

## **CHAPTER VII**

### **MAJOR FINDINGS CONCLUSIONS AND SUGGESTIONS**

## **MAJOR FINDINGS, CONCLUSIONS AND SUGGESTIONS**

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## **Major Findings, Conclusions, and Suggestions**

### **7.1 Major Findings:**

Researcher through Doctrinal as well as Non Doctrinal Study testified the hypothesis. The study revealed the following findings.

#### **7.1.1 Existing Social Security Provisions (Legislations): Above Average**

The respondent's opinion on the legislative provisions under the ESI Scheme revealed that majority was satisfied with the existing provisions of the scheme. But the compensation in case of disablement was considered inadequate by most of the employees. The provisions of the gratuity Scheme were not popular among the employee respondents. Majority of these suggested an increase in the days (from 15 to 30 days) of benefit in calculating gratuity on yearly basis. Most of the respondents like employees, employers, executives, officers of TU, professionals, felt the Provident Fund Schemes provisions were sufficient. They felt that the amount of pension under the Pension Scheme should be raised and the eligibility for age condition may be lowered to 45 years in general. The Maternity Leave, Family Planning Benefit, and Sick Leave under the Maternity Benefits Scheme were declared sufficient. Contrary to this view the Maternity Bonus was not adequate according to the opinion of mass employees. The amount of the Maternity Bonus is low in the present

scenario. Finally the provisions of death compensation were sufficient as compared to other disablements compensation under the WMC Scheme.

### **7.1.2 Ground Realities of the Social Security Schemes: U- Turn from the Provisions:**

The respondents viewed the question of the practical position of the benefits under the existing social security schemes. The Medical, Sickness, Maternity and Disablement benefits under the ESI Scheme were rated low. The position of medical facilities like medical treatment, availability of medicine, staff, and equipments were not good. Majority of the professionals and executives pointed out that the administration of the ESI Hospitals, Clinics, and Dispensaries are assigned to the State Governments while the ESIC look after the provision of the benefits. There is no cooperation and coordination between these agencies. Consequently the beneficiaries suffer. The Funeral Benefit and the dependent benefits under the ESI Scheme were found in good position. The Gratuity Scheme was considered in bad condition by most of the beneficiaries. The Provident Fund Schemes other than Pension Scheme was in sound position. The practical position of the benefits like Maternity Leave, Maternity Bonus, and Sick Leave other than the Family Planning Benefit was felt to be in bad shape. Finally the respondents did not rate the disablement compensation as good as the death compensation under the WMC Scheme. Majority of workers especially in small commercial establishments are not provided with gratuity benefits under Payment of Gratuity Scheme, disablement compensation under ESI Scheme or WMC Scheme and maternity benefits under the ESU Scheme or Maternity Benefit Scheme.

### **7.1.3 Overlapping provisions among the existing Social Security Schemes:**

The researcher found that the Provisions have been overlapping in cases of Survivors Benefits payable under the ESI Scheme and Survivors pensions under the PF Schemes, and disablement compensation under the WMC Scheme or ESI Scheme and Invalidity pension under the PF Schemes. The Maternity benefits for women workers, are provided by the ESI Scheme as well as by the Maternity Benefit Scheme. The amounts of Pension benefit under PF Scheme, disablement compensation except death compensation under the ESI Scheme or WMC Scheme, the payment of gratuity under the Payment of Gratuity Scheme, maternity bonus and financial incentives are inadequate.

### **7.1.4 Prevalence of ignorance of the Social Security Provisions among workers:**

The Non-Doctrinal study revealed the facts that a majority of the employees were not fully aware of the different beneficial provisions under the present social security schemes. It is observed that only 13% of the employee respondents were fully aware of all the benefits under different schemes. This reflects that there prevails a wide range of ignorance about the benefits under different social security schemes. It is mainly due to lack of propagation of the schemes among the beneficiaries and lack of initiative on the part of employers. Further the trade unions have also failed to create such an environments conducive to such awareness. Consequently the workers are incompetent to bargain on the subject.

### **7.1.5 Lack of Coordination among different Social Security Controlling Agencies:**

Presently the social security schemes are governed by different administrative bodies like, ESI Scheme by ESIC, PF Schemes by the Board of Trustees, WMC Scheme by the appropriate authorities under the State Governments, Maternity Benefits Schemes and Gratuity Scheme by the Competent authorities under the State Governments. The Benefits under the ESI Schemes are provided by the ESIC, where as the Medical facilities like ESI hospitals, dispensaries, clinics etc are looked after by the State Governments. Both Central as well as the State Governments manages the majority of the affairs of these Schemes. Further it is learnt that there is no effective cooperation and coordination between these agencies.

### **7.1.6 Lack of confidence among workers on the Social Security Enforcement Mechanism:**

There are different enforcement agencies under the existing social security schemes, which are ESI Court under ESI Scheme, Workmen's Compensation Commissioners under the WMC Scheme, PF Commissioners under PF Schemes, and other competent authority is for Maternity Benefits Schemes, and Gratuity Scheme. All these enforcement agencies dependents upon the State Administrative agencies like District Collectors, for the enforcement of its final decisions as they lack such jurisdiction. Consequently the beneficiaries lose confidence and faith in these enforcement mechanisms. The employees have no other option, but to move to the Labour court in any social security disputes.

### **7.1.7      Complex and Prolonged Social Security Benefit Claim Procedures: Need for Simplification**

An overwhelming majority of the respondents expressed their view that the benefit claim procedures under all the existing social security schemes are complex and prolonged. A lot of paper work needed to be completed for the claim of benefit. Some of them are uneducated so they face lot of difficulties in claiming any benefits under these schemes. Moreover these people get very less time to approach the appropriate authority for claim of any benefits. Majority of the employees depend upon the administrative staff infilling any claims. Further the procedure does not provide speedy availability of the benefits to the beneficiaries. When the benefit is desirable in any of contingencies, it is not available or given after a period of time. Then the utility of such benefits may not be as much effective. So the benefit claim procedures is required to be simplified according to the need of the time and with the limitation of issuing benefit.

### **7.1.8      Dispute Resolution: Labour Court First Choice**

On the question of the use of the agency in dispute resolution, the majority of the employees (55%) opined that the Labour Court is one of the agencies utilized by them on most of occasions. The employees (22%) felt that the Trade Union is the second important agency utilized at local level. The other agencies like police; political leaders and NGOs are not popular among the employees. It is also noticed that majority of the workers have been reporting their disputes relating to the social security



measures to the Labour Court. The concept of the Labour Court is very popular as compared to systems of enforcement under the existing social security schemes. Moreover, the employees lack faith or confidence in the enforcement machineries under these schemes.

### **7.1.9 Incompetent Trade Unions to bargain on Social Security Schemes:**

Due to multiplicity and rivalry among the trade unions, these are not economically strong to challenge the employers in social security provisions. Moreover they lack initiative to collective bargain with employers on the social security measures. The role of the trade unions in enforcement of these measures is unsatisfactory.

### **7.1.10 Limitations on Applicability of Social Security Schemes:**

There are Social Security Schemes like ESI Scheme, PF Schemes, and Payment of Gratuity Scheme, which apply to the workers on the basis of pay or wage and number of person employed limit. A large number of workers and their dependents are excluded from the benefits of these major social security schemes. The wage limit and the number of person employed scale need to be removed.

### **7.1.11 Social Security Schemes: Employer's outlook Financial Burden**

The survey showed that the respondents of all age groups except the employers found that the employers consider these social security

schemes financial burdens. As the data indicated that 71% employees, 54% officers of TU, 45% professionals held this view. Contrary to that 75% employer and 58% executives expressed the different opinions. It is revealed that the employers interested in profits or gain and considered all other welfare activities secondary and burden. The majority of the employers believes in hire and fire policy, and pay the social security benefits under compulsion (Statutory Provisions) not voluntarily. Whenever they get an opportunity, they manipulate these in their favour. The employers especially in small commercial organizations try to avoid payment of such benefits. The position is quite positive in big organizations as compare to the small establishments.

#### **7.1.12 Need For Setting up of the Central Fund**

On question of setting up the Central Fund under the proposed Comprehensive Social Security Scheme in India, the majority of the respondents expressed the positive views on setting up of such fund. The respondents were briefed about the merits of the proposed fund before conducting the opinion survey. The concept of Central Fund contains the contributions of the employees, employers and the financial aid from Central and State Governments, which provides huge resources to serve beneficiaries with more benefits, effective control on income and expenditures and minimizing the operational costs. So the setting up of such fund is in the interest of all the beneficiaries and concerned persons.

#### **7.1.13 Need For Setting up of Employees Suraksha Courts:**

The study revealed that the majority of the respondents are in favour of setting up of employees Suraksha Courts at district levels and

Employee Bench at the High Court with power to enforce its own decree and limitation of trial conclusion to decide all the disputes related to the proposed scheme. The proposed system of Courts would be very convenient and provide speedy and economical justice to all concerned parties under one roof.

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#### **7.1.14 Comprehensive Social Security Scheme: Need of the Hour**

Majority of the respondents agreed that the proposed scheme would certainly reduce the agony and minimize the difficulties of the concerned person in the matters of social security in this country. It is noticed that the beneficiaries come across many problems in claim of benefits from employers or other specified agencies, resolution of any dispute by enforcement mechanism. The proposed scheme has in depth study of these difficulties and suggested the remedies of these in form of the Comprehensive Social Security Scheme.

The concept of the Comprehensive Social Security Scheme integrates all existing schemes and provides comprehensive benefits to all concerned employees was recommended by majority of the respondents like 89.5% employees, 76% employers, 82% executives 78% officers of TU and 85% professionals. All the respondents were informed about the merits of the proposed schemes and its resources, enforcement and administration. It is established that the most of the social security schemes does not provide desirable benefits with smooth claim procedure and well-equipped enforcement machineries for disputes resolution. The proposed scheme is designed to eliminate the drawbacks with the present schemes. It provides the operation cost benefit and centralized effective control of the social security scheme in the country. The proposed scheme designed for

development and promotion of the uneducated unprivileged and exploited workers in the organized sector. The proposed Comprehensive Social Security Scheme will protect each employee from womb to tomb.

## **7.2 Conclusions**

As the economy undergoes change and as societies develop, there emerges a need for social security to those who lack an income due to disability, old age, death of main bread earner, maternity, unemployment, employment injury at the work place etc. The social security introduces the element of stability and protection and contributes to a somewhat more equitable distribution of income between the fortunate and the unfortunate. The social security is much more than a charitable and humanitarian device. It is a constrictive policy, which promotes industrial efficiency, and against its costs must be set substantial economic returns. The provisions of the medical benefits especially increase the economic productivity of the present generation of the workers and welfare services for the dependents of the employees raise the efficiency of the next generation. So the social security measures protect the workers from falling into below minimum standard of living particularly at the time of economic crashes and unforeseen contingencies.

The Social Security protection covers about 07% of the total work force in organized sectors in India. The Social Security programs in organized sectors are of a protective nature that includes medical care, employment injury, sickness, maternity old age etc. Due to many contributory factors and the loopholes, the benefits from these programs reach only a small percentage of the workers.

The liberalization and globalization revealed the neglected aspects of the social security programs in this country. Globalization led to growth

of unemployment along with the removal of labour through the instrument of hire and fire used indiscriminately by the entrepreneurs and owners of the commercial establishments. This has led to rise in poverty, deprivation, vulnerability and marginalisation of the working force. The Government of India made the employers to follow committed social security protection for those employed by them. The Government has appointed a numbers of Commissions and Committees to review the social security functioning and give recommendations for further improvements.

There is a need for initiative at the national level to start Comprehensive Social Security Policy by integrating all the existing social security schemes, which will cover all workers in the organized sectors and provide all the benefits to the employees and their dependents from womb to tomb. The integration brings the different schemes of social security under one roof. Various agencies responsible for disbursement of benefits, provisions of services, and maintenance of records may be integrated within one single organization, which takes the responsibility in regard to all activities formally rendered by those agencies. The National Commission on Labour in 1969 and 2002 recommended the Comprehensive Social Security Scheme of labour treating as a national concern and obligation.

### **7.2.1 Evolution and development of Social Security Protections: Charity to the Duty of the Government:**

The social security schemes have been in existence since the times of immemorial. In the Ancient India, there were various group, guilds, joint family and other intuitions, which considered social security as service towards the mankind. Great King Ashoka, and Chandragupta were

the leading persons who considered the people as their children and had the responsibility to serve them better. This was the era of the charity, and humanitarian feelings toward the social security. The Medieval India was the dark period for the development of the social security. Because a few king like Sher Sah Suri and Great Akbar considered the social security as an instrument needed for the development and welfare of the people. Majority of the rulers were engaged in the wars and could not look after their people well. This was the era of charity, which depended upon the will and wish of the rulers. During the Modern India the concept of the social security changed from charity or donation and humanitarian to the duty of the states to protect the interests of the unprivileged and exploited people. This was the period when some of the leading enactments, like the Workmen's Compensation Act, 1923, the Employees State Insurance Act, 1948, the Provident Fund Act, 1952, the Maternity Act, 1961, and the Payment of Gratuity, 1972 were enacted to promote and develop the interest of the employees. The National Commission on Labour, 1969, and 2002 and the Study Group 1957-58 were two significant developments in the fields of the social security. These had provided certain guidelines on the Comprehensive Social Security plan, to serve the workers better.

The International Labour Organization and the International social Security Association founded the platform for the development and promotion of the social security at the international scenario. This was followed by various industrialists' nations like USA, UK, Japan, China, Canada, and New Zealand. The Social Security (Minimum) protection Convention 1952 was a landmark on the development and promotion of the social security at the international level.

### **7.2.2 Progressive Social Security Protections: Recognition of subject at the National and International Platform:**

. Various social security enactments have been implemented at the domestic as well as in other industrialist countries. Indian Social Security Systems provides supportive measures against sickness, and disablement arising out of and in the course of employment. Retirement benefits include the payment of gratuity, pensions, and provident fund. Indian progress on the subject matter has been influenced by the development at the International level. The United Nations Organization's Covenant on the Universal Declaration on Human Rights 1948, International Covenant on Civil and Political Rights and the International Covenants on Economic, Social and Cultural Rights 1966 have played a significant role in providing social security rights as the human rights protection at the international level. Japan and United States of America have stressed the need for the Comprehensive Social Security Scheme with integrated scheme, because it would be more economical, better administered as well as more effective in attaining its goals.

The subject matter of the Comprehensive social security was discussed by the National Commission on Labour and Study Group Committee, but could not gather momentum. The role of the International Labour Organization in promotion and propagation of the subject in India as well as in the world cannot be ignored. It is a landmark institution in providing Conventions and Recommendations on various labour related issues. But India due to its social, economic, and political reasons could not ratify all the Social Security Conventions of the ILO. The progress is very slow only 05 out of 20 Conventions are ratified by India till date. The subject matter of various Social Security Conventions has been

incorporated in other provisions (partial adoption) according to the need of the country. The social security subject has been advancing under the guidance of the ILO and the ISSA.

### **7.2.3 Liberal Interpretation of Social Security Schemes by the Indian Judiciary:**

The Indian Judiciary especially the Supreme Court and High Courts have significantly enhanced the promotion and development of social security schemes. The Social Security enforcement machineries like the Provident Fund Commissioners, Employees State Insurance Courts, Workmen's Compensation Commissioners and other Controlling Authorities are not far behind in the protection of beneficiaries from hardships. The Supreme Court of India broadly interpreted the terms of "Arising out of and in the Course of employment", employees, nature of work, accident, and the Principle of the Notional Extension. The famous principle of the Notional Extension of the Employer's premises was propounded in the *Saustra Salt Manufacturing Company Vs Velu Raja* <sup>498</sup>, and has been followed in deciding the relevant subject matter.

The Scheme of the Payment of Gratuity was formulated on the guidelines of the Supreme Court in the *General Cloth Mills Delhi* case <sup>499</sup>. The High Courts of the Delhi, Bombay, Calcutta, Madras, Kerala, Punjab and Haryana Court, Andhra Pradesh, Karnataka etc have laid down various principles in the interest of the unprivileged and exploited workers on the social security subject in the country. The principles of "Added peril and Contributory Negligence" were declared by the Patna and Madras High Courts respectively, which clearly state the liability position .

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<sup>498</sup> AIR 1958, 881,SC

<sup>499</sup> 1968, 36 FJR 247,SC



of the employers in any case of accident arising out of and in the course of employment, where the defence of the negligence and added peril has no place.

The enforcement machineries have protected the interest of the workers at the local levels, though they have not been so effective in implementing their decisions, because these agencies do not possess the powers of enforcement of its own final orders or decision. Majority of the disputes relating to the social security are reported to the Labour Courts, because the workers are unaware and lack confidence or faith in these enforcement machineries. The proposed Comprehensive Social Security Scheme tries to remove all the complexities of the procedure and jurisdictional aspects in enforcing the final decisions of these enforcement machineries under the existing schemes.

#### **7.2.4 Fruitful Empirical Study:**

The empirical study proved to be a complete or highly revealing in the sense it provides us a clear view as to what the respondents (employees, employers, executives, officers of TU, and professionals) feel about the benefit claim procedure, benefits, amounts, and enforcement mechanisms under the existing social security schemes in India. Subsequently, the opinions of the respondents on the proposed Comprehensive Social Security Scheme and their recommendations on the subject matters were recorded. The selected respondents were interviewed at various places in the industrial places of the district Vadodara, Gujarat. The separate questionnaires were prepared for each class of employees, employers, executives, officers of TU, and the professionals in the related fields. The respondents with different age, sex, education, social and economical background were asked questions based on the questionnaires as to ascertain the views on the benefits under the present social security schemes.

## **7.3            Suggestions**

The research findings disclosed that there are some complications and practical hindrances in the progress of the existing social security. Consequently the employees are economically and mentally affected. Some remedial measures are suggested to eliminate these difficulties and also to strengthen the social security provisions in the country. A list of such suggestions is given below.

### **(a)      Creation of awareness about the social security scheme among the beneficiaries:**

The employees should be explained about their rights and obligations of employers under the Social Security provisions, details of the benefits and its claim procedure, and the enforcement machinery. The trade union should organized meetings on Social Security Schemes regularly, where the workers are to be briefed about details of the benefits under the social security legislations. Moreover the employers should also come forward to create conducive environment on the subject. Employers may organize awareness camp, seminar, or conference with the cooperation of the trade union with in the premises of the commercial establishments. Further it is also needed to circulate the pamphlets on the social security measures in Hindi or local language during the proceedings of any meeting. The media like television, radio, newspapers, films etc may be utilized to enhance the awareness in the working class. All the efforts in the direction should be a collective endurance for its success.

**(b) A simple benefit claim procedure:**

A simple benefit claim procedure under the comprehensive social security scheme is suggested, which will be transparent, speedy and less formal. All the benefits may be claimed from the designated agency through appropriate authority under the scheme. The claim procedure is designed to provide the benefits under the proposed scheme with limitation on the duration of claiming benefit and through commercial banks.

**(c) Removal of Applicability Limit:**

The limit of coverage and the wages/ salary limitation should be removed. These should be uniform in all the benefits. Commercial establishments employing any number of employees irrespective of electric power utility should be covered under the scheme. It is believed that higher the wage/salary higher the contributions and more resources for benefits. Benefits should also reach all the workers and their dependents in the organized sectors

**(d) Creation of Single Agency:**

A National Social Security organization under the Ministry of Labour should be set up, to regulate the affairs of the Comprehensive Social Security Scheme. It should independently look after the implementation and enforcement of the scheme. Because the most of the existing social security schemes are administered by the various designated authorities and facilities are looked after by the State Governments. This creates hindrance in the effective functioning of these schemes. Consequently the affairs of the schemes become complex and beneficiaries suffer. Moreover there is lack of coordination among these

agencies. Therefore it is needed to organize the affairs of the Social Security Scheme should be conducted by a single agency for smooth functioning.

**(e) Integration of existing Schemes:**

There is lack of infrastructure facilities with most of the existing social security schemes. Consequently the beneficiaries are adversely affected. It is suggested that all the schemes should be integrated and the administration control and distribution of benefits may be assigned to one single agency as under the Comprehensive Social Security Scheme. Then the utilization of the resources of the existing schemes by single agency will eliminate the problems of shortage of staff, equipment, and other facilities.

**(f) Need to establish Vigilance Committee:**

It is well established fact that the existing system of social security is not working satisfactorily due to high degree of involvement and interference of bureaucratic inertia, and bureaucratic indifference and corruption, which results in mal-functioning of administration and quasi judicial apparatus. It is suggested to appoint adequate vigilance Staff to check the corrupt activities and take immediate steps to corrective action. Any such officials may initiate action on complaint from concerned person or on observation by the any of such staff. This will minimize the mal practices prevail in the present system of social security.

**(g) Benefits be irrespective of wages:**

There should not be any relation between the amount of contribution and the benefits availed by the beneficiaries. All the

beneficiaries should be eligible for appropriate benefits without any high or low degree of wage or salary. All the members and their dependents should have equal rights of benefits without such discrimination.

**(h) Modernization:**

**(i) Creation of a Web site:**

All the records of the Comprehensive Social Security Scheme should be computerized along with its web site as [www.csss.gov.in](http://www.csss.gov.in). It will be beneficial not only to all the concerned persons but also helpful to reduce the paper works as well as reduction in the operation cost. It shall be the duty of every employer to provide the Internet facilities at their organizations. Every employer shall be made responsible to provide the Internet facilities at their organizations.

**(ii) Touch Screen Facility:**

Touch Screen Facility in Hindi language should also be installed at each district under the control of the District Level Agency. Difficulty/ deficiency in the system may be lodged to the notice of such officials.

**(iii) Smart Identity Card:**

All the members and their dependents should be issued with Smart Card, to avail the benefits under the Comprehensive Social Security Scheme. It shall be the duty of every employer to issue such Identity card on the completion of one month on permanent position. The said card may be used for medical treatment from any of the specified hospitals, dispensaries, or clinics in the country under the scheme. This card will be of permanent nature

retained till cessation of the membership, along with all India validity.

**(j) Establishment of Specialist Hospitals:**

(i) It is suggested to establish 04 Super Specialist Hospitals Cum Medical Collages in all four Metro cities of Kolkata, Delhi, Mumbai, and Chennai. The recruited Medical Doctor should be appointed with a bond of serving on 10 years permanent basis. These doctor may be transferred anywhere in the country after completion of 05 years of stay at one place. Further the general public may be treated on the payment of some charges in such hospitals.

(ii) In order to enhance the medial facilities in hospitals, clinics, and dispensaries, it is needed to increase the medical staff, availability of medicines, laboratory facilities, ambulances and adequate buildings.

**(k) Establishment of Employees Suraksha Courts:**

It is desired to have Employees Suraksha Courts at District level and Employees Bench at High Courts at State level to resolve the disputes pertaining to the Comprehensive Social Security Scheme. Presently there are different enforcement machineries without the power of enforcement of its own decision or final order, like ESI Court under ESI Scheme, Provident Fund Commissioners under PF Schemes, Workmen's Compensation Commissioners under the WMC scheme and Controlling Authorities under the Gratuity and Maternity Benefits Schemes. These Courts shall be equipped with professional Judicial Officials in Labour related fields with powers to enforce its own final decree or order like any

other Civil Court. Moreover the said courts under one roof shall be authorized to deal all the disputes with the limitation of trial and on nominal court fee, arising out of the Comprehensive Social Security Scheme. The Legal Practitioner or any other authorized person may be permitted to protect the interest of the complainant in such courts.

**(l) Facility of Free Legal Aid:**

The free legal aid facilities should also be provided to the workers to file or defend their interest before the designated Courts under the proposed scheme. The provisions of the Legal Services Authorities Act, 1987 should be applied accordingly.

**(m) Organization of Lok Adalat:**

The Lok Adalat may be organized on regular basis to settle Social Security disputes. This system of the dispute resolution will be convenient and suitable to provide speedy and economical justice to the disputing parties.

**(n) Creation of Central fund:**

Further it is suggested to have a Central Fund under Comprehensive Social Security Scheme for all the contributions from the employers and employees, and the financial aid from the Central and State Governments. This Fund shall provide huge financial resources for more services and benefits to the beneficiaries. Subsequently it may provide effective management and control of the income and expenditures of these resources. Presently we do have different social security schemes and different administrative bodies for them. A lot of administrative work is to be completed to process and maintain the records of different

contributions, benefits etc under various schemes. Once the contributions are paid into one fund then it shall be very convenient for employers as well as other organizations to manage such affairs effectively. Further it may be helpful in minimizing the operational cost.

**(o) Insurance for Employees:**

Employer shall insure all that all the permanent employees are insured with any insurance company for an amount one lakh for a period of 15 year or such period up to the age of retirement. Such insurance shall pay for the compensation to employees in case of any accident arising out of the employment. Some of the commercial banks provide an insurance cover of Rs. one lakh on opening of bank account in these banks. The employers may utilize these kinds of opportunities, provided the employees agree to it. The group of employers or the unions of employers in any area or region may start the Group Insurance Scheme. Provided the main motto to provide insurance cover to the employees should be fulfilled.

**(p) Formulation of the Comprehensive Social Security Scheme in India:**

Finally the Comprehensive Social Security Scheme is proposed to be included in the social security protection mechanism in the nation. The said scheme integrates all the existing social security schemes and then provides more benefits with smooth administrative control. Presently the social security schemes are governed by different administrative bodies; maintains separate staff, funds and contribution funds, for example, there is overlapping between Survivors Benefits payable under the ESI Scheme and Survivors Pension as per the Pension Scheme framed under the PF Schemes. Likewise, a worker, who becomes disabled due to occupational



injury, gets disability under the WMC Scheme or the ESI Scheme and also Invalidity pension under the PF Schemes. There are other cases of overlapping and duplication of the social security benefits.

The Comprehensive Social Security Scheme is calculated to improve the efficiency, avoid duplication of benefits, waste and effect economy in cost. The administrative effectiveness is achieved by reducing the administrative cost in collection of contributions, payment of benefits, performing inspectional functions, and other overhead costs. National Labour Law Association of India also recommended such scheme in India. The Comprehensive Social Security Scheme has been functioning effectively in most of the industrialist countries, like the UK, Australia, and the USA. Some countries are also moving toward a single intuition, which manage the responsibility of social security.

After analyzing all the findings and suggestions, it has been observed that a Comprehensive Social Security Scheme legislation is required to meet with the present requirements. In this process a Model Bill on Comprehensive Social Security Scheme has been drafted for the consideration of law making authorities. The proposed draft, which is named as **“Comprehensive Social Security Scheme”** would definitely resolve and mitigate the difficulties of the deserving employees in availing the benefits. Thus, it becomes incumbent upon the Parliament to enact the Comprehensive Social Security Scheme Act without any further delay by taking the proposed Bill **in toto** or with minor changes.

### **7.3.1 Model Bill on the Comprehensive Social Security Scheme**

The details of the Model Bill on Comprehensive Social Security Scheme are hereunder

**MODEL BILL ON  
THE COMPREHENSIVE SOCIAL SECURITY SCHEME**

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## **MODEL BILL ON THE COMPREHENSIVE SOCIAL SECURITY SCHEME**

**THE SCHEME IS ENACTED TO PROVIDE FOR CERTAIN  
EMPLOYMENT AND OLD AGE BENEFITS TO THE  
EMPLOYEES IN THE ORGANISED SECTOR.**

### **CHAPTER I**

#### **Section: 1. Short Title and Application**

- (1) This Bill may be called the Comprehensive Social Security Bill, 2006.  
(2). It is proposed to include the whole of India except the State of Jammu and Kashmir.

#### **(3). Application of Bill-**

(a) It shall apply to all industries (including industries belonging to government, seasonal factories operating not less than Six months in perennial Commercial activities) employing employees with or without the aid of power.

(b). It shall apply to plantation, mines, shops, transport and organizations of commercial nature (which are in existence for a period beyond 06 months) with or without the aid of power.

Nothing contained in this Section shall apply to the industry or establishments belonging to or under the control of the government where employees are otherwise in receipt of the benefits similar or substantially similar or superior to the benefits to the benefits proposed to be included in the Bill.

- (c) All the employees shall be members of the scheme, irrespective of their nature of work and pay scale.

**Section: 2. Definitions.** - In this Bill, unless the context otherwise requires, -

- (a) **“Appropriate Government”**. Means in respect of establishments under the control of the Central Government or a railway administration or a major port or a mine or oilfield, under the Central Government, and in all other cases, the State Government.
- (b) **“Bailable and Non Bailable Offences”** The Bailable Offences means offences involving outstanding amount of less than One Lakh rupees and Non Bailable Offences means offences involving outstanding amount of more than One Lakh rupees, against the person who is bound to pay under the Scheme.
- (c) **“Commercial Establishment”**. Means and includes any organization or institution, where the production, supply and the distribution of the goods and services are carried out with or without aid of the power, for the purpose of profit or gain or any other relevant purposes.
- (d) **“Contribution”** Means an amount of money payable to the Scheme by the principal employer in respect of an employee and also includes any amount payable by or on behalf of the employees as per the provisions of the Scheme.
- (e) **“Dependents”**. Means any of the following relatives of a deceased insured person, namely, --
- (i) A widow, a minor legitimate or adopted son, an unmarried legitimate or adopted daughter;

(ia) a widowed mother;

(ii) If wholly dependent on the earnings of the insured person at the time of his death, a legitimate or adopted son or daughter who has attained the age of eighteen years and is infirm;

(iii) If wholly or in part dependent on the earnings of the insured person at the time of his death, --

(1) A parent other than a widowed mother,

(2) A minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or adopted or illegitimate if married and a minor or if widowed and a minor,

(3) A minor brother or an unmarried sister or a widowed sister if a minor,

(4) A widowed daughter-in-law,

(5) A minor child of a pre-deceased son,

(6) A minor child of a pre-deceased daughter where no parent of the child is alive, or

(7) A paternal grandparent if no parent of the insured person is alive.

(f) **“Disablement”** means and includes the-

(i) **Permanent Partial Disablement:** Means a disablement of permanent nature, reduces the earning capacity of an employee in every employment, which he was capable of undertaking at the time of accident resulting in the disablement. Every injury specified in Schedule III Part A of the Bill, and considered by Medical Commissioner as such.

**(ii) Permanent Total Disablement:** Mean such disablement of a permanent nature incapacitates an employee for all work which he was capable of performing at the time of accident, resulting in such disablement. The permanent total disablement covers the loss of earning capacity amounting to 100% or more. The Permanent total disablement shall be deemed to result from every injury specified in Schedule III Part B, and considered as Permanent total disablement by the Medical Commissioner.

**(iii) Temporary disablement:** Means a condition resulting from employment injury requires medical treatment and renders an employee as a result of such injury, temporarily incapable of doing the work, which he was doing prior to or at the time of accident. The period of such injury shall be less than 03 days excluding the day of accident.

(g) **“Employee”** Means any person employed for wages or in connection with work of an industry or commercial establishment irrespective of nature of work, to which this bill applicable without any wage limit, and include;

(i) A person, who is directly or indirectly employed by principal or immediate employer, on any work of, or incidental or preliminary to or connected with the work of, the factory or commercial establishment, whether such work is done by the person in factory or establishment or elsewhere, or;

(ii) A person, whose services are temporarily lent or let on hire to the, principal, or immediate employer by the person

with whom the person whose services are lent or let on hire entered into a contract of service.

- (iv) Any person employed for wages on any work connected with commercial, administrative, marketing, production, and other business related activities. But this does not include any members of the Armed Forces, and trainees and apprentices, employed for less than one year of service under the proposed Bill.
- (h) “ **Employment Injury**” Mean a personal injury, physical or mental, to an employee caused by an accident or occupational disease (listed in the Schedule II) arising out of and in the course of his employment, whether within or outside the territorial limits of India.
- (i) “**Employer**” In relation to any commercial establishment, the authority which has the ultimate control over the affairs of the establishment, like owner or occupier or where the said affairs are entrusted to a manager, managing director, or managing agent, such manager, managing director, or agent.
- (j) “**Factory**” Mean any premises including precincts thereof in any part of which a manufacturing process is being carried on or is ordinarily so carried, which with or without the aid of power, employing any number of employees in a periods exceeding duration of 06 months in a year.
- (k) “**Family**” Means all or any of the following relatives of an insured person, namely, -

- (i) A spouse;
  - (ii) A minor legitimate or adopted child dependent upon the insured person,
  - (iii) A child who is wholly dependent on the earnings of the insured person and who is receiving education, till he or she attains the age of twenty-one years,
  - (iv) An unmarried daughter;
  - (v) A child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the insured person, so long as the infirmity continues;
  - (vi) Dependent parents.
- (l) **“Miscellaneousarriage”** Means expulsion of the contents of a pregnant women’s uterus at any period prior to or during the 26<sup>th</sup> week of pregnancy, but does not include any Miscellaneousarriage which is punishable under the Indian Penal code.
- (m) **“Seasonal Commercial Establishment”** Means an establishment engaged in production, supply and distribution of goods and services for a period not exceeding six months in a year.
- (n) **“Sickness”** Means physical or mental conditions, which require medical treatment and attendance, and necessitates abstention from work on medical ground.
- (o) **“Wages”** Means all remuneration paid or payable, in cash or otherwise to an employee, in pursuance of the terms of the contract of employment, expressed or implied, and includes any payment to employee in respect of any period of authorized leave, lock out,



strike, lay off and other additional remuneration, if any, and shall include the following;

(i) Basic Pay and Dearness Allowances

(ii) Bonus incentive,

(iii) Any contribution paid towards the scheme,

(iv) Confessional supply of food grains and other articles.

But does not include the Bonus other than incentive, overtime payment, and other deductions under the scheme.

## **CHAPTER II**

### **Organization Of the Comprehensive Social Security Scheme**

#### **Section: 3. The Comprehensive Social Security Scheme Organization**

- (a) The Comprehensive Social Security Organization shall be a body corporate by the name of the CSSS Organization,
- (b) It shall have perpetual succession and a common seal, and shall by the said name sue and be sued.
- (c) The body shall have the right to sell and acquire property for the promotion and development of the scheme.
- (d) The organization shall have three-tier mechanism, at Central level, State level and at the District level for promotion and implementation of the scheme. The Diagram of the Organization is given in Schedule I to the Bill.

#### **Section: 4. Director General**

- (a) The Director General shall be in charge of the Comprehensive Social Security Scheme. The Ministry of the Labour, Central Government shall appoint him by notification in the Official Gazette.
- (b) The Director General shall be assisted by the Medical Director, Pension Director, Finance Director, and Administration Director at the Central level and by Regional Directors at the State levels.

(c) He shall hold the office for a period of five years, commencing from the date of assuming responsibility of the scheme. He shall hold office up to the age of 62 years, or five, whichever is earlier. He shall hold the office during the pleasure of the President of India.

### **Section: 5. Eligibility for Director General**

Any person who is or has been a Judge of the Supreme Court or is or has been a legal practitioner for 15 years experience and in dealing with labour and industrial matters at the Supreme Court shall be qualified to be appointed as the Director General of the organization.

### **Section: 6. Function of the Director General**

(a) The Director General shall have direct control and superintend the affairs of the Organization.

(b) He shall promote and develop the Comprehensive Social Security Scheme in the interest of the employees.

(c) He may in his discretion issue any directions, or order, to a person or organization for the enforcement of the Scheme in the Country.

### **Section: 7. Resignation and Removal of the Director General, and other Directors**

(a) The DG or other Directors appointed under the Scheme may resign from his office by his resignation letter addressed to the President of India, and his seat shall fall vacant on the acceptance of the resignation by the President.

(b) The President may remove the DG or other Directors from the office after consultation with the Union Cabinet, on ground of public interest,

moral turpitude, or involvement in any corrupt activities. They may be removed from the office, if they are declared to be of unsound mind by the competent authority or if they are undischarged insolvents.

### **Section: 8. Medical Director**

(a) The Medical Director shall be in charge of the Medical Benefits under the Comprehensive Social Security Scheme. The Ministry of the Labour, Central Government, shall appoint him by notification in the Official Gazette.

(b) The Medical Director shall be responsible for the general control and superintendence of the medical benefits and Medical Hospitals all over the country under the Organization.

(c) Medical Director shall be assisted by the Medical Commissioners and Officers at the State and District levels respectively.

(d) He may in his discretion issue any directions, or order, to a person or organization for the enforcement of the Medical services and for the grant of medical benefits under the Proposed Comprehensive Social Security Scheme.

### **Section: 9. Eligibility for Medical Director, Commissioners and Officers**

(a) Medical Director shall be a Medical Specialist with Post Graduate Medical Degree (MD/MS) having at least 20 years of experience of working with Medical Institutes/Colleges and independent handling of the affairs of such organizations.

(b) Medical Commissioners and Officers shall be Medical Graduates with 10 and 05 years of experience of working with Medical Institutes/Colleges respectively.

**Section: 10. Powers and Duties of the Medical Director**

The powers and duties of the Medical Director shall be--

(a) To advise the DG in regard to the constitution, setting up duties and powers of the regional and local Medical Commissioners.

(b) To make recommendations to the DG 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 formula for use in connection with the medical benefit provided under the Scheme;

(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.

(c) To advise the DG on any matter relating to the professional conduct of any medical practitioner employed for the purpose of providing medical benefit under the Scheme.

**Section: 11. Pension Director.**

(a) The Pension Director shall be in charge of the Pensionary Benefits under the Comprehensive social Security Scheme. The Ministry of the Labour, Central Government, shall appoint him by notification in the Official Gazette.

(b) The Pension Director shall be responsible for the General control and superintendence of the Pensionary benefits under the scheme.

(c) The Pension Director shall be assisted by the Pension Commissioners at the Districts level.

(d) He may in his discretion issue any directions, or order, to any person or organization for the enforcement of the Pensionary benefits under the Scheme.

**Section: 12. Eligibility for Pension Director**

Pension Director shall be a Chartered Accountant/Cost Accountant with at least 20 years of experience in the fields of banking, insurance, and Pensionary matters and independent handling the affairs of such organization.

**Section: 13. Administrative Director**

(a) The Administrative Director shall be in charge of the Personnel Administration, Vigilance and other related administrative functions under the Comprehensive social Security Scheme. The Ministry of the Labour, Central Government, shall appoint him by notification in the Official Gazette.

(b) The Administrative Director shall be assisted by the Administrative cum Vigilance Commissioners and Vigilance Officers at the Districts level.

(c) He may in his discretion issue any directions, or order, to any person or organization for the enforcement of any provision of the Scheme.

**Section: 14. Eligibility for Administrative Director**

Administrative Director shall be a Post Graduate in Personnel Management with a Bachelor Degree in Law, with at least 20 years of experience in the fields of personnel management, and vigilance, and independent handling the affairs of any big organization.

**Section:15. Finance Director.**

(a) The Finance Director shall be in charge of the Finance, Insurance and Contributions under the Comprehensive social Security Scheme. The Ministry of the Labour, Central Government, shall appoint him by notification in the Official Gazette.

(b) He shall be responsible for the General control of the income and expenditures under the scheme.

(c) He shall be assisted by the Finance Commissioners at the Districts level.

(d) He may in his discretion issue any directions, or order, to any person or organization for the enforcement of the financial, Insurance and contributions payable under Scheme.

**Section:16. Eligibility for Finance Director and Commissioners**

(a) The Finance Director shall be a Chartered Accountant/ICWA with at least 20 years of experience in the fields of banking, insurance, and Pensionary matters and independent handling the affairs of any leading Insurance Company in the Country.

(b) Finance Commissioner shall be a Chartered Accountant/I CWA with at least 10 years of experience in the fields of banking, insurance and retirement benefits in any leading banking or insurance organization.

**Section: 17. Powers and duties of the Financial Director**

The powers and duties of the Financial Director shall, subject to the control of the Director-General, be—

(a) Control over income and expenditures of the Scheme and to arrange for the compilation of accounts by the collection of returns from the states;

(b) To prepare the budget of the Scheme;

(c) To arrange for internal audit of the accounts of the center and regions;

(d) To make recommendations for the investment of the funds of the Scheme; and

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

**Section: 18. Regional Directors**

(a) Every State shall have a regional director to manage the affairs of the Scheme at the State as well as at the district level.



(b) He shall be assisted by such numbers of Assistance Directors as the Ministry of Labour Central government deem necessary who will be appointed at district local Offices, to ensure the smooth functioning of the Scheme.

### **Section: 19. District Local Offices**

(a) The local offices shall be headed by one Assistant Director and assisted by Pension and Medical Commissioner, and Vigilance Cum Administrative Commissioners and Officers.

(b) Ten personnel shall be appointed with proficiency in computer literacy and called Social Security Assistant, to assist the Local office administration.

(c) The Local Offices shall be responsible for registration of employees, issue of documents, payments of cash benefits to the eligible employee, and deals with related issues under the Scheme.

(d) The District local offices shall be directly responsible to the regional directors

### **Section: 20. Vigilance cum Administrative Officer: functions and duties**

(a) The DG may appoint such number of persons as Vigilance cum Admin Officer, as he thinks fit, for the purposes of this Scheme, within such local limits as he may be assigned to him.

(b) Any Officer appointed shall enquire into the correctness of any of the particulars stated in any return or for the purpose of ascertaining whether

any of the provisions of the Scheme has been duly complied with and for this purpose he may-

- (i) Require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Scheme; or
- (ii) Enter into any office, establishment, factory or other premises occupied by such principal or immediate employer and may require any person found in charge thereof to produce to such Officer and allow him to examine such accounts; books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (iii) Examine, with respect to any matter relevant to the purposes aforesaid, the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to be or to have been an employee;
- (iv) Make copies of, or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises;
- (v) Exercise such other powers, as may be the Administrative Director.

(c) He shall also be responsible for all the office management of the District Local Office

## **Section: 21.           Tenure of the Office of the Directors and Commissioners**

All the Directors and Commissioners appointed under the Scheme shall hold office for a period of 05 years, commencing from the date of

assuming the responsibility under the scheme. They may hold office up to the age of 62 years, or for a term of 05 years, whichever is earlier. However they shall hold office during the pleasure of the President of India.

**Section: 22. Salaries, allowances and conditions of service of the Director General, Directors and Commissioners**

(a) The Director General shall be in the scale of pay of Rs. 22400-800-24500, the Directors shall be in the scale of pay of Rs. 18400-675-22400. Commissioners shall be in the scale of pay of Rs. 16400-500-18400.

(b) The Director General, Director and the Commissioners shall receive dearness allowance, city compensatory allowance, house rent allowance, traveling allowance and other allowance, at such rates, and such provident fund, leave and medical benefits as may be sanctioned for the officers of the Ministry of the Labour, Central Government drawing similar salary at the place where they are posted:

PROVIDED that where the Director General or Directors or the Commissioners is/are a person/persons already in the service under the Scheme, shall be entitled to pension, gratuity and other superannuation benefits which they would have been otherwise entitled but for appointment as the Director General or Directors or the Commissioner:

PROVIDED FURTHER that the pay, allowances and conditions of service of the Director General or Director or the Commissioners, if he is a person already in the service of the government, shall be such as may be determined by the Ministry of the Labour, Central Government in each individual case.

**CHAPTER III**  
**Enforcement Machineries**

**Section: 23. Composition of The Employees Suraksha Court  
and Employee Bench of the High Court**

(a) The State Government shall, by notification in the Official Gazette, constitute an Employees Suraksha Court for each District or local area and Employees Bench of the High Courts for the purpose of resolution of disputes pertaining to any of the provisions under the Scheme.

(b) The Employees' Suraksha Court. Shall consist of two Judges out of which one shall be Chief Justice and the other would be a Deputy Judge along with five other Judicial Officers. The Employee Bench of the High Court shall consist of the Chief Justice and such number of Judicial Officers as the State Government may think fit.

(c) The Judicial Officers shall be the legal practioner with at least 10 years of standing at any Labour Courts/ESI Courts/Industrial Tribunals or other courts in labour related matters. One Judicial Officer shall be a woman Judicial Officer.

(d) Any person who is or has been a Judge of the High Court or a legal practitioner of 15 years' standing in High Court shall be qualified to be a Judge of the Employees' Suraksha Court. The Chief Justice of the Employee Bench of the High Court shall be a Judge of the Supreme Court with 10 years of experience.

(e) The State Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(f) Where more than one Court has been appointed for the same local area, the State Government may by general or special order regulate the distribution of business between them.

(g) The Administrative Staff to be appointed in these Courts, they shall be called Social Security Assistance with proficiency in Computer literacy and Office administration.

(h) The State Government shall provide all the infrastructure facilities for effective conduct of these Courts.

(i). Lok Adalats shall be organized in the premises of the Employees Suraksha Court on fortnightly basis at local level and at the State level by the Employee Bench of the High Courts to settle the disputes pending before the appropriate Courts.

(j) Free Legal Aid shall be provided to the employee as per the provisions of the Legal Services Authorities Scheme, 1987.

#### **Section: 24.Reference to Employee Bench of the High Court**

An Employees' Suraksha Court may submit any question of law for the opinion of the Employee Bench of the High Court and if it does so shall decide the question pending before it in accordance with such opinion.

#### **Section: 25. Terms and Conditions of the Employees Suraksha Court and Employee Bench of the High Court**

(a) Every Judge of the Employees Suraksha Court and Justice of Employee Bench of the High Court shall hold their respective offices for a term of 10 years or up to the age of 62 years whichever is earlier.

(b) All Chief Justices of the Employee Bench of the High Courts and Judges of the Employees Suraksha Courts shall be transferable to other respective Courts after completion of the stipulated terms

(c) All Chief Justices of the Employee Bench of the High Courts and Judges of the Employees Suraksha Courts shall get pay and allowances, as specified under the Scheme.

### **Section: 26. Jurisdiction of the Employees Suraksha Court**

The Court shall have the jurisdiction to entertain disputes/ complaints arising out of any of the following subject matters:

(a) Whether any person is an employee within the meaning of this Scheme or whether he is liable to pay the employee's contribution, or

(b) The rate of wages or average daily wages of an employee for the purposes of this Scheme, or

(c) The rate of contribution payable by a principal employer in respect of any employee, or

(d) The person concerned was, has been or is the principal employer in respect of any employee, or

(e) The right of any person to any benefit and as to the amount and duration thereof, or

(f) Any matter which is relevant within or concerning any provision of the Scheme, which is in dispute among principal employer and the employees, employee's dependents or any other person and any of the authorities under the scheme, or

(g) Claim for the recovery of contributions and other benefits under the Scheme, from the employer; or

(h) Claim for the recovery of the value or amount of the benefits received by a person, when he is not lawfully entitled thereto.

(i) If in any proceedings before the Employees' Suraksha Court a disablement question arises and the decision of a Medical Commissioner or a Medical Officers has not been obtained on the same and the decision of such question is necessary for the determination of the claim or question before the Employees' Suraksha Court, that Court shall direct the Medical Commissioner/ Medial Officer to have the question first decided under the scheme and shall thereafter proceed with the determination of the claim or question before it in accordance with the decision of the Medical Commissioner or the Medical Officers

(j) No matter which is in dispute between a principal employer and any other authority in respect of any contribution or any other dues shall be raised by the principal employer in the Employees' Suraksha Court unless he has deposited with the Court 50 per cent of the amount due from him as claimed by the appropriate authority under the scheme:

PROVIDED that the Court may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this subsection.

(k) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability, which by or under this Scheme is to be decided by an Employees Suraksha Court, or the Employees bench of the High Courts.

**Section: 27. Institution of proceedings**

(a) Subject to the provisions of this Scheme and any rules made by the State Government, all proceedings before the Employees' Suraksha Court shall be instituted in the E S Court established for the local area in which the insured person was working at the time the question or dispute arose.

(b) If the Employees Suraksha Court is satisfied that any matter arising out of any proceedings, pending before it can be more conveniently dealt with by any other Employees' Suraksha Court in the same State, it may, subject to any rules made by the State Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(c) The Employee Bench of the High Court may transfer any matter pending before any Employees' Suraksha Court in the State to any such E S Court in another State with the consent of the Employee Bench of the High Court of that State.

(d) The E S Court to which any matter is transferred, shall deal with the proceedings as if they had been originally instituted in it.

**Section: 28. Commencement of proceedings**

(a) The proceedings before an Employees Suraksha Court may be instituted by making an application along with payment of court fees of Rs. 50.

(b) The complainant may engage any Officer of the registered Trade Union or members of NGO, or Social Security Association or any legal practioner or any other person authorized in his behalf, with the permission of the Court.



(c) Every such application shall be made within a period of two years from the date on which the cause of action arose.

*Explanation:* For the purpose of this sub-section, --

(i) The cause of action in respect of a claim for benefit shall not be deemed to arise unless the insured person or in the case of dependants' benefit, the dependants of the insured person claims or claim that benefit in accordance with the Scheme, made in that behalf within a period of twelve months after the claim became due or within such further period as the Employees' Suraksha Court may allow on grounds which may appear to it to be reasonable;

(ii) The cause of action in respect of a claim by the Finance Department for recovering contributions (including interest and damages) from the principal employer shall be deemed to have arisen on the date on which such claim is made by the Finance Department for the first time:

Proviso: PROVIDED that no claim shall be made by the Finance Department after five years of the period to which the claim relates.

(d) The cause of action in respect of a claim by the principal employer for recovering contributions from an immediate employer shall not be deemed to arise till the date by which the evidence of contributions having been paid is due to be received by the Finance Department under the Scheme.

(e) The Case shall be registered in the Employees Suraksha Court and shall be listed in the forum of the Judicial Officers for trial.

(f) The trial procedure includes issue of summon to all the parties to the disputes, and the trial of the dispute according to the principles of Natural Justice.

(g) The proceeding before the Judicial Officers shall be concluded within 06 months after the registration of the disputes in the Court.

(h) The finding (decision) of the Judicial Officer shall be approved by the Chief Judge or the Deputy Judge (in absence of the Chief Judge), if satisfied with findings, otherwise may take appropriate decision after consulting the Judicial Officer.

(i) The Final approval from the Judge shall be called Decree, and it will enforceable as a Decree of any Civil Court.

### **Section: 29. Powers of Employees' Suraksha Court and Employee Bench of the High Court**

(a) The Judges of the Employees' Suraksha Court shall have all the powers of a Civil Court for the purposes of enforcement of its decree, power of arrest and detention, seizure of the property and power of awarding punishments like fines and imprisonment including the punishment for contempt of Courts, power to issue directives to enforce its decree and summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence.

(b) The Chief/Deputy Judge of the Employees Suraksha Court shall have the power to issue Arrest Warrant for Non Bailable Offences under the Scheme.

(c) Appropriate amendment shall be incorporated in the Chapter XXVI of the Code of Criminal Procedure, 1973, and the Indian Penal Code to empower the Judges of the Employees' Suraksha Court and the Chief Justice of the Employee Bench of the High Courts with all judicial powers as the High Courts Judges and the Judges of the Supreme Court possess.

(d) All costs incidental to any proceeding before an Employees' Suraksha Court shall, subject to such rules as may be made in this behalf by the State Government, be in the discretion of the Court.

**Section: 30. Power to recover damages**

(a) Where an employer fails to pay the amount due in respect of any contribution or any other amount payable under this Scheme, the Employees Suraksha Court may recover from the employer by way of penalty such damages not exceeding the amount of arrears as may be specified in the regulations:

PROVIDED that before recovering such damages, the employer shall be given a reasonable opportunity of being heard:

PROVIDED FURTHER that the Court may reduce or waive the damages recoverable under this section in relation to an establishment which is a sick industrial company in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under Section 4 of the Sick Industrial Companies (Special Provisions) Scheme, 1985, subject to such terms and conditions as may be specified in regulations.

(b) Any damages recoverable under this section may be recovered by the order of the Chief Judge of the Employees Suraksha Court by issuing recovery certificate to the Judicial Officers and instructions to the

Superintendence of the Police of the District concerned to assist the Judicial Officers in recovering the outstanding amount.

(c) The defaulter may be arrested for non-complying the orders of the Court.

(d) The property (movable or immovable) shall be attached, in case of default of payment of damages/outstanding amount from any person in the dispute under the Scheme.

(e) A Receiver may be appointed for the management of the movable or immovable property of the factories or establishment or the employer,

PROVIDED that the attachment and sale of the property under the Scheme shall first be effected against the properties of the factories or establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the certificate the Judicial Officers may take such proceedings against the property of the employer for the recovery of the whole or any part of such arrears.

### **Section: 31. Appeals to the Employee Bench of the High Court**

(a) No appeal should lie from an order of an Employees Suraksha Court, except only provided under the provisions of the scheme.

(b) No appeal lies against the Decree of the Employees' Suraksha Court unless the employer has deposited with the Court 75 percent of the amount due from him as claimed by any of the authorities under the scheme.

(c) An appeal shall lie to the State Employee High Court from an order of an Employees' Suraksha Court if it involves substantial question of law duly certified by the Judge of the Employees Suraksha Court.

(d) The period of limitation for an appeal under this section shall be 30 days. The provisions of sections 5 and 12 of the Limitation Scheme, 1963 shall apply to appeals under this section.

### **Employee Bench of the High Court**

#### **Section: 32    Jurisdiction of the employees Bench of the High Court**

The Employee Bench of the High Court shall have the jurisdiction to entertain the following disputed matters under the provisions of the Scheme;

(a) Appeal against the decree of the Employees Suraksha Courts

(b) Any disputes between the State Authorities and the Director General, or Directors, or Commissioners on any matters relating to the provisions under the Scheme.

(c) Any matters which Court noticed/observed, which effect the affective functioning of the Scheme in the appropriate State.

(d) Any other subject matter in the interest of the employees under the Scheme.

(e) The Court proceeds with the dispute according to the principal of Natural Justice and conclude hearing on the dispute with in 06 months after filing the appeal or so.

**Section.33. Appeal to the Supreme Court**

(a) No appeal shall be against the decree of the Employee Bench of the High Courts, except in cases involving substantial question of law duly certified by the Chief Justice of the Court, shall be appealed to the Supreme Court.

(b) No appeal shall be against the Decree of the State Employees' High Court unless the employer has deposited with the Court 75 percent of the amount due from him as claimed by any of the authorities under the scheme.

(c) The appeal may be filed within 30 days from the day of the order of the court. The provisions of sections 5 and 12 of the Limitation Act, 1963 shall apply to appeals under this section.

## **CHAPTER IV**

### **Contributions**

#### **Section: 34. Contributions.**

(a) The contribution payable under the Scheme in respect of an employee shall comprise contribution payable by employer and the contribution payable by employees and shall be paid to the Central Fund.

(b) The contribution shall be paid by the employer to the fund shall be 12% of the wages Bill, (Basic and DA) for the time being payable to each of the employees, whether employed by him directly or by or through a contractor, and employees contribution shall be equal to the contribution payable by the employee, in respect of him and may if any employee, so desires be an amount exceeding 12% of his wages (Basic and DA) subject to the condition that the employer shall not be under any obligation to pay any contribution over and above his contribution payable under the Scheme.

(c) The responsibility of payment of (employees and self) contributions for each wage period under the Scheme shall be laid on the principal employer.

(d) The sum from employer's contribution under the Sub Section (b) of this Section, the amount of the contribution of employer exceeding 8% (total contribution, 12%) of the wage bill shall be transferred to Pension Scheme. PF contributions shall be at the rate of 01% and remaining 03% shall be transferred to the Medical Scheme of the overall Scheme.

(e) The Ministry of the Labour, Central Government may modify the Contribution to the Scheme after notification in the Official Gazette at any time.

(f) The Contribution payable in respect of each wage period shall be ordinarily payable due on the last day of the wage period and where an employee is employed for part of the wage period or is employed under two or more employers during the same period, the contribution shall fall due on the day of commencement of new employment.

(g) If any contribution payable under the Scheme is not paid by the Principal Employer on the date on which such contribution has become due, he shall be liable to pay simple interest at the rate of 10% or at such higher rate, as may be specified by any Courts under the scheme depending on the landing rate of interest charged by any Scheduled Banks.

(h) The appropriate authority designed under the scheme may recover any interest recoverable under the provisions of the Scheme.

(i) The principal employer shall maintain registers and other records of employees contributions, benefits paid, etc in respect of all employees, whether employed by him or through immediate employer or contractor.

### **Section: 35. Modes of payment and Recovery of Contribution**

(a) Subject to the provisions of the Scheme, the contributions from employer shall be deposited in the Authorized Scheduled Bank for collection of contribution with in the Seventh day of each month.



(b) Cash/Cheque Collection Centers at some specified places authorized by the Finance Director shall be opened for collection of contributions on selective days.

(c) The amount so received shall as soon as practicable be acknowledged and deposited in the account of the Central Fund:

PROVIDED that any cash may also be paid directly to the account of the Central Fund in any such bank.

*Explanation:* "Nationalized Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Scheme, 1970 (5 of 1970), or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Scheme, 1980 (40 of 1980).

(d) The employer shall submit every month to the Pension Director and Medical Director under the Scheme, records of the personnel availing these benefits.

(e) **Recovery of the Contribution.** The information regarding the outstanding amount against the employers shall be passed to the appropriate Employees Suraksha Courts, where the establishment is located or employer resides or both the places, as per the need of the case, which shall proceed to recover the amount in the manners prescribed under the Scheme.

### **Section: 36.            Establishment of the Central Fund**

(a) The Central Fund shall be established under the Scheme after approval from the Ministry of the Labour, Central Government.

(b) All contributions paid under this Scheme and all other money received on behalf of the Scheme shall be paid into Central fund.

(c) The Corporation may accept grants, donations and gifts from the Central or any State Government, local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Scheme.

(d) All the financial transactions under the Fund shall be, on authorization from Finance Director or Finance Commissioners or any other authorized Officials by the Director General

(e) No payment shall be made by banks out of the Fund except on a cheque signed by such officers as may be authorized under sub-section (a).

(f) Any payment in excess of one thousand rupees shall be made by means of a cheque signed as aforesaid and not in any other way unless specifically authorized by the Finance Director:

PROVIDED that payment of salaries to the employees of the Scheme drawing a basic salary not exceeding rupees One thousand a month may be made in cash.

(g) 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 Scheme may authorize payments either generally or for any particular case:

PROVIDED FURTHER that the payment of benefits to insured person under the provisions of the Scheme and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanctioned budget grant.

**Section: 37. Purpose and manner of payment out of the Centralized fund**

Subject to the provisions of this Scheme, Fund shall be expended only for the following purposes, namely: --

(a) Payment of benefits and provision of medical treatment and attendance to insured persons and, where the medical benefit is extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Scheme and defraying the charges and costs in connection therewith;

(b) Payment of fees and allowances to members of the scheme.

(c) Payment of salaries, leave and joining time allowances, traveling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Scheme and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Scheme;

(d) Establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons and, where the medical benefit is extended to their families;

(e) Payment of contributions to any State Government, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit is extended to their families, their families including the cost of any building and equipment in accordance with any agreement entered into by the D G;

(f) Defraying the cost (including all expenses) of auditing the accounts of the Scheme and of the valuation of its assets and liabilities;

(g) Defraying the cost (including all expenses) of the Employees' Suraksha Courts and Employee Bench of the High Courts set up under this Scheme;

(h) Payment of any sums under any contract entered into for the purposes of this Scheme by the D G or Any other Directors

(i) Payment of sums under any decree, or order of any Courts against the 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 proceeding or claim.

(j) Defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Scheme;

(k) Defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and

(l) Such other purposes as may be authorized by the D G with the previous approval of the Ministry of the Labour, Central Government.

### **Section: 38. Investment, transfer or realization of the Central fund**

(a) All moneys belonging to the Fund which are not immediately required for expenses properly defrayable under the Scheme, may, subject to the approval of the Director-General, be invested by the Finance Director

- (i) In government securities including Treasury Deposit Receipt; or
- (ii) In securities mentioned or referred to in clauses (a) to (d) section 20 of the Indian Trusts Scheme, 1882 (2 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) Scheme, 1970 (5 of 1970).

(b) Money belonging to the Fund shall not be invested in any other manner except with the prior approval of the Ministry of the Labour, Central Government.

(c) Any investment made under this rule may, subject to the provisions of sub-section (a) and (b), be varied, transposed, or realized from time to time:

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

*Explanation:* The approval of the Ministry of the Labour, 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.

(d) The Ministry of the Labour, 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.

(e) 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.

(f) 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.

(g) The approval under sub-sections (a) and (b) of the D G or the Ministry of the Labour, Central Government, as the case may be, may be given with or without any conditions either generally or in any particular case.

### **Section: 39.           Holding of Property**

(a) The Scheme may, subject to such conditions as may be prescribed by the Ministry of the Labour, Central Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Scheme is established.

(b) Subject to such conditions as may be prescribed by the Ministry of the Labour, Central Government, the D G may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Scheme and may, subject as aforesaid, from time to time re-invest or realize such investments.

(c) The D G may, with the previous sanction of the Ministry of the Labour, Central Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(d) The D G may constitute for the benefit of its staff or any class of them, such provident or other benefit fund as it may think fit.

**Section: 40. Administrative expenses**

The type of expenses which may be termed, as administrative expenses and the percentage of the income of the Scheme, which may be spent for such expenses, shall be such as may be prescribed by the Ministry of the Labour, Central Government and the D G shall keep its administrative expenses within the limit so prescribed by the Ministry of the Labour, Central Government.

**Section: 41. Preparation and submission of annual budget estimates**

The Director of Finance shall in each financial year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget through D G for the approval of the Ministry of the Labour, Central Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Ministry of the Labour, Central Government for the discharge of the liabilities incurred by the Scheme and for the maintenance of a working balance.

**Section: 42. Budget, audited accounts and the annual report to be placed before Parliament**

The annual report, the audited accounts of the Scheme together with the report of the Comptroller and Auditor-General of India thereon and the

comments of the D G on such report and the budget as finally adopted by the Scheme shall be placed before Parliament.



## **CHAPTER V**

### **Benefits**

#### **Section: 43. Benefits**

(a) Subject to the provisions of this Scheme, every insured person and their dependents shall get the appropriate benefit as under the scheme.

(b) The Scheme provides cash benefits include the Retirement, Sickness, Employment injury, Survival, resettlement, and Unemployment Benefits and Medical Benefits under the Scheme.

(c) Every employee must be insured under the Scheme.

(d) The Cash Benefits shall include all the benefits payable in cash or otherwise under the Scheme. The Medical Benefits shall include treatment of the employees and dependents at all the medical institutions established under the Scheme

#### **Section: 44. Pension Benefits**

(a). All the insured employees or on attaining the age of 60 years; be paid minimum 10 years contribution in the Scheme, on the following contingencies,

- (i) Superannuation on attaining the age of 60 years,
- (ii) Retirement due to total permanent disablement,
- (iii) Death during service, or
- (iv) Death after the retirement/Superannuation/ total permanent disablement.

(b) **Normal Pension** (Superannuation) shall be payable on attaining the age of 60 years. Pension on a discounted rate may also be payable on attaining 50 years of age and in cases where the contributions is less than 10 years.

(i) **Invalidity pension** shall be given to insured employees provided that he has paid 5 years of contribution of entire insurable employment before the age of 45 years.

(ii) The pension shall be the last 5 years average wage multiplied by a fraction equal to  $1/80^{\text{th}}$  of the number of years of qualifying service. The fraction will be in case less than  $20/80^{\text{th}}$  or more than  $35/80^{\text{th}}$ .

(iii) One-third of the pension can be commuted on an actuarially prescribed basis for justified purposes.

(c) **The Provident Fund.** An insured employee after attaining the age of 50 years, or on reaching the normal retirement age in service shall be entitled to receive his own Provident Fund contribution together with employer's contribution on his behalf along with interest at a specified rate.

(i) The amount of the Provident fund shall be paid to the employee or his dependents at any time on releasing prior to retirement due to permanent disablement or death, from the service.

(ii) The employees may get loan against his contribution amount in the Provident Fund, provided that he has contributed not less than 5 years in the fund, and may take 75% of the amount on loan for justified purposes. The loss may or may not be refunded depends upon the option under the Scheme.

#### **Section: 45. Survival Benefit**

(a) Funeral expenses shall be paid up to an amount of Rs. 2500 by the employer, to the eldest dependents of the deceased employee, who dies while in the service.

(b) The Survival benefit shall be admissible to the dependents of the insured person who dies after not less than 5 years of qualifying service. The pension shall be limited to a maximum of  $\frac{2}{3}$ <sup>rd</sup> of the retiring pension which the pensioner was drawing or in case of death while in-service or the invalidity pension that would have been admissible had the deceased worker retired on such pension on the date of his death.

(c) The survival pension shall be payable to the dependents as follows

(i) **In case of a male insured person.** 50% to the widow or widows till death or remarriage; 20 % for each legitimate child up to the age of 21 years, terminable in case of girls on marriage, if this occurs earlier, where there are 3 or more legitimate children, an amount 50 % shall be equally distributed among them.

(ii) **In case of female insured employee.** 50% to the husband till death or remarriage; 20 % for each legitimate child up to the age of 21 years, terminable in case of girls on marriage, if this occurs earlier, where there are 3 or more legitimate children, an amount 50 % shall be equally distributed among them.

In cases under the sub section (i) and (ii), where there is no widow or husband eligible for pension, the share of the children may be raised

and equally distributed in the same manner as stated in these sub sections.

**Section: 46.            Employment Disablement Benefit**

(a) The employer is liable to pay for the employment disablement caused to an employee by any accident /incident arising out of and in the course of his employment according to the principles of the Notional Extension of employer's premises.

(b) The employer shall also be liable to pay compensation for employment disablement caused to an employee by any occupational diseases as specified in the Schedule II of the Scheme

(c) The amount of the compensation paid to the employee shall be reimbursed from insurance claim under the Scheme at later stage.

(d) In case of temporary disablement arising out of and during employment, 60% of the average wage shall be payable during the period of disability ranging from 04 to 28 days. No compensation shall be paid for first three days, but if it lasts for more than 28 days the benefits will be paid for first three days also.

(e) In case of Permanent (Partial or Permanent) total disablement. An employee shall be paid a maximum 60% of the average wage, depending on the degree of the disability, and be paid during the lifetime of the insured person. On death of the employee the dependents shall be paid the Pensionary benefits accordingly.

(f) The amount of the compensation shall be in addition to the Survival Pension under the Scheme, and payable to the dependents in specified manner.

**Section: 47.           Sickness Benefit.**

The scale of the benefit shall be as mentioned below;

(a) On payment of contributions for at least 90 days, the insured person shall be entitled to benefits. The cash benefits shall be payable up to 15 weeks @ 60% of the average wage in any one year period.

(b) In case where sickness of serious sickness requires prolonged treatment, the benefits shall be extended for 40 weeks along with average wage @ 75 % to the employees concerned.

(c) The enhancement sickness benefits shall be provided for 07 days leave in case of vasectomy and 14 days of leave for tubectomy operation, to all insured employees.

(d) All sickness benefits shall be awarded on the production of requisite medical documents from the authorized medical authorities under the Scheme.

**Section: 48.           Maternity Benefits**

(a) 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 120 days in the contribution period of one year.

(b) Subject to the provisions of the Scheme, an insured woman who is qualified to claim maternity benefits in accordance with sub-Section (a) shall be entitled to receive it at the daily rate specified in sub-section (e)

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 up to and including the day of the death of the child, to the person nominated by the insured woman, in manner as specified in the scheme, and if there is no such nominee, to her legal representative.

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

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

(e) The daily rate of maternity benefits payable in respect of confinement occurring or expected to occur during any benefit period shall be equal to the average daily wages in respect of the insured woman.

(f) Medical bonus to an insured woman and an insured person in respect of his wife shall be paid a sum of rupees One 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 Scheme are not available.

(g) No maternity bonus and other financial benefits shall be payable after the birth of second child.

(h) No woman shall be dismissed/ terminated /removed from the service during the period of the benefit.

#### **Section: 49.           Gratuity Benefit.**

(a) The gratuity shall be payable to an employee on the termination of his employment on the grounds of superannuation, retirement or resignation or on death or disablement, after he has rendered continuous service of not less than 05 years,

(b) Every employer has to pay gratuity to an employee @ 15 days wages based on the wage last drawn by the said employee for every completed year of service or part of in excess of 06 months, in case of seasonal employment the employee shall be given 07 days wages for each seasons. The piece rated employee shall be paid 07 days wages for every completed year of service, daily wages are computed on the average of the total

wages received by him for a period of 03 months immediately preceding the termination of his employment.

(c) The employer with shall pay the amount of the gratuity in the 30 days of the termination of service.

(d) The amount of the gratuity payable under the Scheme shall be subject to the Income Tax Act 1961 if it exceeds the limit of Rs. 04 Lakh.

### **Section: 50. Unemployment Benefit**

(a) Every employer under the Scheme shall pay unemployment allowance to an employee who has completed not less than 02 years of continuous service, for a period of 06 months or till he gets another employment whichever is early

(b) The unemployment allowance shall be payable at the rate of Rs 2500. Per month without any allowances to those released from service other than by way of moral turpitude or, violent behaviour, or damaged to the employer's property.

(c) The benefits shall be applicable to all the employees drawing not less than Rs 10,000 (Basic and DA) per month and not paid any pensionable benefits under the scheme.

(d) The employee shall have to produce an unemployment certificate signed by him and witnesses, every month, indicating that he is still unemployed.

(e) The amount of the allowance shall be paid within 30 days of the releasing from the service.



(f) Employer shall have to maintain records of such allowances along with details of the beneficiaries and shall be forwarded to the Pension Commissioner at the appropriate area.

**Section: 51. Medical Benefits.**

(a) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.

(b) Such medical benefit may be given either in the form of outpatient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution.

(c) A person shall be entitled to medical benefit during any period for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or is in receipt of such disablement benefit as does not disentitle him to medical benefit under the Scheme:

PROVIDED that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the Scheme:

PROVIDED FURTHER that an insured person who ceases to be in insurable employment on account of permanent disablement shall continue, subject to payment of contribution and such other conditions as may be prescribed by the Ministry of the Labour, Central Government, to receive medical benefit till the date on which he would have vacated the

employment on attaining the age of superannuation had he not sustained such permanent disablement:

PROVIDED ALSO that an insured person, who has attained the age of superannuation, and his spouse shall be eligible to receive medical benefit subject to payment of contribution and such other conditions as may be prescribed by the Ministry of the Labour, Central Government.

*Explanation:* In this section, "superannuation", in relation to an insured person, means the attainment by that person of such age as is fixed in the contract or conditions of service as the age on the attainment of which he shall vacate the insurable employment or the age of sixty years where no such age is fixed and the person is no more in the insurable employment.

## **Section: 52.           Scale of Medical benefit**

(a) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and on such scale as may be provided by the State Government or by the D G, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the Scheme.

(b) Nothing in this Scheme shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Medical Commissioner/Officers of any expenses incurred in respect of any medical treatment, except as may be provided by the scheme.

(c) Every insured employee and his dependents shall be eligible to receive medical treatment at any of the specified medical clinic, dispensaries, hospitals situated all over the Country.

**Section: 53. Provision of Medical Treatment by State Government**

(a) The State Government shall provide for insured persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment:

PROVIDED that the State Government may, with the approval of the D G, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(b) Where the incidence of sickness benefit payment to insured persons in any State is found to exceed the all-India average, the amount of such excess shall be shared between the Scheme and the State Government in such proportion as may be fixed by agreement between them:

PROVIDED that the D G may in any case waive the recovery of the whole of any part of the share, which is to be borne by the State Government.

(c) The DG may enter into an agreement with a State Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the scheme and the State Government.

(d) In default of agreement between the D G and any State Government as aforesaid the nature and extent of the medical treatment to be provided by the State Government and the proportion in which the cost thereof and of the excess in the incidence of sickness benefit shall be shared between the Scheme and that government, shall be determined by an arbitrator (who shall be or shall have been a Judge of the High Court of a State appointed by the Chief Justice of India and the award of the arbitrator shall be binding on the D G and the State Government.

#### **Section: 54. Establishment and maintenance of hospitals**

(a) The D G may, with the approval of the State Government, establish and maintain in a State such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(b) The Director General after approval from the Ministry of the Labour, Central Government shall establish Super Specialist Hospitals in all four Metro cities of Delhi, Mumbai, Kolkata, and Chennai for the treatment of the insured employees and their dependents. The treatment of the general public may be conducted on payment of reasonable charges.

(c) The Medical Commissioner may enter into agreement with any local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

**Section: 55. Medical benefits to insured person who ceases to be in an insurable employment on account of permanent disablement**

(a) 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 Scheme and the provisions made there under 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 authorized by the Medical Commissioner; 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 Scheme in the manner prescribed by it.

**Section: 56. Medical benefits to retired insured persons**

(a) An insured person who leaves the insurable employment on attaining the age of superannuation after being insured for not less than five years, shall be eligible to receive medical benefits for himself and his spouse at the scale prescribed under the Scheme and the regulations made there under, subject to--

(i) The production of proof of his superannuation and having been in the insurable employment for a minimum of five years to the

satisfaction of such officer as may be authorized by the Medical Commissioner; 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 Scheme in the manner prescribed by it.

**Section: 57. Other Benefits.**

**(a) Rehabilitation allowance:** every insured employee released from the employment on Permanent total disablement after completion of not less than two years of service shall be given Rs. 10,000 for fixing artificial limb or repair of artificial limb, by the employer.

**(b) Vocational Training.** Any Insured employees below the age of 45 years, released on the ground of Permanent Disablement ranging from 20 to 60% shall be awarded such rehabilitation training or allowance or as such amount reasonable for the vocational training helpful for resettlement.

## **CHAPTER VI**

### **Penalties**

#### **Section: 58. Punishment for false statements**

Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Scheme, or for the purpose of avoiding any payment to be made by himself under this Scheme or enabling any other person to avoid any such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding two thousand rupees, or with both :

PROVIDED that where an insured person is convicted under this section, he shall not be entitled for any cash benefit under this Scheme for such period as may be prescribed by the Ministry of the Labour, Central Government.

#### **Section: 59. Punishment for failure to pay contributions**

If any person—

(a) Fails to pay any contribution which under this Scheme he is liable to pay, or

(b) Deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or (reduces the wages or any privileges or benefits admissible to an employee, or

(c) Dismisses, discharges, reduces or otherwise punishes an employee, or

(d) Fails or refuses to submit any return, or makes a false return, or

(e) Obstructs any official of the Scheme in the discharge of his duties, or

(f) Is guilty of any contravention of or non-compliance with any of the provisions of this Scheme,

He shall be punishable--

(i) Where he commits an offence under clause (1), with imprisonment for a term which may extend to three years but--

(ii) Which shall not be less than one year, in case of failure to pay the employee's contribution, which has been deducted by him from the employee's wages and shall also be liable to fine of fifty thousand rupees.

(iii) Which shall not be less than ten months, in any other case and shall also be liable to fine of twenty five thousand rupees:

PROVIDED that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term.

(iv) Where he commits an offence under any of the clauses (2) to (6) (both inclusive), with imprisonment for a term which may extend to two year or with fine which may extend to fifty thousand rupees, or with both.



**Section: 60. Enhanced punishment in certain cases after previous conviction**

Whoever, having been convicted by a court of an offence punishable under this Scheme, commits the same offence shall, for every such subsequent offence, be punishable with imprisonment for a term which may extend to five years and with fine of One Lakh rupees:

PROVIDED that where such subsequent offence is for failure by the employer to pay any contribution which under this Scheme he is liable to pay, he shall, for every such subsequent offence, be punishable with imprisonment for a term which may extend to six years but which shall not be less than two years and shall also be liable to fine of one lakh twenty-five thousand rupees.

**Section: 61. Offences by Companies**

(a) If the person committing an offence under this Scheme is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

PROVIDED that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(b) Notwithstanding anything contained in sub-section (1), where an offence under this Scheme has been committed with the consent or

connivance of, or is attributable to, any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation:* For the purposes of this section,

(i) "Company" means any body corporate and includes a firm and other associations of individuals; and

(ii) "Director" in relation to--

(1) A company, other than a firm, means the managing director or a whole-time director;

(2) A firm means a partner in the firm.

## **Chapter VII**

### **General**

#### **Section: 62. Benefit not assignable or attachable**

(a) The right to receive any payment of any benefit under this Scheme shall not be transferable or assignable.

(b) No cash benefit payable under this Scheme shall be liable to attachment or sale in execution of any decree or order of any Court.

#### **Section: 63. Bar of benefits under other enactments**

When a person is entitled to any of the benefits provided by this Scheme, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

#### **Section: 64. Person not to commute cash benefits**

Save as may be provided in the regulations no person shall be entitled to commute for a lump sum any disablement benefit admissible under this Scheme.

#### **Section; 65. Person not entitled to receive benefit in certain cases**

Save as may be provided in the Provisions, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a

holiday in respect of which he receives wages or on any day on which he remains on strike.

**Section; 66.            Recipient of sickness or disablement  
                                 benefit to observe conditions**

A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement):

(a) Shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Scheme and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(b) Shall not while under treatment do anything, which might retard or prejudice his chances of recovery,

(c) Shall not leave the area in which medical treatment provided by this Scheme is being given, without the permission of the medical officer, medical attendant; and

(d) Shall allow himself to be examined by any duly appointed medical officer or other person authorized by the Medical Director in this behalf.

**Section: 67. Benefits not to be combined**

(a) Where a person is entitled to receive more than one benefits as mentioned below, he shall be entitled to choose which benefit he shall receive.

(i) Either Sickness Benefit or Maternity Benefit

(ii) Either Sickness Benefit or Disablement Benefit for Temporary Disablement; or

(iii) Either Maternity Benefit or Disablement Benefit for Temporary Disablement.

### **Section: 68. Issue of Permanent Identity Smart Card**

Employees Identity Smart Card shall be issued by the employer through Local Offices, valid through out country, for availing the benefits to themselves and their dependents. In case of transfer/discharge of employee the respective employer shall inform the local office. Individual member shall have to pay minimum charge of Rs. 100 for medical treatment at local office till he gets employment for a period of one year.

### **Section: 69. Compulsory Nomination of next of kin.**

(a) The ensured employee who completes one year of continuous service shall give the details of his next of kin along with home address to receive benefits on the demise of the employee.

(b) All these details shall be maintained by the employer and be sent to the specified agency under the Scheme.

### **Section: 70. Writing off losses**

Subject to the conditions as may be prescribed by the Central Government, where the Scheme is of opinion that the amount of contribution, interest and damages due to the Scheme is irrecoverable, the Scheme may sanction the writing off finally of the said amount.

### **Section: 71. Employees to be Public Servants**

All Employees of the Scheme shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

**Section: 72. Liability in case of transfer of establishment**

Where an employer, in relation to a factory or establishment transfers that factory or establishment in whole or in part, by sale, gift, lease or licence or in any other manner whatsoever, the employer and the person to whom the factory or establishment is so transferred shall jointly and severally be liable to pay the amount due in respect of any contribution or any other amount payable under this Scheme in respect of the periods up to the date of such transfer:

PROVIDED that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer.

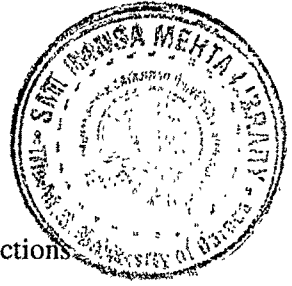
**Section: 73. Contributions due to Scheme to have priority over other debts**

There shall be deemed to be included among the debts which, under section 49 of the Presidency-Towns Insolvency Scheme, 1909, or under section 61 of the Provincial Insolvency Scheme, 1920, or under any law relating to insolvency in force in the territories which, immediately before the 1st November, 1956 were comprised in a Part B State, or under section 530 of the Companies Scheme, 1956), are in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Scheme the liability wherefore accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

**Section: 74. Power of Central Government to give directions**

(a) The Central Government may give directions to State Government as to the carrying into execution of this Scheme in the State.

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(b) The Central Government may, from time to time, give such directions to the Scheme as it may think fit for the efficient administration of the Scheme, and if any such direction is given, the Scheme shall comply with such direction.

#### **Section: 75. Scheme to have overridden other enactments**

The provisions of this Scheme shall have effect notwithstanding anything inconsistent therein contained in any enactment other than this scheme or in any instrument or contract having effect by virtue by virtue of any enactment other than this Scheme.

#### **Section: 76. Delegation of powers**

The Scheme, and, subject to any provisions made in the Scheme in this behalf, the Director General, or Directors may direct that all or any of the powers and functions which may be exercised or performed under the Scheme, as the case may be, may, in relation to such matters and subject to such conditions, if any, as may be specified, be also exercisable by any officer or authority subordinate to the Scheme.

#### **Section: 77. Utilization of the Infrastructure of the existing Scheme**

All the infrastructure facilities with the existing social security schemes may be utilized for the functioning of the proposed Comprehensive Social Security Scheme,

#### **Section: 78. Power to remove difficulties**

(1) If any difficulty arises in giving effect to the provisions of this Scheme, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions, not inconsistent with the

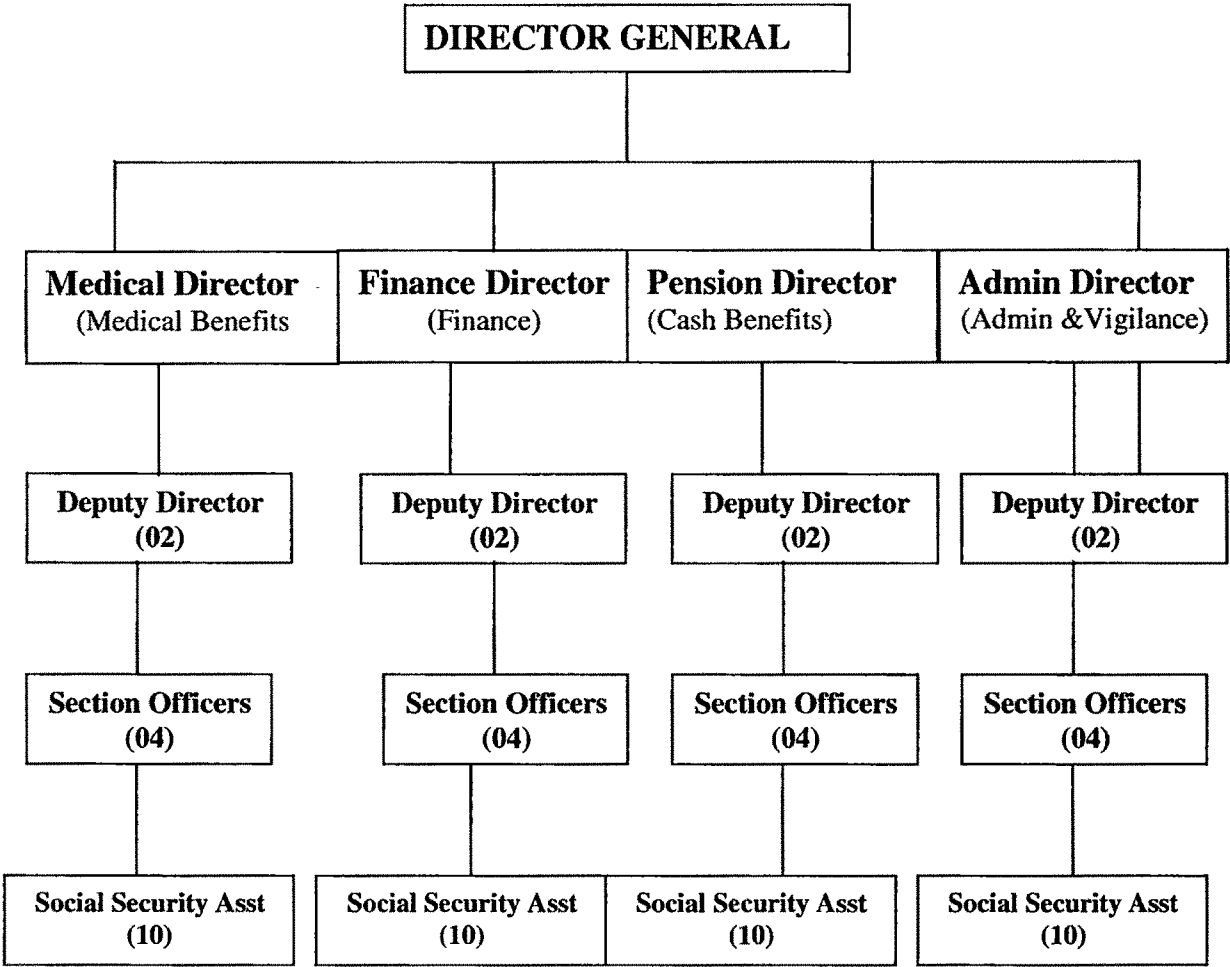
provisions of this Scheme, as appears to it to be necessary or expedient for removing the difficulty.

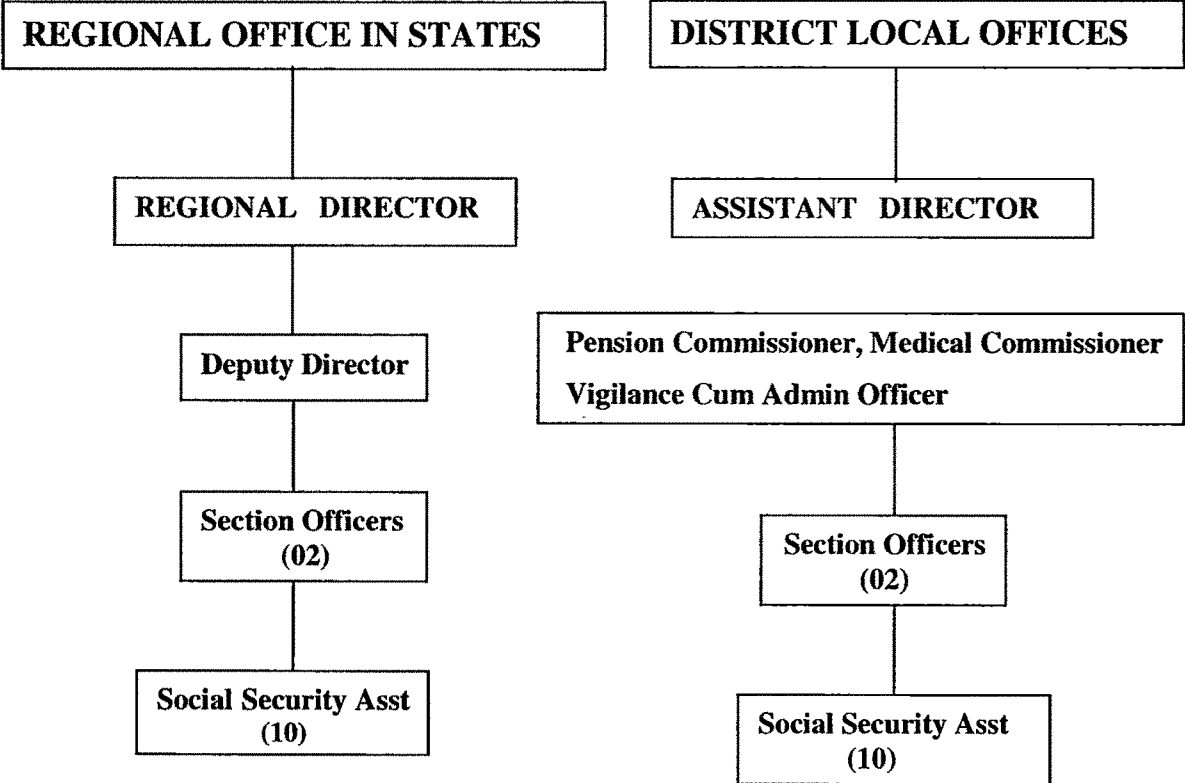
(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any rules or regulations made under this Scheme.



Schedule I

**PROPOSED ADMINISTRATIVE SET-UP OF THE COMPREHENSIVE  
SOCIAL SECURITY SCHEME**





## Schedule II

### LIST OF OCCUPATIONAL DISEASES

#### PART- A

SI No	Occupational Disease	Employment
1	Infectious and parasitic disease contracted in an occupation where there is a particular risk of contamination.	(a) All work involving exposure to health or laboratory; (b) All working involving exposure to veterinary work; (c) Work relating to handling animal; animals carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses; (d) Other work carrying a particular risk of contamination.
2	Diseased caused by work in compressed air.	All work involving exposure to the risk concern.
3.	Diseased caused by lead or its toxic compounds.	All work involving exposure to the risk concern
4	Poisoning by nitrous fumes.	All work involving exposure to the risk

		concern
5	Poisoning by organophosphorus compounds.	All work involving exposure to the risk concern
<b>PART B</b>		
1	Poisoning by phosphorus or its compounds	All work involving exposure to the risk concern
2	Poisoning by mercury or its toxic compounds.	All work involving exposure to the risk concern
3	Poisoning by benzene or its toxichomologues.	All work involving exposure to the risk concern
4.	Diseases caused by nitro and amino toxic derivatives of benzene or its homologues.	All work involving exposure to the risk concern
5.	Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concern
6	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concern
7	Diseases caused by radioactive substances and ionizing radiations.	All work involving exposure to the action of radioactive substances or ionizing radiations.
8.	Primary epithelomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil,	All work involving exposure to the risk

	anthracene, or the compounds, products or residues of these substances.	concern
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series) radioactive substances and ionizing radiations	All work involving exposure to the risk concern
10.	Diseases caused by carbon disulphide.	All work involving exposure to the risk concern
11	Occupational cataract due to infrared radiations.	All work involving exposure to the risk concern
12	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concern
13	Skin diseases caused by physical, chemical or biological agents not included in other items.	All work involving exposure to the risk concern
14	Hearing impaired caused by noise.	All work involving exposure to the risk concern
15	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by salts of such substances.	All work involving exposure to the risk concern
16	Disease caused by beryllium or its toxic compounds.	All work involving exposure to the risk concern
17	Disease caused by cadmium or its toxic compounds	All work involving exposure to the risk concern
18	Occupational asthma caused by recognised	All work involving

	sensitizing agents inherent to the work.	exposure to the risk concern
19	Disease caused by fluoride or its toxic compounds	All work involving exposure to the risk concern
20	Disease caused by nitoglycerine, or other nitroacid esters.	All work involving exposure to the risk concern
21	Disease caused by alcohols and ketones.	All work involving exposure to the risk concern
22	Disease caused by asphyxiants: carbon monoxide and its toxic derivatives, hydrogen sulphide.	All work involving exposure to the risk concern
23	Lungs cancer and mesotheliomans caused by asbestos.	All work involving exposure to the risk concern
24	Primary neoplasm of the epithelial lining of the unary bladder or the kidney or the ureter.	All work involving exposure to the risk concern
25	Snow blindness in snow bound areas	All work involving exposure to the risk concern
26	Disease due to effect of heat in extreme hot climate.	All work involving exposure to the risk concern
27	Disease due to effect of cold in extreme cold climate.	All work involving exposure to the risk concern

PART C		
1	Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthraoosilicosis, asbestosis) and solico-tunercolosis provided that silicosis is an essential in causing the resultant incapacity or death.	All work involving exposure to the risk concern
2	Bagassosis.	All work involving exposure to the risk concern
3	Brachopulmonary diseases caused by cotton, flax, hemp and sisal dust (Byssisonisis).	All work involving exposure to the risk concern
4	Extrinsic allergic caused by inhalation of organic dusts.	All work involving exposure to the risk concern
5	Brachopulmonary diseases caused by hard metals.	All work involving exposure to the risk concern

**Schedule III**

**PART A**

**LIST OF INJURIES DEEMED TO RESULT IN PERMANENT  
TOTAL      DISABLEMENT**

<i>Sl. No.</i>	<i>Description of injury</i>	<i>%Age of loss of earning capacity</i>
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot.	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential.	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100



**PART B**  
**LIST OF INJURIES DEEMED TO RESULT IN PERMANENT**  
**PARTIAL DISABLEMENT**

**Amputation--Upper limbs (either arms)**

<i>Sl. No.</i>	<i>Description of injury</i>	<i>%Age of loss of earning capacity</i>
7.	Amputation through shoulder joint	90
8.	Amputation below shoulder with stump less than 20.32 cm. from tip of acromiom	80
9.	Amputation from 20.32. Cm. from tip of acromiom to less than 11.43.com below tip of olecranon.	70
10.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 11.43.cm. below tip of olecranon.	60
11.	Loss of thumb	30
12.	Loss of thumb and its metacarpal bone	40
13.	Loss of four fingers of one hand	50
14.	Loss of three fingers of one hand	30
15.	Loss of two fingers of one hand	20
16.	Loss of terminal phalanx of thumb	20

16A.	Guillotine amputation of the tip of the thumb without loss of bone	10
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### Amputation--Lower limbs

17.	Amputation of both feet resulting in end-bearing stumps	90
18.	Amputation through both feet proximal to the metatarsophalangeal joint	80
19.	Loss of all toes of both feet through the metatarso-phalangeal	40
20.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
21.	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
22.	Amputation at hip	90
23.	Amputation below hip with stump not exceeding 12.70cm. in length measured from tip of great trochanter	80
24.	Amputation below hip with stump exceeding 12.70cm. in length measured from tip of great trochanter but not beyond middle thigh	70
25.	Amputation below middle thigh to 8.89cm below knee	60
26.	Amputation below knee with stump exceeding 8.89 cm. but not exceeding 12.70 cm.	50
27.	Amputation below knee with stump exceeding 12.70 cm.	50
28.	Amputation of one foot resulting in end-bearing	50
29.	Amputation through one foot proximal to the	50

	metatarsophalangeal joint	
30.	Loss of all toes of one foot through metatarso-phalangeal joint	20
<b>Other Injuries</b>		
31.	Loss of one eye. Without complications, the other being normal	40
32.	Loss of vision of one eye without complications or disfigurement of eye-ball, the other being normal	30
32A	Partial loss of vision of one eye	10
<b>LOSS OF A--Fingers of right or left hand</b>		
<b>Index finger</b>		
33.	Whole	14
34.	Two phalanges	11
35.	One phalanx	9
36.	Guillotine amputation of tip without loss of bone	5
<b>Middle finger</b>		
37.	Whole	12
38.	Two phalanges	9
39.	One phalanx	7
40.	Guillotine amputation of tip without loss of bone	4
<b>Ring or little finger</b>		
41.	Whole	7
42.	Two phalanges	6
43.	One phalanx	5
44.	Guillotine amputation of tip without loss of bone	2
<b>B--Toes of right or left foot</b>		
<b>Great toe</b>		
45.	Through metatarso-phalangeal joint	14

46.	Part, with some loss of bone	3
	<b>Any other toe</b>	
47.	Through metatarso-phalangeal joint	3
48.	Part, with some loss of bone	1
	<b>Two toes of one foot, excluding great toe</b>	
49.	Through metatarso-phalangeal joint	5
50.	Part, with some loss of bone	2
	<b>Three toes of one foot, excluding great toe</b>	
51.	Through metatarso-phalangeal joint	6
52.	Part, with some loss of bone	3.
	<b>Four toes of one foot, excluding great toe</b>	
53.	Through metatarso-phalangeal joint	9
54.	Part, with some loss of bone	3