

**THE EMPLOYEES' STATE INSURANCE (AMENDMENT)  
ACT, 1984**

No. 45 of 1984

[6th August, 1984.]

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

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short  
title and  
commen-  
cement.

1. (1) This Act may be called the Employees' State Insurance (Amendment) Act, 1984.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States or for different parts thereof.

Amend-  
ment of  
section 2

~~2. In the Employees' State Insurance Act, 1948 (hereinafter referred to as the principal Act), in section 2,—~~

(a) in clause (2),—

(i) for the words "being not less than twenty-five but not exceeding twenty-seven consecutive weeks or", the words "being not exceeding" shall be substituted;

(ii) in the proviso, the words "or shorter" shall be omitted;

(b) in clause (5),—

(i) for the words "being not less than twenty-five but not exceeding twenty-seven consecutive weeks or", the words "being not exceeding" shall be substituted;

(ii) in the proviso, the words "or shorter" shall be omitted;

(c) in clause (9), in sub-clause (b), for the words "one thousand rupees" at both the places wherever they occur, the words "one thousand and six hundred rupees" shall be substituted;

(d) for clause (23), the following clause shall be substituted, namely:—

'(23) "wage period" in relation to an employee means the period in respect of which wages are ordinarily payable to him whether in terms of the contract of employment, express or implied or otherwise;'

<sup>1</sup> 27th January 1985, vide Notification No. S.O. 215 dated 5-1-1985 Gazette of India, 1985, Part II, Section 3 (ii).

3. In section 17 of the principal Act,—
- (a) in sub-section (1), for the words "one thousand and two hundred rupees", the words "two thousand and two hundred fifty rupees" shall be substituted;
- (b) in sub-sections (3) and (4), for the words and figures "Class I or Class II", the words and letters "Group A and Group B" shall be substituted.
4. In section 39 of the principal Act,—
- (a) for sub-section (3), the following sub-section shall be substituted, namely:—
- "(3) The wage period in relation to an employee shall be the unit in respect of which all contributions shall be payable under this Act.;"
- (b) in sub-section (4), for the word "week" wherever it occurs, the words "wage period" shall be substituted.
5. In section 42 of the principal Act,—
- (a) in sub-section (1), for the words "are below one rupee and fifty paise", the words "during a wage period are below six rupees" shall be substituted;
- (b) in sub-section (2), for the word "week", the words "wage period" shall be substituted;
- (c) sub-section (3) shall be omitted.
6. For section 47 of the principal Act, the following section shall be substituted, namely:—
- "47. 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."
7. In section 50 of the principal Act, for sub-section (1) and the proviso thereto, the following sub-section shall be substituted, namely:—
- "(1) An insured woman shall be qualified to claim maternity benefit 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 half the number of days of corresponding contribution period."
8. In section 56 of the principal Act, in sub-section (3), for the word "week", the word "period" shall be substituted.
9. In section 78 of the principal Act, in sub-section (1), for the words and figures "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", the words and figures "section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted.
10. In section 95 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—
- "(2A) The power to make rules conferred by this section shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the rules or any

Amendment of section 17.

Amendment of section 39.

Amendment of section 42.

Substitution of new section for section 47. When person eligible for sickness benefit.

Amendment of section 50.

Amendment of section 56. Amendment of section 78.

Amendment of section 95.

5 of 1998.

2 of 1971.

Amendment of section 96.

of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interest of any person other than the Corporation to whom such rule may be applicable."

11. In section 96 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or, where such Legislature consists of one House, before that House."

Amendment of section 97.

12. In section 97 of the principal Act,—

(a) in sub-section (1), after the words "The Corporation may," the words "with the prior approval of the Central Government and" shall be inserted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Every regulation shall, as soon as may be, after it is made by the Corporation, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

Amendment of the First Schedule.

13. In the First Schedule to the principal Act,—

(a) for paragraph 1, the following paragraph shall be substituted, namely:—

"1. 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;

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

(b) in paragraph 2,—

(i) in the opening portion, after the words "daily wages", the words "during a wage period for the purposes of section 42 and sub-paragraph (b) of paragraph 6 of this Schedule" shall be inserted;

(ii) in sub-paragraph (b), the word "first" shall be omitted;

(iii) *Explanation II* shall be omitted;

(c) after paragraph 2, the following paragraph shall be inserted, namely:—

“2A. The average daily wages during a contribution period in respect of an employee for the purposes of paragraphs 4, 5 and sub-paragraph (a) of paragraph 6 of this Schedule shall be 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.”;

(d) for paragraph 3 and the Table thereunder, the following paragraph and the Table shall be substituted, namely:—

‘3. 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	Corresponding daily standard benefit rate
1	2
	Rs. P.
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 . . . . .	20.00.

14. For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of the Third Schedule.

“THE THIRD SCHEDULE

(See section 52A)

LIST OF OCCUPATIONAL DISEASES

Sl. No.	Occupational disease	Employment
1	2	3
PART A		
1.	Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) All work involving exposure to health or laboratory work; (b) All work involving exposure to veterinary work;

Sl. No.	Occupational disease	Employment
1	2	3
		<p>(e) Work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses;</p> <p>(d) Other work carrying a particular risk of contamination.</p>
2.	Diseases caused by work in compressed air.	All work involving exposure to the risk concerned.
3.	Diseases caused by lead or its toxic compounds.	All work involving exposure to the risk concerned.
4.	Poisoning by nitrous fumes.	All work involving exposure to the risk concerned.
5.	Poisoning by organphosphorus compounds.	All work involving exposure to the risk concerned.
PART B		
1.	Diseases caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
2.	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
3.	Diseases caused by benzene or its toxic homologues.	All work involving exposure to the risk concerned.
4.	Diseases caused by nitro and amido toxic derivatives of benzene or its homologues.	All work involving exposure to the risk concerned.
5.	Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
6.	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concerned.
7.	Diseases caused by radioactive substances and ionising radiations.	All work involving exposure to the action of radioactive substances or ionising radiations.
8.	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risk concerned.
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series).	All work involving exposure to the risk concerned.
10.	Diseases caused by the carbon disulphide.	All work involving exposure to the risk concerned.
11.	Occupational cataract due to infra-red radiations.	All work involving exposure to the risk concerned.
12.	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
13.	Skin diseases caused by physical, chemical or biological agents not included in other items.	All work involving exposure to the risk concerned.
14.	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.
15.	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances.	All work involving exposure to the risk concerned.

Sl. No.	Occupational disease	Employment
1	2	3
16.	Diseases caused by beryllium or its toxic compounds.	All work involving exposure to the risk concerned.
17.	Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
18.	Occupational asthma caused by recognised sensitising agents inherent to the work process.	All work involving exposure to the risk concerned.
19.	Diseases caused by fluorine or its toxic compounds.	All work involving exposure to the risk concerned.
20.	Diseases caused by nitroglycerine or other nitroacid esters.	All work involving exposure to the risk concerned.
21.	Diseases caused by alcohols and ketones.	All work involving exposure to the risk concerned.
22.	Diseases caused by asphyxiants: carbon monoxide, and its toxic derivatives, hydrogen sulfide.	All work involving exposure to the risk concerned.
23.	Lung cancer and mesotheliomas caused by asbestos.	All work involving exposure to the risk concerned.
24.	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter.	All work involving exposure to the risk concerned.

PART C

1.	Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthraosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2.	Bagassosis.	All work involving exposure to the risk concerned.
3.	Bronchopulmonary diseases caused by cotton, flax, hemp and sisal dust (Byssinosis).	All work involving exposure to the risk concerned.
4.	Extrinsic allergic alveolitis caused by the inhalation of organic dusts.	All work involving exposure to the risk concerned.
5.	Bronchopulmonary diseases caused by hard metals.	All work involving exposure to the risk concerned.

15. The Employees' State Insurance Corporation (General Provident Fund) Rules, 1973 shall be and shall be deemed always to have been as valid and effective as if the provisions of section 95 of the principal Act, as amended by this Act, were in force at the time when those rules were made. Validation.