



EMPLOYEES STATE INSURANCE CORPORATION

'PANCHDEEP BHAWAN C.I.G. MARG: NEW DELHI

No.R/14/13/99- Bft-II

Date:06.02.2017

To

All Regional Directors / Directors / Jt. Director I/c,
SSMCs/SMCs
MS ESI Model Hospitals
Regional / Sub-Regional Office,
E.S.I. Corporation,

Sub: - Amendment in ESI (Central) Rules,1950 relating to Maternity Benefits under ESI Scheme

Sir/Madam,

You are aware that ESI (Central) amendment Rules 2017 have been published in the Gazette of India Extraordinary part II Section 3 Sub section (I) on dated 20.1.2017.

In the Employees' State Insurance (Central) Rules,1950 the following amendments have been made in Central Rule (2) after clause(6), the following clause shall be inserted namely:-

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

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

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

(b) In Central Rule 56 (sub Rule 2) of the Principle Act following shall be substituted.

for the words twelve weeks of which not more than six weeks' the words 'twenty-six' weeks of which not more than eight weeks' shall be substituted.

This signifies that maternity benefit is now payable for 26 weeks instead of 12 weeks and eight weeks may precede expected date of confinement.

after the first proviso , the following provisos shall be inserted namely:-

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

This signifies that a commissioning mother is an insured women and entitled to maternity benefit as per provisions of the Act, similarly a women who legally adopts a child of upto to 3 months of age is an insured women

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

These Rules may be made applicable in respect of the cases where the IW deliver a child on or after 20.1.2017 or her expected date of confinement falls on 20th January,2017 or thereafter. However regarding the cases of abortion/miscarriage, the eligibility for maternity benefit will remain the same.

you are requested to bring it to the notice of all branch offices under your control coming effect of the amended provisions of the Act. All the SSMCs/SMCs are requested to issue necessary instructions bringing notice of all Medical Superintendents ESIS/ESIH and dispensaries under control to Director(Health) Services.

Yours faithfully,


(R.K.Nayak)

Addl.Commissioiner(Benefit)

Copy to:

- 1 All officers and Branches of Hqrs. Office.
- 2 Joint director, Official Language for translation.
- 3 Web Content Manager for uploading on esic website.
- 4 Director ICT to make necessary changes in system module.
- 5 Guard File.


Addl.Commissioiner(Benefit)

OLC
RKM
6/2/2017