

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART-II, SECTION 3, SUB-SECTION (I)]

GOVERNMENT OF INDIA
MINISTRY OF LABOUR and EMPLOYMENT

New Delhi, the 31st March., 2008

NOTIFICATION

G.S.R(E), 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), in the notification of the Government of India, in the Ministry of Labor and Employment vide Number, GSR 86(E), dated the 14th February, 2008, in the Gazette of India, Extraordinary, part-ii, Section 3 sub-section (i) inviting objections and suggestions from all person likely to be affected thereby within a period of forth-five days from the date on which the copies of the Gazette of India, in which the said notification was published, were made available to the public.

AND WHEREAS, the copies of the said Gazette were made available to the public on 14th February, 2008;

AND WHEREAS, no objection and suggestions have been received in respect of proposed draft rule.

NOW, THEREFOR, in exercise of the powers conferred by section 95 of the Employees State Insurance Act, 1948, (34 of 1948) the Central Government, after consultation with the Employees' State Insurance Corporation, hereby makes the following rules further to amend the Employees' State Insurance (Central) Rules, 1950, namely:-

1. Short title and commencement-(1) These rules may be called the Employees' State Insurance (Central)(Amendment) Rules, 2008.
(2) They shall come into force with effect from 1st April, 2008.
2. Amendment of rule 50:- in he Employees State Insurance (Central) Rules 1950,-(hereinafter referred to as the said rules), in rule 50, after the provision, the following proviso shall be inserted, namely;

"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 Right 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 a month."

3. New rule 51A,-

After rule 51 of the said rules, the following rule shall be Inserted namely:-

"51-(A). (1) Employer's contributions in respect of certain employees: - (1) In respect of an employee who is a person with Disabilities under the persons with Disabilities(Equal

Protection of Right 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), the employer shall not be required to pay employer's share of contribution up to 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.
- (4) Amendment of rule 54:- In rule 54 of the said rules,:- (i) in the TABLE, against serial number 42, for the abbreviation, figures and words "Rs.380 and above" , the abbreviation, figures and wards "Rs.380 and above but below Rs.390" shall be substituted;
(ii) after serial number 42 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:-

| | | |
|------|-----------------------------------|-----|
| "43. | Rs.390 and above but below Rs.400 | 200 |
| 44. | Rs.400 and above but below Rs.410 | 205 |
| 45. | Rs.410 and above but below Rs.420 | 210 |
| 46. | Rs.420 and above but below Rs.430 | 215 |
| 47. | Rs.430 and above but below Rs.440 | 220 |
| 48. | Rs.440 and above but below Rs.450 | 225 |
| 49. | Rs.450 and above but below Rs.460 | 230 |
| 50. | Rs.460 and above but below Rs.470 | 235 |
| 51. | Rs.470 and above but below Rs.480 | 240 |
| 52. | Rs.480 and above but below Rs.490 | 245 |
| 53. | Rs.490 and above but below Rs.500 | 250 |
| 54. | Rs.500 and above but below Rs.510 | 255 |
| 55. | Rs.510 and above but below Rs.520 | 260 |
| 56. | Rs.520 and above but below Rs.530 | 265 |
| 57. | Rs.530 and above but below Rs.540 | 270 |
| 58. | Rs.540 and above but below Rs.550 | 275 |
| 59. | Rs.550 and above but below Rs.560 | 280 |
| 60. | Rs.560 and above but below Rs.570 | 285 |
| 61. | Rs.570 and above but below Rs.580 | 290 |
| 62. | Rs.580 and above but below Rs.590 | 295 |
| 63. | Rs.590 and above but below Rs.600 | 300 |
| 62. | Rs.600 and above but below Rs.610 | 305 |
| 63. | Rs.610 and above but below Rs.620 | 310 |
| 64. | Rs.620 and above but below Rs.630 | 315 |
| 65. | Rs.630 and above but below Rs.640 | 320 |
| 66. | Rs.640 and above but below Rs.650 | 325 |
| 67. | Rs.650 and above but below Rs.660 | 330 |

| | | |
|-----|-----------------------------------|-----|
| 68. | Rs.660 and above but below Rs.670 | 335 |
| 69. | Rs.670 and above but below Rs.680 | 340 |
| 70. | Rs.680 and above but below Rs.690 | 345 |
| 71. | Rs.690 and above but below Rs.700 | 350 |
| 72. | Rs.700 and above but below Rs.710 | 355 |
| 73. | Rs.710 and above but below Rs.720 | 360 |
| 74. | Rs.720 and above but below Rs.730 | 365 |
| 75. | Rs.730 and above but below Rs.740 | 370 |
| 76. | Rs.740 and above but below Rs.750 | 375 |
| 77. | Rs.750 and above but below Rs.760 | 380 |
| 78. | Rs.760 and above but below Rs.770 | 385 |
| 79. | Rs.770 and above but below Rs.780 | 390 |
| 80. | Rs.780 and above but below Rs.790 | 395 |
| 81. | Rs.790 and above but below Rs.800 | 400 |
| 82. | Rs.400 and above but below Rs.410 | 405 |
| 83. | Rs.410 and above but below Rs.420 | 410 |
| 84. | Rs.420 and above but below Rs.430 | 415 |
| 85. | Rs.430 and above but below Rs.440 | 420 |
| 86. | Rs.440 and above but below Rs.450 | 425 |
| 87. | Rs.450 and above but below Rs.460 | 430 |
| 88. | Rs.460 and above but below Rs.470 | 435 |
| 89. | Rs.470 and above but below Rs.480 | 440 |
| 90. | Rs.480 and above but below Rs.490 | 445 |
| 91. | Rs.490 and above but below Rs.500 | 450 |
| 92. | Rs.500 and above but below Rs.510 | 455 |
| 93. | Rs.510 and above but below Rs.520 | 460 |
| 94. | Rs.520 and above but below Rs.530 | 465 |
| 95. | Rs.530 and above but below Rs.540 | 470 |
| 96. | Rs.540 and above but below Rs.550 | 475 |
| 97. | Rs.550 and above but below Rs.560 | 480 |
| 98. | Rs.560 and above but below Rs.570 | 485 |
| 99. | Rs.570 and above but below Rs.580 | 490 |

Definitions of Disabilities as per the persons with Disabilities (Equal Opportunities, protection Of Rights And Full Participation) Act, 1995

1. "Disabilities" Means-
 - (i) blindness;
 - (ii) low vision
 - (iii) leprosy-cured;
 - (iv) hearing impairment;
 - (v) loco motor disability;
 - (vi) mental retardation;
 - (vii) mental illness;
2. "person with Disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority;
3. "blindness" refers to a condition where a person suffers from any of the following conditions, namely:-
 - (i) total absence of sight; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or
 - (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
4. "Person with Low Vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
5. "Leprosy Cured Person" means any person who has been cured of leprosy but is suffering from-
 - (i) loss of sensation in hands or feet as well as loss of sensation and eye-lid but with no manifest deformity;
 - (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
 - (iii) Extreme physical deformity as advanced age which prevents him from undertaking any gainful occupation, and the expression " leprosy cured" shall be construed accordingly;
6. "Hearing Impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies;
7. "Loco motor Disability" means disability of the bones, joint or muscles leading to substantial range of the movement of the limbs or any form of cerebral palsy;
8. "cerebral palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the prenatal, peri-natal or infant period of development;

9. "Mental Retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normally of intelligence;
10. "Mental Illness" means any mental disorder other than of retardation;

CERTIFICATE OF MENTAL RETARDATION FOR GOVERNMENT BENEFITSS

This is to certify that /smt./kum. _____ Son/Daughter of
_____ of _____
_____ with particulars given below:-

- (a) Age
- (b) Sex
- (c) Signature/Thumb impression

CATEGORISATION OF MENTAL RETARDATION

Mild/Moderate/Severe/profound
Validity of the Certificate: permanent

Signature of the Government
Doctor/Hospital with seal
Chairperson Mental Retardation
Certification Board

Recent Attested photograph
Showing the disability affixed here

Date:
Place:

Definition of disabilities as per National Trust for the welfare of With Autism, Cerebral palsy, Mental Retardation and Multiple Disabilities Act, 1999

1. "Persons with Disability" Means a person suffering from any of the conditions relating to autism, Cerebral Palsy, Mental Retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability;
2. "Autism" means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behavior;
3. "Cerebral Palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant of development;
4. "Mental Retardation" means a condition of two or incomplete development of mind of person, which is specially characterized by sub-normality of intelligence;
5. "Multiple Disabilities" means a combination of two or more disabilities as defined in clause (i) of section 2 of the Person with Disabilities (Equal Opportunities, protection of Right and Full Participation) Act, 1995;
6. "Severe Disabilities" means disability with eighty percent or more of one or more of Multiple Disabilities;

**STANDARD FORMAT OF THE DISABILITY CERTIFICATES AS
PRESCRIBED IN THE GUIDELINES FOR EVALUATION OF VARIOUS
DISABILITIES AND PROCEDURE FOR CERTIFICATION-NOTIFIED
VIDES GAZETTE NOTIFICATION NO. 16-18/97-NI.I.**

DATED 1ST JUNE, 2001

NAME & ADDRESS OF THE INSTITUTE/HOSPITAL ISSUING THE
CERTIFICATE

Certificate No.

Date

CERTIFICATE FOR THE PERSONS WITH DISABILITIES

This is to certify that Shri/smt./kum/wife/gaughter of
Shri_____Age _____ old male/female,
registration No._____is a case of physically disabled/visual
disabled /speech & hearing disabled and has _____%
(_____) permanent (physical impairment /visual impairment/speech
& hearing impairment) in relation to his/her_____

Note:-

1. This condition is progressive/non-progressive/likely to improve/not likely to improve.*
2. Re-assessment is not recommended after a period of _____months/years.

*Strike out which is not applicable.

Sd/-
(DOCTOR)
Seal

Sd/-
(DOCTOR)
Seal

Sd/-
(DOCTOR)
Seal

Signature/Thumb impression of the patient

