

THE MATERNITY BENEFIT (MINES AND CIRCUS) RULES, 1963¹

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 ²[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);

³[(aa) "circus" means an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;]

⁴[(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 ⁵[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 ⁶[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 Inspector⁷ 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.

1. *Vide* G.S.R. 1642, dated 5th October, 1963. The words "(Mines and circus)" appearing in the short title were substituted by G.S.R. 59(E), dated 27th February, 1975, for "(Mines)" (w.e.f. 1-3-1975).

2. Subs. by G.S.R. 59(E), dated 27th February, 1975, for "(Mines)" (w.e.f. 1-3-1975).

3. Ins. by G.S.R. 59(E), dated 27th February, 1975 (w.e.f. 1-3-1975).

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

5. Subs. by G.S.R. 59(E), dated 27th February, 1975, for "every mine" (w.e.f. 1-3-1975).

6. Subs. by G.S.R. 59(E), dated 27th February, 1975, for "the mine" (w.e.f. 1-3-1975).

4. Proof.—(1) The fact that a woman is pregnant or has been delivered of a child ¹[or has undergone miscarriage or medical termination of pregnancy or tubectomy operation or is suffering from illness arising out of pregnancy, delivery, premature birth of a child or miscarriage or 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 ²[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 ¹[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 subsection (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 ²[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.

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

1. Subs. by G.S.R. 70(E), dated 31st January, 1996 (w.e.f. 1-2-1996).

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

(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.

¹[(6)(a) The wages payable under section 9A 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 ²[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, ¹[9A], 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
- (f) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

1. Ins. by G.S.R. 70(E), dated 31st January, 1996 (w.e.f. 1-2-1996).

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