

THE EMPLOYEES' STATE INSURANCE ACT, 1948

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[THE FIRST SCHEDULE] OMITTED

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THE EMPLOYEES' STATE INSURANCE ACT, 1948

ACT NO. 34 OF 1948¹

[19th April, 1948.]

An Act to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Employees' State Insurance Act, 1948.

(2) It extends to the whole of India ^{2***}.

(3) It shall come into force on such date or dates³ as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and ⁴[for different States or for different parts thereof].

(4) It shall apply, in the first instance, to all factories (including factories belonging to the Government) other than seasonal factories:

⁵[Provided that nothing contained in this sub-section shall apply to a factory or establishment belonging to or under the control of the Government whose employees are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.]

(5) The appropriate Government may, in consultation with the Corporation and ⁶[where the appropriate Government is a State Government, with the approval of the Central Government], after giving ⁷[one month's] notice of its intention of so doing by notification in the Official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise:

⁸[Provided that where the provisions of this Act have been brought into force in any part of a State, the said provisions shall stand extended to any such establishment or class of establishments within that part if the provisions have already been extended to similar establishment or class of establishments in another part of that State].

⁵[(6) A factory or an establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below the limit specified by or under this Act or the manufacturing process therein ceases to be carried on with the aid of power.]

1. This Act has been extended to Jaunsar Bawar Parganas in the Dehra Dun District and the areas of South of Kaimpur range in the Mirzapur District of the State of Uttar Pradesh by Schedule IV of Act 20 of 1954; to Pondicherry by Reg. 7 of 1963, s. 3 and Schedule and to Goa, Daman and Diu by Reg. 11 of 1963, s.3 and the Schedule (w.e.f. 1-8-1965).

2. The words "except the State of Jammu and Kashmir" omitted by Act 51 of 1970, s. 2 and the Schedule (w.e.f. 1-9-1971).

3. For dates *see* Annexure.

4. Subs. by Act 53 of 1951, s. 2, for "for different States" (w.e.f. 6-10-1951).

5. Ins. by Act 29 of 1989, s. 2 (w.e.f. 20-10-1989).

6. Subs. by Act 53 of 1951, s. 2, for "with the approval of the Central Government" (w.e.f. 6-10-1951).

7. Subs. by Act 18 of 2010, s. 2, for "six month's " (w.e.f. 1-6-2010).

8. Ins. by Act 29 of 1989, s. 2 (w.e.f. 16-5-1990).