

(ii) If any employer of any establishment sells, abandons, or discontinues of the working of the establishment, he shall, within one month of the date of sale or abandonment or four months of the discontinuance, as the case may be, submit to the competent authority and the Inspectors for the locality a further return in the aforesaid form in respect of the period between the end of the preceding year and the date of sale, abandonment or discontinuance *etc.*

FORM A

[See Rule 3 (i)]

This is to certify that I examined wife/daughter of a woman employee in (name of establishment) on (date) and found/cannot discover that she is pregnant and is expected to be delivered of a child within (month and days) from the above mentioned date/has undergone miscarriage/has been delivered of a child on (date) or is suffering from (date) from illness arising out of pregnancy/delivery/premature birth of child or miscarriage.

Date Signature, qualification
and designation of the Medical Officer
concerned.

Definitions of "child" and "miscarriage" as in the Maternity Benefit Act, 1961

1. "Child" includes a still-born child.
2. "Miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM B

[See Rule 3 (iv)]

This is to certify that Smti. wife/daughter of employed in (name of establishment) expired on before/during/after confinement. The child died on survives her.

Date Signature, qualification
and designation of the Medical Officer
concerned.

FORM C

[See Rule 3 (v)]

This is to certify that I examined wife/daughter of a woman employee in (name of establishment) and found that she has been delivered of a child/has undergone miscarriage on (date).

Date Signature of registered midwife.

Definition of "child" and "miscarriage" as in the Maternity Benefit Act, 1961 (See under Form 'A').

FORM D

[See Rule 4 (i)]

Notice under Section 6 of the Maternity Benefit Act, 1961 (name of establishment).

I, (name of woman) wife/daughter of employed as at (name of establishment), hereby give notice that I expect to be confined within six weeks next following from the date of this notice/have given birth to a child on (date) and shall be absent from work from (date). I shall not work in any establishment during the period for which I receive maternity benefit.

2. For the purpose of Section 7, I hereby nominate (here enter the name and address of nominee) to receive maternity

benefit and/or any other amount due to me under the Act in case of my death.

Signature of an Attestor
in case woman affixes
thumb impression.

Signature/thumb impression
of woman.

Date

FORM E

[See Rule 8(i)]

To,

The competent authority appointed under the Maternity Benefit Act, 1961.

..... (Address)

Sir,

I, the undersigned woman employee of (name of establishment with full address) having been wrongfully deprived by the employer of maternity benefit or medical bonus or both (strike out unnecessary portion) prefer this appeal under sub-section (2) of Section 12 and request that the said employer be ordered to pay the abovementioned amount to me. A copy of the order of the employer in this behalf is enclosed.

Signature or thumb-impression of the
woman.

Signature of an Attestor in case the
woman is unable to sign
full Address of nominee/legal representative.

Date

FORM F

[See Rule 13]

(Abstract of the Maternity Benefit Act, and the rules made thereunder)

1. No employer shall knowingly employ a woman during the eight weeks immediately following the date of her delivery or miscarriage and no woman shall work in any establishment during the said period.

2. No pregnant woman shall on a request being made by her in this behalf, be required by her employer to do during the period of one month immediately preceding the period of eight weeks before the date of her expected delivery and also for any period during this period of eight weeks for which she does not avail of leave of absence, any work which is of an arduous nature or which involves long hours of standing, or which in way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

¹**3.** (1) Subject to the provisions of the Act, every woman who has actually worked in an establishment of the employer from whom she claims, maternity benefit for a period of not less than ["eighty days"]² including the days during which she was laid off under an agreement or as permitted by standing orders under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, and the days on which she has been on leave with full wages earned in the previous year or on Maternity leave or on sick leave, shall be entitled to and her

1. Substituted sub-clause (1) of Clause 3, in the "Form F" *vide* Notification No.GLR.485/78/3 dated the 3rd January, 1981, published in the Assam Gazette, dated 4th August, 1981.

Note: Before substitution sub-clause (1) of Clause 3, in "FORM F" read as follows-

3. (1) Subject to the provisions of the Act, every woman who has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than one hundred and fifty days including the days during which she was laid off, shall be entitled to, and her employer shall be liable for, the Payment of maternity benefit at the rate of her average daily wages, or one rupee a day, whichever is higher for the period of her actual absence not exceeding four weeks immediately preceding and including the day of her delivery and for the eight weeks immediately following the day:

2. Substituted for the words "one hundred and fifty days" *vide* Notification No.GLR(RC) 87/80/119, dated the 17th May, 1990, published in the A.G. Part IIA, dated 29th August, 1990.

employer shall be liable for, the payment of maternity benefit at the rate of her daily wages for the period of her actual absence not exceeding four weeks immediately preceding and including the days of her delivery and also for the the eight weeks immediately following that day :]

Provided that the qualifying period of one hundred and fifty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of immigration :

Provided further that where a woman dies during the period for which maternity benefit is payable to her, the benefit shall be payable only for the days upto and including the day of her death. However, where the woman having been delivered of child, dies during her delivery or during the period of eight weeks immediately following the date of her delivery, leaving behind in either case the child, the employer shall be liable for the payment of maternity benefit for the entire period of eight weeks immediately following the date of her delivery but if the child also dies during the said period then, for the days upto and including the day of the death of the child.

(2) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of a certificate in Form "A" stating that she is pregnant and is expected to be delivered of a child ["within four weeks"]¹ of the date of production of the certificate, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of the certificate in Form "A" or Form "C" stating that she has been delivered of a child or production of a certified extract from a birth register maintained under the provisions of any law for the time being in force.

4. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act may give notice in writing in Form "D" to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any

1. Substituted for the words "within six weeks" *vide* Notification No.GLR.485/78/3 dated the 3rd January, 1981, published in the Assam *Gazette*, dated 4th August, 1981.

establishment during the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

(3) Any woman who has not given the notice, when she was pregnant may give such notice, as soon as possible after the delivery.

(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of eight weeks after the date of her delivery.

5. (1) Every woman entitled to maternity benefit under the Act, shall also be entitled to receive from her employer a medical bonus of ["two hundred and fifty rupees"]¹ if no pre-natal, confinement and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second instalment of the maternity benefit.

(2) In case of miscarriage, a woman shall, on production of a certificate in Form "A" or "C", be entitled to leave with wages at the rate of maternity benefit, for a period of eight weeks immediately following the date of her miscarriage. The wages shall be paid within 18 hours of production of the certificate in Form "A" or Form "C".

(3) A woman suffering from illness, arising out of Pregnancy, delivery, premature birth of child or miscarriage shall on production of a certificate in Form "A" be entitled in addition to the period of absence allowed to her on account of maternity or miscarriage as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month. The wages for the leave period shall be paid 48 hours of the expiry of that period.

6. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of 15 minutes duration for nursing the child until the child attains the age of fifteen months. An extra sufficient period depending upon

1. Substituted for the words "twenty five rupees" *vide* Notification No.GLR (RC) 87/80/119, dated the 17th May, 1990, published in the A.G.Part IIA, dated 29th August, 1990.

the distance to be covered, shall be allowed for the purpose of the journey to and from the creche or the place where the children are left by woman while on duty.

7. (1) When a woman absent herself from work in accordance with the provisions of the Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absent or to give notice, of discharge or dismissal on such a date that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2)(a) The discharge or dismissal of a woman at any time during her pregnancy if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus shall not have the effect of depriving her of the maternity benefit or medical bonus :

Provided that where the dismissal is for one or more of the following acts the employer may, by order in writing communicated to the woman, deprive her of the maternity benefit or medical bonus or both,-

- (i) wilful destruction of employer's goods or property;
- (ii) assaulting any superior or co-employee at the place of work;
- (iii) criminal offence involving moral turpitude resulting in conviction in a court of law;
- (iv) theft, fraud, or dishonesty, in connection with the employer's business or property; and
- (v) wilful non-observance of safety measures or rules on the subject or wilful interference with safety devices or with firefighting equipment.

(b) Any woman deprived of maternity benefit or medical-bonus or both may, within sixty days from the date on which the order of such deprivation is communicated to her; appeal in Form "E" to the competent authority and the decision of the said authority shall be final.

8. If a woman works in any establishment after she has been permitted by her employer or absent herself under the provision of the Act, she shall forfeit her claim to the maternity benefit for such period.

9. (1) Any woman claiming that maternity benefit or any other amount to which she is entitled, under the Act and any person

claiming that payment due has been improperly withheld may make a complaint to the Inspector either verbally or in writing.

(2) The Inspector may, on his own motion or on receipt of a complaint make an enquiry or cause an enquiry to be made and if satisfied that any payment has been wrongfully withheld, he may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of the Inspector may within thirty days from the date on which such decision is communicated to such person, appeal to the competent authority, whose decision shall be final.

If no such appeal is preferred, the decision of the Inspector shall hold good.

10. (a) The employer shall supply to every woman employed by him at her request, free of cost, copies of Forms 'A', 'B', 'C', 'D' and 'E'.

(b) The failure to submit a notice, appeal or complaint in the prescribed Form will not effect the right of a woman entitled to receive maternity benefit or any other amount due under the Act.

11. (a) (1) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form "G" and shall enter therein particulars of all woman workers in the establishment.

(2) All entries in the muster roll shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector during working hours.

(b) The employer of every establishment shall on or before the 21st day of January, each year submit to the competent authority, Assam and the local; Inspector a return in Form "H" giving information as to the particulars specified in respect of the preceding year.

FORM G
[See Rule 14(i)]
Muster Roll

Name of establishment
Address

| | | | | |
|---------|---------------|-------------------------|--|--|
| Sl. No. | Name of Woman | Name of husband/ father | Nature of works in which employed | Date with month and year in which she is employed, laid-off and not employed |
| 1 | 2 | 3 | | |
| | | | 4(b) During the four weeks immediately before delivery | |
| | | | 5 Date of first appointment | |
| | | | 6(a) No. of days employed | |
| | | | 6(b) No. of days laid-off | |
| | | | 6(c) No. of days the woman was in earned leave, maternity leave and sick leave | |
| | | | 6(d) Total no. of days she has worked] | |
| | | | 7 Date on which the woman gives notice under Section 6 | |
| | | | 8 Date of discharge or dismissal, if any | |
| | | | 9 Date of production of proof of pregnancy | |
| | | | 10 Date of birth of child | |
| | | | 11 Date of proof of delivery/miscarriage/ death | |
| | | | 12 Date of production of proof of illness referred to in Section 10 | |

1. Substituted *vide* Notification No.GLR.485/78/3, dated 3rd January, 1981.

FORM G
[See Rule 14(i)]
Muster Roll

Name of establishment Address
Date of payment and the amounts paid in respect of maternity benefit, bonus, or wages on account of leave under Section 9 or under Section 10 as the case may be.

| | | |
|--|-------|--|
| | 13(a) | Date of payment |
| | 13(b) | Amount paid |
| | 13(c) | To whom paid |
| | 13(d) | Signature to thumb impression of payee |
| | 13(e) | Remarks indicating the nature of payment, whether maternity benefit, bonus, or leave wages as the case may be. |
| | 14 | Name of person nominated under Section 6 |
| | 15 | If the woman dies, the date of death |
| | 16 | If the child of death |
| | 17 | Signature of employer authenticating the entries made |
| | 18 | Remarks (for use by the Inspector) |

FORM H

[See Rule 15(i)]

**Annual returns under the Maternity Benefit Act, 1961
for the year ending 31st December, 19....**(To be furnished to the Competent Authority and the local
inspector on or before the 21st January)

1. Name and full address of establishment :-
2. Name of the employer whether proprietor, Manager, Managing Director, or Partners as the case may be and address :-
3. (a) Particulars of medical staff engaged for rendering free pre-natal and post-natal care :-
(b) Amount spent on (i) diet :-
(ii) Medicine :-
(c) Particulars of hospitalisation facilities made available :-
4. Total number of women employed during the year, whether permanently or temporarily :-
5. Number of women who worked for not less than eight days during the twelve months immediately preceding the date of confinement :-
(The days worked include the days laid off.)
6. Number of women gave notice under Section 6 :-
7. Number of women who were granted permission to absent on receipt of notice of confinement :-
8. Number of claims for maternity benefit paid-
(a) in part
(b) in full
9. Number of claims for maternity benefit rejected :-
10. Number of cases where pre-natal confinement and post-natal care was provided by the management free of charge :-
11. Number of claims for medical bonus paid :-
12. Number of claims for medical bonus rejected :-
13. Number of cases in which leave for miscarriage was granted :-
14. Number of cases in which leave for miscarriage was applied for but was rejected :-
15. Number of cases in which additional leave for illness under Section 10 was granted :-
16. Number of cases in which additional leave for illness under Section 10 was applied for but was rejected :-
17. Number of women who died-(a) before delivery:-
(b) after delivery:-
18. Number of cases in which payment was made to persons other than the women concerned :-
19. Number of expectant woman discharged of dismissed while working :-
20. Number of women deprived of maternity benefit and/or medical bonus under proviso to sub-section (2) of Section 12 :-
21. Number of cases in which payment was made on the order of the Competent Authority or Inspector :-
22. Total amount paid as :-
(a) Maternity benefit :-
(b) Medical bonus :-
(c) Wages for leave for miscarriage sanctioned under Section 9 :-
(d) Wages for additional leave sanctioned under Section 10 :-
23. Remarks :-

Note: Full particulars of each case and reasons for the action taken under serials 9, 12, 14, 16, 19 and 20, should be given in an appendix.

Date :.....

Signature of employer.