bank and not utilised directly for any purpose.

(2) The bank or banks shall be required at the end of every calendar month to furnish to the Corporation or such officer as may be authorised by it in this behalf, a statement of the amounts deposited in and withdrawn item the Fund during the month. These statements shall be examined by the Director General before the expiry of a period of two months following the period to whom the statement relate.

23.Purpose and manner of payment out of the Fund. — (1) The accounts of the Fund shall be operated on by such officers as may be authorised by the Standing Committee, with the approval of the Corporation.

(2) No payment shall be made by the bank or banks out of the Fund except on a cheque signed by such officers as may be authorised under sub-rule (1).

(3) Any payment in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way unless specifically authorised by the Standing Committee :

Provided that payment of salaries to the employees of the Corporation drawing a basic salary not exceeding rupees two hundred and fifty a month may be made in cash.

(4) No payment shall be made out of the Fund unless the expenditure is covered by a current budget grant :

Provided that in the absence of a current budget grant, the Corporation may authorise payments either generally or for any particular case :

Provided further that the payment of benefits to insured persons under the provisions of the Act and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanctioned budget grant.

23-A. Promotion of measures for health, etc., of insured persons. — For the promotion of measures for the improvement of the health and the welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured, the Corporation may incur an expenditure upto a limit of Rupees three hundred crores per year from the Employees' State Insurance Fund.]

24. Circumstances in which cheques may be drawn. — Before any person authorised under rule 23 signs a cheque, he shall satisfy himself that the sum for which the cheque is drawn is —

(i) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget grant ; and

(ii) required for any payment referred to and specified under section 28 :

Provided that in the absence of a current budget grant, the Corporation may authorise payments either generally or for any particular case :

Provided further that the payment of benefits to insured persons under the provisions of the Act and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanctioned budget grant.

25.Acquisition of property. — Subject to the provisions of rule 29 and such conditions as may, from time to time, be laid down by the Corporation, the Director General may, for the purposes of this Act, acquire on behalf of the Corporation movable or immovable property :

Provided that sanction of the Standing Committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened an obligation.

Note. — The sanction of the Standing Committee may be given either generally or for any class of cases or specially for any particular case.

26.Disposal of property. — Subject to the provisions of rule 29 and such conditions as may be laid down by the Corporation from time to time the Director General may —

(i) dispose of, by sale or exchange, any movable property belonging to the Corporation, the value of which does not exceed ten thousand rupees in each case, or grant for any term not exceeding twelve months a lease of any immovable property belonging to the Corporation.

(ii) with the sanction of the Standing Committee, lease, sell or otherwise dispose of any movable or immovable property belonging to the Corporation.

Note. — The Sanction of the Standing Committee may be given either generally or for any class of cases or specially for any particular case.

27.Investment, transfer or realisation of the Fund. — (1) All moneys belonging to the Fund which are may immediately required for expenses properly defrayable under the Act, may, subject to the approval of the Standing Committee, be invested by the Director General —

(i) in Government securities including Treasury Deposit Receipts ; or

(ii) in securities mentioned or referred to in clauses (a) to (d) of section 20 of the Indian Trust Act, 1882 (11 of 1882) ; or

(iii) as fixed deposit in the Reserve or the State Bank of India or any of its subsidiaries or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (V of 1970).

(2) Moneys belonging to the Fund shall not be invested in any other manner except with the prior approval of the Central Government.

(3) Any investment made under this rule may, subject to the provisions of sub-rules (1) and (2), be varied, transposed or realised from time to time :

Provided, however, that if such variation, transposition or realisation is likely to result in a loss, the prior approval of the Central Government shall be obtained.

Explanation. — The approval of the Central Government shall not be required merely on the ground that the value of the security on its maturity is less than the price at which it was purchased.

(4) The Central Government may, at any time, direct the vacation in part or in whole, or prohibit investment in any security or class of securities or any land or building.

(5) All dividends, interest or other sums received in respect of any investment shall, as soon as possible after receipt, be paid into or credited to the account of the Fund.

(6) The expenses of or the loss, if any, arising from any investment shall be charged to the Fund and the profit, if any from the sale of any investment shall also accrue to the Fund.

(7) The approval under sub-rules (1) and (2) of the Standing Committee or the Central Government, as the case may be, may be given with or without any conditions either generally or in any particular case.

28.Raising and repayment of loans. — (1) (i) The Corporation may, in pursuance of a resolution passed at a meeting of the Standing Committee, and with the prior approval of the Central Government, raise loans for the purposes of the Act.

(ii) In particular and without prejudice to the generality of the foregoing power, the Corporation may raise loans —

(a) for the acquisition of land and/or the raising of buildings thereon ; or

(b) to repay a loan raised under this rule ; or

(c) for any other purpose approved by the Central Government.

(2) All loans under this rule shall be obtained —

(i) from the Central Government on such rates of such interest and such terms as to the time and method of repayment as the Central Government may specify ; or

(ii) with the approval of the Central Government from the Reserve or the [1][State Bank of India or any of its subsidiaries] or any other scheduled bank.

Note. — The approval of the Central Government may be given with or without any conditions, either generally or for any particular case.

(3) Where a loan is obtained from the Reserve or the State Bank of India or any of its subsidiaries as provided in clause (ii) of sub-rule (2), the Corporation may, with the approval of the Central Government, grant mortgages of all or any of the property vested in it for securing the repayment of the sums so advanced, with interest.

(4) All payments due from the Corporation for interest on and repayment of loans shall be made in such manner and at such times as may have been agreed upon :

Provided that the Corporation may apply any sums which can be so applied, in repayment of any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(5) No expenditure incurred out of a loan shall be charged by the Corporation to capital, except with the previous sanction (or under the direction) of the Central Government.

(6) The Corporation shall submit to the Central Government an annual statement by the thirtieth of April each year showing the loans raised and repayments made during the preceding year.

29. Procedure for execution of contracts. — (1) The Corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of the Act.

(2) Every contract made under or for any purpose of the Act shall be made on behalf of the Corporation —

(i)by the Director General ; or

(ii)subject to such conditions as it may specify, by such member or officer of the Corporation as it may authorise :

Provided that the prior sanction of the Standing Committee shall be obtained in respect of any contract involving an expenditure exceeding rupees five lakhs.

(3) Every contract entered into by any person as provided in sub-rule (2) shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged :

Provided that the common or official seal, as the case may be, of the Corporation shall be affixed to every contract for amounts exceeding one thousand rupees.

30. Seal. — (1) The common seal of the Corporation shall remain in the custody of the Director General and shall not be affixed to any instrument except in the presence of the Director General or two members of the Standing Committee ; the Director General or the said two members shall sign the contract in token of the fact that the same was sealed in his or their presence.

(2) The Corporation shall have for use at each of such other of its offices as it may specify, an official seal which shall be a fascimile of the common seal of the Corporation with the addition of the name of the office where it is to be used.

(3) The official seal shall not be affixed to any instrument except in the presence of such person or persons as the Standing Committee may authorise in this behalf and such person or persons shall sign the instrument in token of the fact that the same was sealed in his or their presence.

(4) An instrument to which an official seal is duly affixed shall bind the Corporation as if it had been sealed with the common seal of the Corporation.

CHAPTER V

31.Preparation and submission of annual budget estimates. — (1) The Budget estimates of the Corporation for each financial year beginning on the first of April and ending on the thirty-first of March next shall be prepared by the Chief Accounts Officer in such form as the Central Government may, from time to time, direct and shall be submitted with his recommendations by the Director General to the Standing Committee for approval at a meeting of the Standing Committee to be held before the first of February of the preceding year.

(2) A copy of the budget estimates shall be sent to each member of the Standing Committee and of the Corporation at least seven clear days before the meeting of the Standing Committee or the Corpo-ration at which these estimates are to be considered.

(3) The Standing Committee shall consider and approve the budget estimates with such changes as it may consider necessary.

(4) The budget estimates as approved by the Standing Committee shall be placed before a meeting of the Corporation to be held before the twentieth of February of the preceding year.

(5) The budget estimates as passed by the Corporation shall be authenticated by affixing the common seal of the Corporation and shall be submitted to the Central Government under section 32, not later than the first of March next following.

(6) It shall be open to the Central Government to make such alterations in the budget estimates as may be considered necessary before according approval.

(7) The budget estimates as finally adopted by the Corporation and as approved by the Central Government shall be placed before the Parliament by the administrative ministry concerned in the month of March preceding the financial year to which the estimates relate and shall be published in the Official Gazette.

31-A. Administrative expenses. — (1) The expenditure incurred by the Corporation on the following items shall be termed as administrative expenses under Section 28 of the Act, namely : —

(i) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees ;

(ii) payment of salaries, leave and joining time allowances, travelling and compensatory and other allowances, bonus, gratuities and compassionate allowances, pension, contributions to the Provident or other benefit funds of officers and employees of the Corporation ;

(iii) defraying expenses on depreciation and maintenance of staff cars, office buildings, staff quarters, hiring of accommodation, purchase of furniture, office equipments, stationery, printing and other expenditure in respect of offices of the Corporation ;

(iv) defraying expenses towards membership subscription to International Organisation, and other services for the purposes of giving effect to the provisions of the Act ;

(v) defraying the cost (including all expenses) of the auditing accounts of the Corporation and of the valuation of its assets and liabilities ;

(vi) defraying the cost (including all expenses) of the Employees' State Insurance Courts set up under the Act ;

(vii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf ;

(viii) payment of sums under any decree, order or award of any Court or Tribunal against the Corporation or any of its Officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceedings or claim instituted or made against the Corporation ;

(ix) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act ;

(x) defraying the expenditure in connection with publicity, of the E.S.I. Scheme including printing of publicity materials courses relevant to the purposes of the Act ;

(xi) defraying the expenditure on conducting evaluation studies on various aspects of functioning of the E.S.I. Scheme.

(2) The percentage of the total revenue income of the Corporation which may be spent every year on its administrative expenses beginning with the year 1997-98 shall not exceed fifteen per cent.

32.Supplementary estimates. — The Standing Committee may cause a supplementary estimate to be prepared and submitted to the Corporation if in respect of any financial year further expenditure is likely to be incurred. Every such supplementary estimate shall be considered and sanctioned by the Corporation and submitted to the Central Government in the same manner as if it were an original annual estimate, not later than the fifteenth of February of the financial year to which it relates. The provisions of rule 31 shall, so far as may be, apply to such supplementary estimate.

33.Reappropriation. — (1) If the Director General finds in the course of the year that there is likely to be an excess of expenditure over the sanctioned budget estimate under any head, he shall examine the allotment under each head of the budget estimate with the object of discovering probable savings under any other head and

effecting a reappropriation. Where such reappropriation is feasible, he may sanction the reappropriation subject to such conditions as may be laid down by the Central Government from time to time.

(2) Funds shall not be reappropriated to meet expenditure on a new service not contemplated in the budget estimates except with the prior approval of the Central Government.

(3) No reappropriation shall be permitted between the grant sanctioned for administrative expenses, two-thirds of which shall be met by the Central Government, and a grant sanctioned for any other expenditure.

34.Maintenance of accounts. — The Corporation shall maintain complete and accurate accounts in such form as the Standing Committee may, with the approval of the Central Government, specified from time to time. The books shall be balanced on the thirty-first of March each year.

35.Revenue Accounts. — The Corporation shall prepare Revenue Accounts for the financial year ended on the thirty-first March and Balance Sheet as on the thirty-first March by the thirty-first of May :

Provided that on the application of the Corporation, the Central Government may extend the said date by a period not exceeding thirty days :

Provided further that the Corporation may, and if so required by the Central Government shall, cause to be prepared the Revenue Accounts and the Balance Sheet for any other period or as on any other date.

36. Auditing of Accounts.— * * *

37.Production of accounts beforethe Comptroller and Auditor General of India. — The annual accounts shall be set out and produced before the Comptroller and Auditor General of lndia for scrutiny on or before the fifteenth of June each year following the close of the financial year to which they relate :

Provided that on the application of the Corporation the Central Government may extend the said date by a period not exceeding thirty days.

38.Powers ofthe Comptroller and Auditor General of India. — The Corporation shall submit all accounts to the Comptroller and Auditor General of India as required by them. The Comptroller and Auditor General of India may —

(i) by written notice, require the production before them or before any officer subordinate to him, of any document which they may consider necessary for the proper conduct of their audit ;

(ii) by written notice, require any person accountable for or having the custody or control of, any such documents, to appear in person before them or before any officer subordinate to them ; and

(iii) require any persons so appearing before them or before any officer subordinate to them to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

39.Report of auditors (Sic.). — The report of the Comptroller and Auditor General of India] on the annual accounts shall be submitted to the Corporation on such date and in such form as the Central Govern-ment may specify in this behalf and they shall state whether in their opinion the Balance Sheet is a full and fair Balance Sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Corporation's affairs and in case they have called for any explanation or information from the Corporation or any of its officers whether it has been given and whether it is satisfactory.

40. Consideration of reports. — (1) The annual report on the work and activities of the Corporation (excluding the unaudited accounts for the year incorporated therein) shall be considered by the Standing Committee and shall be placed for adoption at a meeting of the Corporation to be held before the tenth of December following the close of the financial year concerned.

(2) The annual accounts relating to a financial year duly authenticated by the Financial Commissioner and the Director General and approved by the Standing Committee shall be submitted for audit to the Comptroller and Auditor General of India and the audited accounts together with the report of the Comptroller and Auditor General of India shall be placed for adoption at a meeting of the Corporation to be held before the tenth of December following the close of the financial year concerned :

Provided that the report of the Comptroller and Auditor General of India is received by the twentieth November, following the year to which it pertains.

41. Authentication of annual accounts and reports. — The annual accounts together with the report of the Comptroller and Auditor General of India thereon and the annual report on the work and activities of the Corporation as adopted by the Corporation shall be authenticated by affixing the common seal of the Corporation and four copies thereof, together with the comments of the Corporation on the report of the Comptroller and Auditor General shall be submitted to the Central Government not later than the twentieth of December following the close of the financial year concerned for being placed before the Parliament :

Provided that if the report of the Comptroller and Auditor General of India is not received by the twentieth of November following the financial year to which it pertains the annual accounts together with the report of the Comptroller and Auditor General of India thereon shall be submitted to the Central Government separately from the annual report on the work and activities of the Corporation.

42.Cost of audit. — The cost of audit shall be paid by the Corporation by such date as may be specified by the Central Government.

43. Method of payment of contribution. — * * *

44.Impropriety or irregularity in accounts. — (1) The auditors shall submit to the Corporation and the Central Government a separate statement, if necessary, in regard to —

(i) any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to, or in the accounts of the Corporation ; or

(ii) any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct, with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste.

(2) The Standing Committee shall forthwith remedy any defect or irregularity that may be pointed out by the auditors and shall report to the Central Government the action taken by it thereon within ninety days of the receipt of the report of the auditors :

Provided that if there is a difference of opinion between the Standing Committee and the auditors, or if the Standing Committee does not remedy any defect or irregularity within a reasonable period, the Central Government may, and on a reference specifically made therefor, shall pass such orders thereon as they think fit and the Standing Committee shall thereafter take action in accordance therewith within such time as may be specified by the Central Government.

45.Disallowance of expenditure incurred and surcharge for loss or deficiency. — (1) The Standing Committee or any authority authorised by it in this behalf may after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, disallow any item of account contrary to the provisions of the Act or of the rules or regulations made thereunder, and surcharge the same on the person making or authorising the making of payment of such account and shall charge against any person accounting, the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person :

Provided that no certificate made by the authority authorised by the Standing Committee shall have effect unless it is approved by the Standing Committee.

(2) The Standing Committee shall state in writing its reasons for every disallowance, surcharge or charge made or approved by it and shall serve a certificate of the amount due and a copy of the reasons for its decision on the person against whom the certificate is made and shall also furnish copies thereof to the Central Government.

(3) Any person aggrieved by a certificate made under this rule may, within one month from the date of the service of certificate on him under sub-rule (2), file an application to the Central Government for setting aside or modifying the disallowance, surcharge or charge in respect of which the certificate was made.

(4) On receipt of an application under sub-rule (3) or on its own motion, the Central Government may, after making such inquiry as may be necessary, pass such order as it thinks fit either confirming, modifying or setting aside the disallowance, surcharge or charge in respect of which the certificate was made, and the Standing Committee shall thereupon take action in accordance with such order within such time as may be specified by the Central Government.

(5) The Central Government may by order direct that all further action under the certificate made under this rule shall be stayed until the disposal of the matter pending before it under sub-rule (4).

46.Recovery of amounts certified to be due. — (1) Every sum certified to be due from any person by the Standing Committee or if the certificate has been modified by the Central Government, the sum shown to be due from such person in the modified certificate, shall be paid by such person to the Corporation within three months after he has been served with the certificate of the Standing Committee ;
or within such longer period as may be allowed by the Central Government ; any such sum, if not so paid, shall be recovered as if it were an arrear of land revenue.

(2) Any sum or part of a sum so paid or recovered, the certificate in respect of which is set aside or modified, shall, as the case may require, be wholly or partly refunded to the person who paid it.

CHAPTER VI

47.Establishment of Provident Fund. — The Corporation shall establish, maintain and contribute to a Provident Fund called the Employees' State Insurance Corporation Provident Fund (hereinafter referred to as the Provident Fund) in respect of its employees other than those whose services are placed at the disposal of the Corporation by the Central or State Government.

48.Administration of the Provident Fund. — The Provident Fund shall be administered by the Standing Committee of the Corporation or by any other Committee approved by it for the purpose and subject to such conditions as it may deem fit to impose.

49.Framing of Provident Fund Regulations. — The Corporation may, subject to the previous approval of the Central Government, make regulations to provide for all other matters incidental to or necessary for the Provident Fund.

50. Wage limit for coverage of an 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 twenty one thousand rupees a month :

Provided that an employee whose wages (excluding remuneration for overtime work) exceed twenty one thousand 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.

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 per month.

51. Rate 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 rupee) equal to four and three-fourth per cent. of the wages payable to an employee ; and

(b) employee's contribution, a sum (rounded to the next higher rupee) equal to one and three-fourth per cent. of the wages payable to an employee.

51A. Employer's contribution 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 Disabilites 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.

51B. In areas where the Act is implemented for the first time, the rates of employer's and employee's contribution for the initial twenty-four months from such date of implementation, shall be as under :-

(a) Employer's contribution – A sum (rounded to the next higher rupee) equal to three per cent of the wages payable to an employee; and

(b) Employee's contribution – A sum (rounded to next higher rupee) equal to one per cent of the wages payable to an employee:

Provided that on completion of twenty-four months from the date of implementation of the Act, the rate of contribution as provided under rule 51 shall be applicable.

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 one hundred thirty seven.

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 —

(a) the Official Liquidator in the event of factories/establishments having gone into liquidation ; or

(b) the Commissioner, of payments in the event of unit being nationalised or taken over by the Government.

54. ***Daily rate of benefit.*** — * * *

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 seventy-eight days in] 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 in case of a person who becomes an employee within the meaning of the Act for the first time and for whom a shorter contribution period of less than 156 days is available, he shall be quali-fied to claim sickness benefit if the contribution in respect of him were payable for not less than half the number of days available for working in such contribution period :

Provided that he shall not be entitled to the benefits for the first two days of sickness [except] 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 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.

56.Maternity benefit. — (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 seventy 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 delivery or during the period immediately following the date of her delivery for which she is entitled to maternity benefits, leaving behind in either case, the child maternity benefits shall be paid 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 nomi-nated by the insured woman, in such manner as may be specified in the regulations, and if there is no such nominee, to her legal representative.

Provided further that the insured woman shall be entitled to twelve weeks of maternity benefit from the date the child is handed over to the commissioning mother after birth or adopting mother, as the case may be:

Provided also that the insured woman having two or more than two surviving children shall be entitled to receive maternity benefits during a period of twelve weeks of which not more than six weeks shall precede the expected date of confinement.

(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 follow-ing 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 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.

56-A. Confinement Expenses.— An insured woman and an insured person in respect of his wife shall be paid a sum of rupees five thousand per case as medical bonus on account of confinement expenses.

Provided that the confinement occurs at a place where necessary medical facilities under the Employees' State Insurance Scheme are not available :

Provided further that confinement expenses shall be paid for two confinements only.

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 employee 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, for 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, or as the case may be, for life.

(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 the 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 ".

(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 partial 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) and (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 the regulations.

58. Dependant's benefits. — (1) Dependant's benefit shall be paid to the dependants 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 dependants' benefit shall be payable to his widow, children and widowed mother 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 he attains the age of twenty-five years :

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

(c) to each legitimate or adopted unmarried daughter, an amount equivalent to two-fifths or the full rate :

Provided that in the case of legitimate or adopted daughter who is infirm and is wholly dependant on the earnings of the insured person at the time of his death, dependants' benefit shall continue to be paid while the infirmity lasts :

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

(d) to the widowed mother during life an amount equivalent to two-fifths of the full rate.

(B)In case the deceased person does not leave widow or legitimate or adopted child or widowed mother dependants' benefits shall be payable to other dependants as follows :

(a) To a parent other than the widowed mother or grand parent, for life, at an amount equivalent to three-tenths of the full rate and if there are two or more parents (other than widowed mother) or grand parents the amount payable to the parents (other than widowed mother) or grand parents as aforesaid shall be equally divided between them.

(b) to any other —

(i) male dependant, until he attains the age of eighteen years,

(ii) female dependant, 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 re-marriage, 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) 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.

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 ten 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 lumpsum 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, or retires under a Voluntary Retirement Scheme or takes premature retirement 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 or retirement under a Voluntary Retirement Scheme or as the case may be, premature retirement and having been in the insurable employment for a minimum of five years to the satisfaction of such officers 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-A. Income limit of dependant parents for eligibilty to medical benefit. — The income of dependant parents for eligibility to medical benefit under sub-clause (v) of clause (11) of section 2 of the Act from all sources should not exceed five thousand rupees in a month.

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.

FORM 1

(See Rule 21)

Book Number Receipt Number

Received from .....the sum of Rs. ..... (in words) on account of ..... .

Rs. ..... .

Chief Accounts Officer

Authorised Officer

Entered in Cash Book page Number .....

Accountant

Book Number Receipt Number

Received from ..... the sum of Rs. ..... (in words) on account of ..... .

Rs. ..... .

Chief Accounts Officer

Authorised Officer

The Employees' State Insurance Corporation.

———

FORM 2

[See Rule 20-A (2)]

Application to Medical Appeal Tribunal

Insurance No : .....

I, ... (full name of appellant) ..... of ……..…..…..... (Address of appellant) appeal against the decision on …..... (date) of the Medical Board at ..... (Address) notified to me by letter (from .....……) dated ……...…….. that : —

*(1) there is no appreciable disablement ;

*(2) this disablement should continue to be treated as temporary and the next date when the case should be referred to the Medical Board is ..... ; or

*(3) the disablement can be declared to be of a permanent nature and —

(i) the extent of loss of earning capacity can be assessed provisionally or finally ;

(ii) the assessment of the proportion of loss of earning capacity whether provisional or final ; and

(iii) in case of a provisional assessment, the period for which such assessment shall hold good.

The following are the grounds of my appeal : —

List of documents, if any.

Date Signature of appellant.

The statement of facts contained in this application is, to the best of my knowledge and belief, true and correct.

To Signature of the appellant.

Chairman of Medical Appeal Tribunal.]

* Delete whichever does not apply.