

# The Maternity Benefit (Mines and Circus) Rules, 1963

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# The Maternity Benefit (Mines and Circus) Rules, 1963

<sup>1</sup>G.S.R. 1642, dated the 5th October, 1963.—In exercise of the powers conferred by Section 28 of the Maternity Benefit Act, 1961 (53 of 1961), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

**1. Short title and commencement.**—(1) These rules may be called the Maternity Benefit <sup>2</sup>[Mines and Circus] Rules, 1963.

(2) They shall come into force on the 1st November, 1963.

**2. Definitions.**—In these rules, unless the context otherwise requires,—

(a) the “Act” means the Maternity Benefit Act, 1961 (53 of 1961);

<sup>3</sup>[(aa) “circus” means an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;]

<sup>4</sup>[(b) “Competent Authority” means, the Chief Labour Commissioner (Central);]

(c) “Form” means a form appended to these rules;

(d) “muster-roll” means a muster-roll maintained under Rule 3;

(e) “Registered Medical Practitioner” means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;

(f) “section” means a section of the Act;

(g) all other words and expressions used hereinafter but not defined herein shall have the same meaning as respectively assigned to them in the Act.

**3. Muster-roll.**—(1) The employer of <sup>5</sup>[every mine or circus] in which women are employed shall prepare and maintain a muster-roll in Form ‘A’ and shall enter therein particulars of all women workers in <sup>6</sup>[the mine or circus].

(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.

(3) The employer may enter in the muster-roll such other particulars as may be required for any other purpose of the Act.

**4. Proof.**—(1) The fact that a woman is pregnant or has been delivered of a child <sup>7</sup>[or has undergone miscarriage or medical termination of pregnancy or

1. Published in the Gaz. of India, 1963, Pt. II, S. 3(i), p. 1933.

2. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

3. Ins. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

4. Subs. by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992).

5. Subs. by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992).

6. Subs. by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992).

7. Subs. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

tubectomy operation or is suffering from illness arising out of pregnancy, delivery, premature birth of a child or miscarriage or Medical Termination of Pregnancy or Tubectomy Operation] shall be proved by the production of a certificate to that effect,—

- (a) from a Medical Officer of a regional hospital or a dispensary set up under the Coal Mines Welfare Organisation; or
- (b) where there is a Mines Board of Health within whose jurisdiction <sup>8</sup>[the mine] is situated, from the Medical Officer of that Board; or
- (c) from a Registered Medical Practitioner.

The certificate shall be in Form 'B'.

(2) The fact that a woman has been confined may also be proved by the production of a certified extract from a birth register maintained under the provisions of any law for the time being in force or a certificate signed by a registered midwife.

(3) The fact that a woman has undergone miscarriage may also be proved by the production of a certificate signed by a registered midwife.

(4) The fact of death of a woman or a child may be proved by the production of a certificate to that effect in Form 'C' from any of the authorities referred to in sub-rule (1) or by the production of a certified extract from a death register maintained under the provisions of any law for the time being in force.

(5) The certificate from a registered midwife shall be in Form 'D'.

**5. Payment of maternity and other benefit.**—(1) A woman employed in <sup>9</sup>[a mine or circus] and entitled to maternity benefit shall give notice to her employer in Form 'E' and the employer shall make payment of the maternity benefit and any other amount due under the Act to the woman concerned, or, in case of her death before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of Section 5, to the person nominated by the woman in her notice in Form 'E' and in case there is no such nominee to her legal representative.

(2) In case of doubt, the maternity benefit or other amount due to a woman employed in <sup>10</sup>[a mine or circus] shall be deposited by the employer, within two months of the date of death of the woman concerned with the Competent Authority, who shall, after making necessary enquiries, pay it to the person who, in his opinion, is entitled to receive it.

(3) Whenever the payment referred to in sub-rule (1) is made, a receipt shall be obtained by the employer in Form 'F' from the person to whom the payment is made. In cases falling under sub-rule (2), a receipt shall be given to the employer by the Competent Authority.

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8. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

9. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

10. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

(4) The medical bonus shall be paid along with the second instalment of the maternity benefit.

(5) The maternity benefit or any other amount payable under Section 7 shall be paid within two months of the date of death of the woman entitled to receive such benefit or amount.

(6) The wages payable under Section 9 shall be paid to the woman entitled to receive such wages within forty-eight hours of production by her of the certificate in Form 'B' or Form 'D'.

<sup>11</sup>[(6-A) The wages payable under Section 9-A of the Act shall be paid to the woman entitled to receive such wages within forty-eight hours of production by her of the certificate in Form 'B'.]

(7) The wages payable under Section 10 shall be paid to the woman entitled to receive such wages within forty-eight hours of the expiry of the period of leave referred to in that section.

**6. Break for nursing child.**—Each of the two breaks mentioned in Section 11 shall be of 15 minutes' duration. An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of journey to and from the creche or the place where the children are left by women while on duty, provided that such extra period shall not be of less than 5 minutes and more than 15 minutes' duration. If any dispute arises regarding such extra period, the matter shall be referred to the Competent Authority for decision.

**7. Duties and powers of the Competent Authority and Inspectors.**—(1) The Competent Authority shall be responsible for the administration of these rules throughout the territories to which they extend.

(2) Every Inspector shall discharge his duties within the area assigned to him by the Central Government and shall act under the supervision and control of the Competent Authority.

(3) Every Inspector shall at each inspection of <sup>12</sup>[a mine or circus] see:—

- (a) whether due action has been taken on every notice given under Section 6;
- (b) whether the Muster-roll prescribed under Rule 3 is correctly maintained;
- (c) whether there have been any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of Section 12 since the last inspection;
- (d) whether the provisions of sub-section (1) of Section 4, sub-sections (5) and (6) of Section 6, Sections 8, 9, [9-A]<sup>13</sup>, 10, 11, 13 and 19 have been complied with and whether amounts due have been paid within the prescribed time;
- (e) whether there have been any cases of deprivation of maternity benefit or medical bonus in contravention of sub-section (2) of Section 12; and

11. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

12. *Subs.* by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

13. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

(f) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(4) Where an Inspector observes irregularities against the Act or these rules, he shall issue orders in writing to the employer asking the latter to rectify the irregularities within a specified period and to report compliance to the Inspector.

**8. Acts which constitute gross misconduct.**—The following acts shall constitute gross misconduct for purpose of Section 12, namely:—

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

**9. Appeal under Section 12.**—(1) An appeal under clause (b) of sub-section (2) of Section 12 shall be preferred to the Competent Authority in Form 'G'.

(2) The appeal may be made in writing and either handed over personally or sent under a registered cover to the Competent Authority.

(3) When an appeal is received, the Competent Authority shall furnish a copy of the memorandum of appeal to the employer, call for his reply thereto and also ask him to produce documents connected with the issue of the appeal by a fixed date. The Competent Authority may ascertain further details, if necessary, from the employer as well as from the woman. On considering the facts presented to him and ascertained by him the Competent Authority shall give his decision. In case the employer fails to submit his reply or produce the required document within the specified period, the Competent Authority may give his decision *ex parte*.

**10. Complaint under Section 17.**—(1) A complaint under sub-section (1) of Section 17 shall be made in writing in Form 'H' or 'I' as the case may be.

(2) When a complaint referred to in Section 17 is received by an Inspector, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in <sup>14</sup>[the mine or circus] and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under Section 7, as the case may be, immediately or within a specified period.

**11. Appeal under Section 17.**—(1) An appeal against the decision of the Inspector under sub-section (2) of Section 17, shall lie to the Competent Authority.

(2) The aggrieved person shall prefer an appeal in writing to the Competent Authority in Form 'J' and file other supporting documents.

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14. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

(3) When an appeal is received, the Competent Authority shall call from the Inspector before a fixed date, the record of the case. The Competent Authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector and seek clarification if any is required.

(4) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the Competent Authority shall give his decision.

**12. Supply of forms.**—The employer shall supply to every woman employed by him at her request free of cost copies of Forms ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’ and ‘I’.

**13. Non-submission of notices, appeals or complaints in the prescribed forms.**—Nothing in Rules 5, 9 and 10 shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act if she fails to submit a notice, appeal or complaint under the said rules, as the case may be, in a prescribed form:

Provided that where a notice, appeal or complaint under the said rules has been submitted by a woman entitled to receive maternity benefit or any other amount due under the Act in a form other than the prescribed form, the authority concerned may, within 15 days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be, in the prescribed form.

**14. Records.**—Records kept under the provisions of the Act and these rules shall be preserved for a period of two years from the date of their preparation.

**15. Abstract.**—The abstract of the provisions of the Act and these rules required to be exhibited under Section 19 shall be in Form ‘K’ and shall be exhibited in such manner as the Competent Authority may require.

<sup>15</sup>**16. Annual return.**—(1) The employer of every mine or circus shall, on or before the 1st day of February in each year, upload a unified annual return in Form

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15. *Subs.* by G.S.R. 57(E), dt. 29-1-2019 (w.e.f. 29-1-2019). Prior to substitution it read as:

“16. *Annual returns.*—(1)(a) The employer of every mine or circus shall upload a unified annual return online in Form X on or before 1st day of February every year on Web Portal of the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year.

(b) After appending his digital signature on the annual return referred to in clause (a), the employer shall send the annual return online to the Competent Authority and retain a copy of the annual return for records.

(c) Every employer, on or before the 1st day of February every year, shall file annual returns referred to in clause (a) in the Form X to the Competent Authority giving information as to the particulars specified in respect of preceding year:

Provided that during inspection, the Inspector shall require the production of the accounts, books, register and other documents if the same are maintained in manual form or in electronic form, as the case may be.

(2) If the employer of a mine or circus to which the Act applies sells, abandons or discontinues the working of the mine or circus, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, submit to the Competent Authority a further return in Form X in respect of the period between the end of the preceding year and the date of the sale or abandonment or discontinuance.

X online on the web portal of the Central Government in the Ministry of Labour and Employment, giving information as to the particulars specified, in respect of the preceding year:

Provided that during inspection, the inspector may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

*Explanation.*—For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).

(2) If the employer of a mine or circus to which the Act applies sells, abandons or discontinues the working of the mine or circus, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the Central Government in the Ministry of Labour and Employment, a further unified return in Form X referred to in sub-rule (1) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.]

**\*FORM A**

[See Rule 3]

***Muster-roll***

Name of <sup>16</sup>[Mine or Circus]:

1. Serial Number.
2. Name of woman and her father's (or if married, husband's) name.
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed, laid off and not employed.

Month	No. of days employed	No. of days laid off	No. of days not employed	Remarks

6. Date on which the woman gives notice under Section 6.

*Explanation.*—For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).

(3) The Central Government shall, from time to time, specify the instructions in respect of filling up the annual returns referred to in clause (a) of sub-rule (1) and for other matters related thereto.”

\* In respect of Madhya Pradesh see below S. 28 of the Act, above.

16. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under Section 6.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/<sup>17</sup>[Medical Termination of Pregnancy/Tubectomy Operation/death].
11. Date of production of proof of illness referred to in Section 10.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under Section 8.
15. Date with the amount of wages paid on account of leave under Section 9.
- <sup>18</sup>[15-A. Date with the amount of wages paid on account of leave under Section 9-A.]
16. Date with the amount of wages paid on account of leave under Section 10 and period of the leave granted.
17. Name of the person nominated by the woman under Section 6.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefit and/or other amount was paid, the amount thereof and the date of payment.
19. If the woman dies and the child survives the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of <sup>19</sup>[the mine or circus] authenticating the entries in the muster-roll.
21. Remarks column for the use of the Inspector.

### FORM B

[See Rule 4(1)]

This is to certify that I examined ..... wife/daughter of ..... , a woman employee in ..... (name of <sup>20</sup>[mine or circus]) on ..... 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 or [medical termination of pregnancy or tubectomy operation]<sup>21</sup> has been delivered of a child on ..... (date) or suffering from ..... (date) from illness arising out of pregnancy/delivery/premature birth of a child or miscarriage or [medical termination of pregnancy or tubectomy operation]<sup>22</sup>.

Signature, qualifications and designation  
of Medical Officer/Medical  
Practitioner

Date .....

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

1. "Child" includes a stillborn 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.

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17. *Subs.* by G.S.R. 70(E), dt. 31-1-1996 for "death" (w.e.f. 1-2-1996).

18. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

19. *Subs.* by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

20. *Subs.* by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

21. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

22. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).



**FORM C**

[See Rule 4(4)]

***Certificate on death of a woman or a child***

This is to certify that Smt ..... wife/daughter of ..... employed in ..... (name of <sup>23</sup>[the mine or circus]) expired on ..... before/ during/after confinement. The child died on ...../survives her.

Signature, qualifications and designation of  
Medical Officer/Medical Practitioner.

Date .....

**FORM D**

[See Rule 4(5)]

***Certificate from a registered midwife***

This is to certify that I examined ....., wife/daughter of ....., a woman employed in ..... (name of <sup>24</sup>[mine or circus]) and found that she has been delivered of a child/has undergone miscarriage on .....(date).

Signature of registered midwife

Date .....

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

1. "Child" includes a stillborn 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 E**

[See Rule 5(1)]

***Notice under Section 6 of the Maternity Benefit Act, 1961***

..... (name of <sup>25</sup>[mine or circus])

I, ....., (name of woman) wife/ daughter of ....., employed as ..... at ..... (name of mine), 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 name and address of the 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 the woman is not able to sign and affixes thumb-impression.

Signature or thumb-impression of woman.

Date .....

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23. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).  
 24. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).  
 25. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

**FORM F**

[See Rule 5(3)]

***Form of receipt of Maternity Benefit***

To

..... (name of <sup>26</sup>[mine or circus])

I, ....., the undersigned, a \*woman employee/the nominee of  
..... woman employee/legal representative of ..... woman employee deceased in  
..... (name of <sup>27</sup>[mine or circus]) at ..... in ..... district received  
maternity benefit and/or other amount due under the Maternity Benefit Act, 1961, from the employer  
of <sup>28</sup>[the mine or circus] referred to above, as detailed below:—

Rs....., being the first instalment of maternity benefit paid on .....

Rs....., being the second instalment of maternity benefit after delivery paid on  
.....

Rs....., being the medical bonus under Section 8 of the Act paid on .....

Rs....., being the wages for leave period from ..... mentioned under  
Section 9 [, 9-A]<sup>29</sup> or 10 .....

\*My/Her confinement/miscarriage, <sup>30</sup>[medical termination of pregnancy or tubectomy operation]  
took place on ..... or I/she fell ill because of pregnancy, delivery, premature birth of a  
child or miscarriage or <sup>31</sup>[medical termination of pregnancy or tubectomy operation] on .....  
In consequence I, ....., her nominee/legal representative have received the  
aforesaid amounts prescribed in Sections 5, 8, 9 [, 9-A]<sup>32</sup> and 10 of the Maternity Benefit Act, 1961.

Signature or thumb-impression of

.....

\*Woman employee or her nominee or legal representative.

Signature of an Attestor in case the

woman is not able to sign and

affixes thumb-impression.

Date .....

\* Strike out unnecessary portion.

**FORM G**

[See Rule 9]

***Appeal under S. 12(2)(b)***

To

The Competent Authority

appointed under the Maternity Benefit Act, 1961

..... (Address)

26. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).  
27. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).  
28. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).  
29. Ins. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).  
30. Ins. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).  
31. Ins. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).  
32. Ins. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

Sir,

I, ....., the undersigned, woman employee of ..... (name of <sup>33</sup>[mine or circus] and full address), having been wrongly deprived by the employer of maternity benefit or medical bonus or both (strike out unnecessary portion) for the reasons attached hereto, prefer this appeal under sub-section (2) of Section 12 and request that the said employer be ordered to pay the above-mentioned amount to me. A copy of the order of the employer in this benefit is enclosed.

Signature or thumb-impression of the woman.

Date .....

Signature of an Attestor in case the woman is not able to sign and affixes thumb-impression.

Full address of the nominee/legal representative.

### FORM H

[See Rule 10]

#### *Complaint under S. 17(1)*

To

The Inspector,

(Under the Maternity Benefit Act, 1961).

Sir,

I, ....., (name of woman) employed in ..... (name and full address of <sup>34</sup>[mine or circus]) having fulfilled the conditions laid down in the Maternity Benefit Act, 1961 and the Rules thereunder am entitled to Rs..... being maternity benefit and/or Rs..... being the medical bonus and/or Rs..... being wages for leave due under Section 9 [or 9-A] <sup>35</sup> or 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Signature or thumb-impression of the woman

Date .....

Signature of an Attestor in case the woman is unable to sign and affixes thumb-impression.

Full address of the woman

Date .....

### FORM I

[See Rule 10]

#### *Complaint under S. 17(1)*

To

The Inspector,

(Under the Maternity Benefit Act, 1961).

33. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

34. Subs. by G.S.R. 59(E), dt. 27-2-1975 (w.e.f. 1-3-1975).

35. Ins. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

I, ..... (name), a person nominated under Section 6 by or a legal representative of ..... (name of woman) employed in ..... (name and full address of mine) have to complain that the said woman having fulfilled the conditions laid down in the Maternity Benefit Act, 1961 and the Rules thereunder is entitled to Rs..... being maternity benefit and/or Rs..... being the medical bonus and/or Rs..... being wages for leave due under Section 9 [or 9-A]<sup>36</sup> or 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Signature or thumb-impression of the nominee/legal representative.

Date .....

Signature of an Attestor in case the nominee/legal representative is unable to sign and affixes thumb-impression.

Date .....

Full address of the nominee/legal representative

**FORM J**

[See Rule 11]

***Appeal against the decision of the Inspector***

To

.....

Sir,

Shri ....., Inspector, having directed under sub-section (2) of Section 17 to pay the maternity benefit or other amount being ..... (nature of amount) to which ..... (name of woman) is said to be entitled, I prefer this appeal under sub-section (3) of Section 17. In view of the fact mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the decision of the Inspector in this behalf, copy of which is enclosed, may be set aside.

Signature of aggrieved person

Full address .....

.....

Date .....

**FORM K**

[See Rule 15]

***(Abstract of the Maternity Benefit Act, 1961, and the rules made thereunder.)***

1. No employer shall knowingly employ a woman during the six weeks immediately following the day of her delivery or miscarriage or [medical termination of pregnancy]<sup>37</sup> 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 six weeks before the date of her expected delivery and also for any period during this period of six weeks for which she

36. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

37. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

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 any 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.

3. <sup>38</sup>[(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, 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 the minimum rate of wage fixed or revised under the Minimum Wages Act, 1948 or ten rupees a day, whichever is the highest, for the period of her actual absence not exceeding six weeks immediately preceding the day of delivery and the remaining period immediately following that day:

Provided that the qualifying period of eighty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of the 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 up to and including the day of her death. However, where the woman having been delivered of a child, dies during her delivery or during the remaining period of maternity benefit leaving behind in either case the child, the employer shall be liable for the payment of maternity benefit for the entire period of maternity benefit following the day of her delivery 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].

(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 'B' stating that she is pregnant and is expected to be delivered of a child within six weeks 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 'B' or Form 'D' stating that she has been delivered of a child or production of 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 'E' 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 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 the remaining period of maternity benefit]<sup>39</sup> after the day 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]<sup>40</sup>, if no prenatal confinement and postnatal 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 'B' or Form 'D' be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately

38. Subs. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

39. Subs. by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

40. Subs. by G.S.R. 70(E), dt. 31-1-1996 for "twenty-five rupees" (w.e.f. 1-2-1996).

following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in Form 'B' or Form 'D'.

<sup>41</sup>[(2-A) In case of medical termination of pregnancy, a woman shall, on production of a certificate in Form 'B', be entitled to leave with wages at the rate of maternity benefit for a period of six weeks immediately following the day of her Medical Termination of Pregnancy. The wages shall be paid within 48 hours of production of the certificate in Form 'B'].

(3) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage or <sup>42</sup>[medical termination of pregnancy or tubectomy operation] shall, on production of a certificate in Form 'B', be entitled, in addition to the period of absence allowed to her on account of maternity or miscarriage or <sup>43</sup>[medical termination of pregnancy or tubectomy operation], 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 within 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 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, provided that such extra period shall not be less than 5 minutes and more than 15 minutes' duration.

7. (1) When a woman absents 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 absence or to give notice of discharge or dismissal on such a day 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 for—

- (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 fire-fighting 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 'G' to <sup>44</sup>[the Competent Authority and his decision] on such appeal whether the woman should or should not be deprived of maternity benefit or medical bonus or both, shall be final.

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

41. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

42. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

43. *Ins.* by G.S.R. 70(E), dt. 31-1-1996 (w.e.f. 1-2-1996).

44. *Subs.* by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992) [1992 CCL-III-333(222)].

9. (1) Any woman claiming the 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 in writing in Form 'H' or 'I' as the case may be.

(2) The Inspector may, of his own motion or on receipt of a complaint in Form 'H' or 'I' make an inquiry or cause an enquiry to be made and if satisfied that payment has been wrongfully withheld, 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 <sup>45</sup>[the Chief Inspector of Mines.]

(4) The decision of <sup>46</sup>[\* \* \*] [the Competent Authority]<sup>47</sup> where an appeal has been preferred to him or of the Inspector where no such appeal has been preferred, shall be final.

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

(b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act. Where a notice, appeal or complaint has been received in a form other than the prescribed form, the authority concerned shall within fifteen days of the receipt of such notice, appeal or complaint, require the woman to submit the notice, appeal or complaint, as the case may be, in the prescribed form.

11. (a) (1) The employer of <sup>48</sup>[every mine or circus] in which women are employed shall prepare and maintain a muster-roll in Form 'A' and shall enter therein particulars of all women workers in <sup>49</sup>[the mine or circus].

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

(b) The employer of <sup>50</sup>[every mine or circus] shall on or before the 21st day of January in each year submit to <sup>51</sup>[\* \* \*] <sup>52</sup>[the Competent Authority] a return in each of the Forms 'L', 'M', 'N' and 'O' giving information as to the particulars specified in respect of the preceding year.

### <sup>53</sup>[FORM X

[See Rule 16(1)]

### Unified Annual Return

#### A. General Part:

##### Particulars:

(a) Name of the establishment

Address of the establishment. House No./Flat No.

Street/Plot No.

Town

District

State

Pin Code

(b) Name of the employer

Address of the employer House No./Flat No.

Street/Plot No.

45. Subs. by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992).

46. Omitted by G.S.R. 49, dt. 4-1-1988.

47. Subs. by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992).

48. Subs. by G.S.R. 59(E), dt. 27-2-1975.

49. Subs. by G.S.R. 59(E), dt. 27-2-1975.

50. Subs. by G.S.R. 59(E), dt. 27-2-1975.

51. Omitted by G.S.R. 49, dt. 4-1-1988.

52. Subs. by G.S.R. 64, dt. 4-2-1992 (w.e.f. 15-2-1992).

53. Subs. for Forms "L, M, N and O" by G.S.R. 435(E), dt. 29-5-2015 (w.e.f. 29-5-2015).

Town  District  State  Pin Code   
 E-mail ID  Telephone Number  Mobile Number

(c) Name of the manager or person responsible for supervision and control of establishment

Address House No./Flat No.  Street/Plot No.   
 Town  District  State  Pin Code   
 E-mail ID  Telephone Number  Mobile Number

B. Employer's Registration/License number under the Acts mentioned in column (2) of the table below:

Sl. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
1.	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996		
2.	The Contract Labour (Regulation and Abolition) Act, 1970		
3.	The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979		
4.	The Employees Provident Funds and Miscellaneous Provisions Act, 1952		
5.	The Employees' State Insurance Act, 1948		
6.	The Mines Act, 1952 Notice of opening under Regulation 3 of Coal Mines Regulation, 1957 or Regulation 3 of Metalliferous Mines Regulation, 1961		
7.	The Factories Act, 1948		
8.	The Motor Transport Workers Act, 1961		
9.	The Shops and Establishments Act (State Act)		
10.	Any other Law for the time being in force		

C. Details of Principal Employer, Contractor and Contract Labour:

1.	Name of the principal employer in the case of a contractor's establishment	
2.	Date of commencement of the establishment	
3.	Number of Contractors engaged in the establishment during the year	
4.	Total Number of days during the year on which Contract Labour was employed	
5.	Total number of man-days worked by Contract Labour during the year	
6.	Name of the Manager or Agent (in case of mines)	
7.	Address House No./Flat No. <input type="text"/> Street/Plot No. <input type="text"/> Town <input type="text"/>	



District	<input type="text"/>	State	<input type="text"/>	Pin Code	<input type="text"/>
E-mail ID	<input type="text"/>	Telephone Number	<input type="text"/>	Mobile No.	<input type="text"/>

## D. Working hours and weekly rest day:

1.	Number of days worked during the year
2.	Number of man-days worked during the year
3.	Daily hours of work
4.	Weekly day of rest

## E. Maximum number of persons employed in any day during the year:

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years)	Children (below 14 years of age)	Total

## F. Wage rates (Category Wise):

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adole- scent	Male	Female	Children	Adole- scent
Highly Skilled									
Skilled									
Semi-skilled									
Un-skilled									

## G. (a) Details of Payments:

Gross wages paid		Deductions			New wages paid	
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind

## (b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages

## H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

I. The Maternity Benefit Act, 1961, Maternity Benefit (Mines and Circus) Rules, 1963:

(a) Details of establishment, medical and paramedical staff:

1.	Date of opening of establishment	
2.	Date of closing, if closed	
3.	Name of Medical Officer	
3(i)	Qualification of Medical Officer	
3(ii)	Is Medical Officer at (the mines or circus)?	
3(iii)	If a part time, how often does he/she pay visit to establishment?	
3(iv)	Is there any Hospital?	
3(v)	If so, how many beds are provided?	
3(vi)	Is there a lady Doctor?	
3(vii)	If so, what is her qualification?	
3(viii)	Is there a qualified mid-wife?	
3(ix)	Has any crèche been provided?	

(b) Leave Granted under the Maternity Benefit Act, 1961 Maternity Benefit (Mines and Circus) Rules, 1963/Employees' State Insurance Act, 1948:

1.	Total number of female employees in the establishment	
2.	Total number days of leave granted	
3.	Number of employees granted maternity leave/benefited by ESI	

DECLARATION

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

Sign here

]