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Dadra And Nagar Haveli  
Gazette  
सरकारी राजपत्र  
संघ प्रदेश दादरा एवं नगर हवेली, प्रशासन



भारत सरकार / Government of India

असाधारण

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Administration of  
Dadra and Nagar Haveli, U.T.,  
Labour Department.

No. ADM/LEO/DNH/ESI/MB/Rules/1192/2004.

Silvassa, Date : 04-10-2004.

**NOTIFICATION**

Whereas the following draft rules were published, as required under sub-section (1) of Section 96 of the Employees' State Insurance Act, 1948 (34 of 1948) in the notification of the Administration of Dadra and Nagar Haveli No. ADM/LEO/DNH/ESI/MB/Rules/755/04 dated 12-07-2004 in the gazette of Dadra and Nagar Haveli, Extra- Ordinary, Part- V, dated the 12th July, 2004 for inviting objections or suggestions from any persons likely to be affected thereby till the expiry of the period of forty five days from the date on which the copies of the Gazette of Dadra and Nagar Haveli, in which the said notification was published, were made available to the public;

And whereas, the copies of the said Gazette were made available to the public on 20th July, 2004.

And whereas, no objection and suggestion was received from persons likely to be affected.

Now therefore, in exercise of the powers conferred by section 96 of the said Act, the Administrator of Daman & Diu & Dadra and Nagar Haveli, after consultation with the Employees' State Insurance Corporation, hereby makes the following rules, namely :-

**FINAL RULES**

1. Short Title, Extent, Commencement and Application :  
(1) These rules may be called the Dadra and Nagar Haveli Employee's State Insurance (Medical Benefit) Rules, 2004.

- (2) They shall extend to the whole of Union Territory of Dadra and Nagar Haveli and shall apply to the area in which the Act has been or may hereafter be brought into force by the Central Government.
- (3) They shall come into force on the date of their publication in the Official Gazette.

## 2. Definitions :

In these rules, unless there is anything repugnant in the subject or context :

- (1) " Act" means the Employees State Insurance Act, 1948 (34) of 1948 ;
- (2) "Administrator" means the Administrator of Dadra and Nagar Haveli appointed by the President under Article 239 of the Constitution;
- (3) " Administrative Medical Officer" means the Principal Medical Officer appointed by the Administrator to administer Medical Benefit under the Act and these Rules.
- (4) "Drug" includes all medicines for internal or external use of human beings and all medicines intended to be used for or in the treatment mitigation or prevention of diseases in human beings.
- (5) "Medical Practitioner" means a person holding a qualification specified in the Schedule to the Indian Medical Council Act, 1956, (No. 102 1956) or a person registered or eligible for registration in a medical register of a State/Union Territory mean for the registration of persons practising allopathic system of medicines.
- (6) "Mis- carriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty sixth week of pregnancy.
- (7) "State Insurance Dispensary" means a dispensary established in separate building or part of an existing dispensary, hospital or any other building set apart for the exclusive use of insured persons either during all hours or during certain specified hours provided that in the latter case drugs are maintained and dispensed separately in accordance with these rules .
- (7) " E.S.I. Pharmacoe pia" means a list of prescriptions and injection laid down by the Corporation from time to time.
- (8) All other words and expressions used herein and not defined shall have the meanings assigned to them in the Act, the rules made under section 95 or the regulations made under section 97, as the case may be.

## 3. Establishment of State Insurance Dispensaries :

The Administrator shall establish one or more State Insurance Dispensaries for the medical treatment of insured persons at any place where there is a concentration of not less than three thousand insured persons.

Provided that the Medical Practitioner Incharge of the Dispensary may be a part-time Insurance Medical Officer so long as the concentration of insured persons is less than one thousand.

#### 4. Provision of Medical Benefits where there are no State Insurance Dispensaries :

The Administrator shall make arrangements for providing medical treatment to insured persons residing at places where there are no State Insurance Dispensaries within a reasonable distance :-

- (a) By making arrangements for a mobile dispensary to visit a central spot near the places of residence of such persons; or
- (b) By making arrangements for an Insurance Medical Officer to visit any specified dispensary in the area for part of the day ; or
- (c) By making arrangements for the treatment of such persons by part time Insurance Medical Officer appointed for the purpose ; or
- (d) By making arrangements for the provisions of such treatment at any hospital, dispensary clinic or other institution maintained by the Administrator, private institution, a local body or a private individual, on such terms as may be agreed to by the Corporation.

#### 5. Separate Hospitals or Beds :

The Administrator may also establish separate hospitals or other medical institutions for the examination and treatment of insured persons or may reserve on such scales and terms as may be agreed upon between the Corporation and Administrator from time to time, separate beds for the exclusive use of insured persons in the hospitals or other medical institutions under his control or under the control of a local body, private institution or individual.

#### 6. Abolition of Dispensary etc. :

The Administrator with the consent of the Corporation, abolish any State Insurance Dispensary, cancel any of the arrangements made under Rule 4 and 5 effect such alteration as may be considered necessary in the location of any dispensary.

#### 7. Allotment of Insured Persons :

An insured person in any factory or establishment to which the Act applies may at the time of filling the Declaration Form under the Employees' State Insurance (General) Regulations, 1950 or at any subsequent time indicate the State Insurance Dispensary or other medical institution where arrangements for the provision of medical benefit are made to which he desires to be allotted or re- allotted and the Administrator shall so far as practicable and subject to such conditions as may be fixed, allot or re-allot such insured person to the dispensary or the institution indicated by him.

Provided that where in the opinion of the Administrator circumstances so justify, he may allot or re- allot an insured person to a dispensary or institution other than the one indicated by him.

8. Failure to Indicate Dispensary or Institutions :

- (1) An insured person who does not indicate the dispensary to which he desires to be allotted shall be allotted to such dispensary as the Administrator may consider suitable.
- (2) Intimation of the dispensary or institution to which an insured person is allotted or reallocated either under sub- rule (1) or under rule 7 as the case may be shall be made to the insured person by the Administrator.

9. Procedure for Obtaining Medical Benefit :

An insured person or his family who wishes to claim medical benefit shall, bring his identity card issued for this purpose to the State Insurance Dispensary, or other hospital, clinic, mobile dispensary - post or any other medical institution to which he is allotted, and claim such benefit from the Insurance Medical Officer-in-charge of the State Insurance Dispensary or the Insurance Medical Officer of the hospital, clinic or other institution to which he is allotted.

Provided that, in case of an emergency, an insured person may claim medical benefit under these rules from any insurance medical officer whether he is allotted to him or not.

Provided further that where an insured person is unable to attend the State Insurance Dispensary, hospital, clinic, mobile dispensary post or any other medical institution to which he is allotted, the Insurance Medical Officer will, on intimation being received, visit him at his residence, if he is satisfied, by interrogation or otherwise that the Insured Person cannot reasonably be expected to come to the Medical institution to which he is allotted.

Provided further that if the insured person or his agent fails to produce his or the insured person's identity card, as the case may be, as proof as the persons claiming the benefit being an insured person the medical benefit may be refused to him.

10. Scale of Medical Benefit :

The Medical Benefits provided under these shall be according to the following scale :

- (1) Out-patient treatment shall be provided at a State Insurance Dispensary or in the manner indicated at a State Insurance Dispensary or in the manner indicated in Rule 4 and shall consist of all treatment, other than treatment involving the application of special skill or experience, and shall include :
  - i) Such preventive treatment as vaccination and inoculation ;
  - ii) Antenatal and postnatal treatment of insured women;
  - iii) The free provision of all drugs, dressings and appliances that may be considered necessary ; and
  - iv) Provision of certificates, free of cost, in respect of sickness, maternity, employment injury and death required under the Employees' State Insurance (General) Regulation, 1950 or under the direction and instructions issued from time to time by the Corporation.

- (2) An Insurance Medical Officer shall visit an insured person at his or her residence in accordance with the second provision to Rule 9 and, in addition, in all cases of confinement or miscarriage where the insured woman or the registered mid- wife in attendance or any other reliable person reports that attendance by a Medical Officer is desirable.
- (3) Where, in the case of serious emergency or other- wise in- patient treatment in a hospital is considered necessary by the Insurance Medical Officer, the case shall be admitted to the nearest hospital which is established or specified for the purpose by the Administrator if accommodation is available and the treatment provided for the patient shall include free maintenance and such specialist and general treatment including treatment of confinement where necessary, as may be valuable at the hospital to which the insured person is admitted as well as those special investigations which are considered desirable as for which facilities exist at the hospital or at an associated laboratory.
- (4) Facilities for the removal, free of charge, of insured persons to hospital where necessary, shall be provided by an ambulance or otherwise.

11. Conditions of Service of Full Time Insurance Medical Officers :

- (1) Subject to the provisions of the Act and rules made thereunder, the Administrator may, subject to such conditions as may be laid down by the Corporation, appoint a suitable medical officer already in its services or any person possessing such medical qualification as may be laid down by the Administrator in consultation with the Corporation, as an Insurance Medical Officer.
- (2) An Insurance Medical Officer shall receive such salary and non-practising allowance as may be determined by the Administrator with the consent of the Corporation.
- (3) An Insurance Medical Officer shall receive such allowances and at such rates as may be sanctioned from time to time for Medical Officer of the Administration on similar grades in the localities in which they are stationed. An Insurance Medical Officer shall be entitled to leave and leave salary under the leave rules which may, from time to time, be applicable to other similar servants of the Administration.
- (4) An Insurance Medical Officer shall be entitled to traveling allowance for journeys performed on official duties on the scale laid down in the rule of the Administration applicable to medical officers of the Administration on similar grades.
- (5) Full time Insurance Medical Officer shall not undertake private practice.
- (6) An Insurance Medical Officer shall be subject to such other conditions of service as may be fixed by the Administrator in consultation with the corporation.
- (7) Notwithstanding anything contained in sub- rules (2) to (5) the pay, allowance and other conditions of service of an Insurance Medical Officer shall, if he is a person already in the service of the Government, be such as may be determined, with the consent of the corporation by the Administrator by a general or special order.

12. Allowance for Insurance Medical Officers :

Where the Administrator appoints a part time Insurance Medical Officer on contract or confers the duties and powers of an Insurance Medical Officer on a Medical Officer in its service, in addition to his duties, or any other medical practitioners, such Medical Officers or medical practitioners shall be paid such allowances as may be fixed by the Administrator with the consent of the corporation.

13. Staff to be Provided at Hospitals and Dispensaries etc.

Each State Insurance Dispensary shall be under the charge of an Insurance Medical Officer.

Provided that the cases where the concentration of insured persons residing near a State Insurance Dispensary so justifies, the Administrator shall, in accordance with such scale and subject to such conditions as may be agreed upon between the Administrator and the Corporation appoint, two or more Insurance Medical Officers to such State Insurance Dispensary.

14. Notice of the Time During which Dispensary, Hospital etc., shall be opened.

- (1) Subject to the approval of the Administrator and/or as per the direction of the Corporation Administrator the Insurance Medical Officer or the senior most Insurance Medical Officer, as the case may be, shall fix the time at which a State Insurance Dispensary, hospital, clinic, mobile dispensary post or any other medical institution specified for the purposes shall remain open for treatment of insured persons.
- (2) Notice of the time fixed sub-rule (1) shall be given in such manner as the Administrator may from time to time, direct and in particular shall be indicated on a notice board displayed prominently at each place where insured persons are provided medical treatment and each mobile dispensary post.

15. Rank and Precedence of Insurance Medical Officer :

- (1) Where more than one Insurance Medical Officer have been appointed to a State Insurance Dispensary, the Administrator shall specify their rank or precedence.
- (2) The Senior Insurance Medical Officer for the time being shall from time to time, make such arrangements as he thinks fit for the distribution of the work at the State Insurance Dispensary among the Insurance Medical officer appointed thereto.

16. Appointment of Subordinate Staff :

- (1) The Administrator may, with the consent of the Corporation appoint such ancillary, technical or non- technical staff and such other subordinate staff as may be necessary for the proper provision of medical benefit for insured persons by the Administration.

- (2) The technical, non-technical and subordinate staff shall perform such duties as the Insurance Medical Officer or if there are more Insurance Medical Officers than one, the Senior Insurance Medical Officer, may, subject to any order of the Administrator from time to time direct.
- (3) The technical, non-technical and subordinate staff shall be subject to such conditions of service and draw such salaries and allowances and receive such other benefits as may be fixed by the Administrator with the consent of the Corporation.

17. Maintenance of Medical and Surgical Equipment :

Every State Insurance Dispensary, Hospital, clinic, mobile dispensary or any other medical institution specified for the purpose shall maintain such medical and surgical equipments as may be laid down by the Administrator with the consent of the Corporation and all Insurance Medical Officers attached to State Insurance Dispensaries or to other medical institution, where provision for out patient treatment is made under rule 4, shall prescribe such drugs as are required for insured persons but as far as possible in accordance with the State Insurance Medical Formulary laid down by the Corporation.

18. Administrative Control :

All State Insurance Dispensaries, Hospitals, Clinic, Mobile Dispensaries and Other Medical Institutions specified for the purpose of providing medical benefit under these rules shall be subject to the administrative control and superintendence of the Administrative Medical Officer.

19. Medical Records and Statistical Returns :

The Insurance Medical Officer incharge of each State Insurance Dispensary, hospital, clinic mobile dispensary or other medical institution specified for the purpose of each Insurance Medical Officer, as the case may be skilled.

- (1) Keep such registers, book and accounts as the Administrator or the Administrative Medical Officer may from time to time specify in consultation with the Corporation.
- (2) Maintain medical record in respect of such insured persons allotted to the dispensary or to the Insurance Medical Officer, as the case may be, in the form laid down and supplied by the Corporation for the purpose and in accordance with the instructions issued by the Corporation in this behalf from time to time, and
- (3) Comply with such requisitions as may be made by the Corporation or the Administrator or the Administrative Medical Officer in respect of records, returns and Statements in such form or in such manner as the authority making the requisition directs.

20. Delegation of Powers :

- (1) The Administrator may delegate any of the powers or duties conferred or imposed upon it by these rules to such of the Govt. officers as he may, with the consent of the Corporation, specify in this behalf.

- (2) without prejudice to the provisions of sub-rule (1) the Administrator may delegate all or any of the powers or duties conferred or imposed upon him by rule 7 to 8 to such officers of the Corporation as it may deem fit.

By order and in the name of the  
Administrator of Daman & Diu and  
Dadra and Nagar Haveli.

( Sanjiv Pandey )  
Deputy Secretary (Development)

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