

# MATERNITY BENEFIT ACT, 1961

[Aar 53 OF 1961]

## UTTAR PRADESH RULES

The Uttar Pradesh Maternity Benefit Rules, 1903<sup>1</sup>

(See Section 28 of the Maternity Benefit Act, 1961)

1. Short title and commencement.--(1) These rules may be called the Uttar Pradesh Maternity Benefit Rules, 1983.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. In the rules, unless the context otherwise requires—

- (a) the 'Act' means the Maternity Benefit Act, 1961 (Act No. 53 of 1961) ;
- (b) 'Form' means a form appended to these Rules ;
- (c) 'Inspector' means an Inspector of Factories, Deputy Chief Inspector of Factories, Chief Inspector of Factories and Additional Inspector of Factories appointed under Section 8 of the Factories Act, 1948 and *ex-officio* Inspector of Factories under the same section of the same Act and Inspector of Plantation and Chief Inspector of Plantation appointed under sub-section 4(1) of the Plantation Labour Act, 1951 in respect of the Plantation in Uttar Pradesh as defined under Section 2(f) of the said Act ;
- (d) 'Labour Commissioner' means the officer appointed by the State Government to discharge the function of the Labour Commissioner under the rules ;
- (e) 'muster roll' means a muster roll maintained under Rule 3 ;
- (f) 'registered medical practitioners' 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 ;
- (g) 'section' means a section of the Act ; and
- (h) All other words and expressions and hereinafter but not defined herein shall have the same meaning as respectively assigned to *them* in the Act.

3. Muster Roll (Section 20).—(1) The employer of every factory/ plantation 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 the factory/plantation.

(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 (Section 6(5)).—(1) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or is suffering from illness arising out of pregnancy, delivery, premature birth of child or  
1. rids Nod. No. 19/XXXVI-3-509 (MR) 74—CA-53/1961-Rule-1983, dated 1544983  
(1984 LLT-V-78).

miscarriage, shall be proved by the production of certificate to that effect in Form 'B'.

(a) from a registered medical practitioner or from the Honorary Secretary of the Local Red Cross Society of the case was attended to by the Red Cross Maternity Staff or of a certified copy of an abstract from a birth register maintained under the provisions of law for the time being in force, as the case may be, or

(b) from the Medical Officer of a Hospital or of a dispensary set up by the State Government or local bodies.

(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 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 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 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 (Sections 7, 9 and 10).—**(1) A woman employed in a factory/plantation 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, in her legal representative.

(2) In case of doubt, the maternity benefit or other amount due to a woman employed in factory/plantation shall be deposited by the employer, within two months of the date of death of the woman concerned, with the Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations, 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), receipt shall be given to the employer by the Chief Inspector of Factories in respect of Factories and Chief Inspector of Plantations in respect of plantations.

(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 fortnight hours of production by her of the certificate in Form 'B' or Form 'D', as the case may be.

(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. 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 for decision to the Chief Inspector of Factories in respect of factories and the Chief Inspector of Plantations in respect of plantations.

**7. Duties and powers of the Inspectors (Sections 14 and 15).-**

(1) The Chief Inspector of Factories in respect of the factories and the Chief Inspector of Plantations in respect of the plantations shall be responsible for the administration of these rules throughout the State.

(2) Every Inspector shall discharge his duties within the area assigned to him by the State Government and shall act under the supervision and control of the Chief Inspector of Factories/Chief Inspector of Plantations.

- (3) (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, subsections (5) and (6) of Section 6, Sections 8, 9, 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 cases of deprivation of maternity benefit

or medical bonus in contravention of sub-section (2) of Section 12 ; and

- (1) 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 verify the irregularities within a specified period and to report compliance to the inspector.

**S. Act which constitute gross misconduct (Section 12).—**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 [Section 12(2)(b)].--(1) An appeal under clause (b) of sub-section (2) of Section 12 shall be preferred to the Chief Inspector of Factories in respect of the factories and the Chief Inspector of Plantations in respect of the plantations, in Form 'G'.**

(2) An appeal may be made in writing and either handed over personally or sent under a registered cover to the Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations.

(3) When an appeal is received, the Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of plantations 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 matters in issue of the appeal by a fixed date. The Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations 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 Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations shall give his decision. In case the employer fails to submit his reply or produce the required documents within the specified period, the Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations may give the decision *ex parte*.

**10. Complaint under Section 17 [Section 17(1)].----(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 the factory/plantation 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 [Section 17(3).]—(1) An appeal against the decision of the Inspector under sub-section (2) of Section 17 shall lie to the Labour Commissioner.**

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

(3) When an appeal is received the Labour, Commissioner shall call from the Inspector before a fixed date, the record of the case and shall, if

necessary, also record the statements of the aggrieved person, and of the Inspector and seek clarification, if required.

(4) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him the Labour Commissioner 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', 'W', 'F', 'G', 'H' and

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 (Section 20).—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 (Section 19).—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 Chief Inspector of Factories in respect of the factories and Chief Inspector Plantations in respect of the plantations may require.

16. Annual Returns.—(1) The employer of every factory/plantation shall, on or before the 21<sup>st</sup> day of January in each year, submit to the Chief Inspector of Factories , in respect of the factories and the Chief Inspector of Plantations in respect of the plantations a return in each of the Form 'L', 'M', 'N' and 'O' giving information as to the particulars specified in respect of the preceding year.

(2) If the employer of a factory/plantation to which the Act applies, sells, abandons or discontinues the working of the factory/plantation, he shall, within one month of the date of sale or abandonment or within four months of the date of discontinuance, as the case may be, submit to the Chief Inspector of Factories in respect of the factories and the Chief Inspector of Plantations in respect of the plantations a further return in each of the said forms in respect of the period between the end of the preceding year and the date of sale, abandonment or discontinuance.

#### FORM A

(See Rule 3)

#### Mustet Roll

*Name of the factory/plantation*

1. Serial number .....

2. Name and age of the 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 of notice, by the woman under Section 6.			
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/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 medical bonus, if paid under Section 8...			
15.	Date with the amount of wages paid on account of leave under Section 9			
16.	Date with the amount of wages paid on account of leave under Section 10 and period of leave granted.....			
17.	Name of the person nominated by the woman under Section 6....			
18.	If the woman dies, the date of <i>her</i> death, the name of the person - to whom maternity benefit and for 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 the factory/plantation authenticating the entries in the muster roll .....			
21.	Remarks column for the use of the Inspector .....			

**FORM 'B'**

[Set Rule 4(1)]

,Agli This is to certify that I examined ..... wife/daughter of ..... a woman employee..... (name of factory/plantation) 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 a child or miscarriage.

Date.....

*Signature, qualifications and designation of  
Medical Officer! Medical Practitioner.*

**Definition of 'Child' and miscarriage as to the Maternity  
Benefit Act, 1961**

1. **Child includes a still-born child.**

2. 'Miscarriage' means expulsion of the contents of pregnant uterus **of 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 'C'**

[See Rule 4(4)]

This is to certify that Smt ..... wife/daughter of.. .... a **woman** employee in ..... of (factory/plantation) expired on ..... before/during/after confinement. The child died on..... /survives her.

Date.....

*Signature, qualifications and designation of  
Medical Officer! Medical Practitioner.*

**FORM 'D'**

[See Rule 4(5)]

This is to certify that I examined ..... wife/daughter of ..... woman employed in.. .....(name of factory/plantation) 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**

1. 'Child' includes a still-born child.

2. 'Miscarriage' means expulsion of the contents of pregnant uterus **of 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)1

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

(Name of the factory/plantation)

I.....(name of woman) wife/daughter of  
..... employed

as.....at.....(name of factory/plantation), 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 to Attestation in case the woman is not able to sign and affix thumb-impression.*

*Signature or thumb-impression of woman.*

Date.....

**FORM 'F'**

[See Rule 5(3)]

*Form of receipt of Maternity Benefit*

To,

.....(name of factory/plantation).....  
.....the undersigned, a woman employee/the nominee of .....

woman employee/legal representative of ..... woman employee deceased in.....(name of factory/plantation) at ..... in district received maternity benefit and/or other amount due under the Maternity Benefit Act, 1961 from the employer of the factory/plantation 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 medical bonus under Section 8 of the Act paid in .....

Rs.....being the wages for the leave period from ..... to..... mentioned under Section 9 or 10—

\*M<sub>y</sub>; Her confinement/miscarriage took place on ..... or I/She fell ill because of pregnancy, delivery, premature birth of a child or miscarriage on In consequence I her Nominee/legal representative have received the aforesaid amounts prescribed in Sections 5, 8, 9 and 10 of the Maternity Benefit Act, 1961.

*\*Signature or thumb-impression of woman employee or her nominee or legal representative.*

*Signature of an attester in case the woman is not able to sign and affixes thumbimpression.*

Date.....



**FORM 'G'**  
**(See Rule 9)**

To,  
The Chief Inspector of Factories/The Chief Inspector of Plantations  
(Address) .....

Sir,

..... the undersigned, woman employee of .....  
(name of factory/plantation 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 behalf is enclosed

*Date*.....

*Signature or thumb-impression, of the  
woman.*

*Signature of an attesor in case the  
woman is not able to sip and  
affixes thumb-impression.*

**FORM 'H'**  
**(See Rule 10)**

To,  
The Inspector

Sir,

I..... (name of woman) employed in .....  
(name and full address of factory/plantation) 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 medicaTbenus and/or  
Rs .....being wages for leave due under Section 9 or 10  
but the same has been improperly withheld by the employer. He may,  
therefore, be directed to pay the amount to me.

*Date*.....

*Signature or thumb-impression of the  
woman.*

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

*Full address of the woman.*

\*Strike out unnecessary portion.

**FORM 'F'**  
(See Rule 10)

To,  
The Inspector,

.....(name), a person nominated under Section 6 by or a legal representative of.....(name of woman) employed in ..... (name and full address of factory/plantation) 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 / for Rs being the medical bonus and/or Rs being the wages for leave due under Section 9 or 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Date.....

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

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

*Full address of the nominee/legal  
representative.*

**FORM 'J'**  
(See Rule 11)

To,  
The Labour Commissioner,  
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 *facts* 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.

Date.....

*Signature of aggrieved person.  
Full address.*

**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 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 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. (1) Subject to the provisions of the Act, every woman who has actually worked in establishment of the employee from whom she claims maternity benefit for a period of not less than one hundred and sixty 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 six weeks immediately preceding and including the day of her delivery and for the six weeks immediately following that day

Provided 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 period of six 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 six weeks immediately 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 '13' 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 notice as soon** as pi Isible after the delivery.

(4) On receipt of the notice, the employer shall permit such, man to absent herself from the establishment until the expiry of six weeks 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 twenty-five Rupees, 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 'B' or Form 'D' be entitled to leave with wages at the rate of, maternity benefit, for a period of six weeks immediately 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'.

(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 'B' 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 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 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 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 the Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations and the decision of the Chief Inspector of Factories in respect of the factories and Chief Inspector of Plantations in respect of the plantations 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 Oroman works in any establishment after she has *been* permitted by her employer to absent herself under the provisions of the said 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 in writing in Form 'H' or as the case may be.

(2) The Inspector may, of his own motion or on receipt of a complaint in Form 'H' or make an enquiry or cause any enquiry to be made and if satisfied that payment had 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 the Labour Commissioner in Form T.

(4) The decision of the Labour Commissioner 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

(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 page 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 every factory/plantation 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 the factory/plantation.

(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.

(h) The employer of every factory/plantation shall on or before the 21st day of January in each year submit to the Chief Inspector of Factories in respect of the factories and the Chief Inspector of Plantations in respect of the plantations, 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.

**FORM 'L'**

(See Rule 16)

**Annual return for the year ending on the December 31, 19**

1. Name of the factory/plantation.....
2. Situation of factory/plantation.....
  - Mauna .....
  - District .....
  - State.....
  - Nearest Railway Station .....
3. Date of opening of the factory/plantation .....
4. Date of closing if dosed .....
5. Postal address of factory/plantation..... . • • •
6. Name of employer.....
  - postal address of employer .....
7. Name of managing agent, if any .....
- postal address of managing agent .....
8. Name of agent or representative of employer.....
  - postal address of representative of employer .....
9. Name of Manager .....
- postal address of Manager.....
10. (a) Name of Medical Officer attached to the factory .....
- (b) Qualification of Medical Officer attached to the factory/  
plantation.....
- (c) Is he resident at the factory/plantation ;
- (d) If a part-time employee, how often does he pay visits to the  
factory/plantation.....
11. (a) Is there any hospital at the factory/plantation ? .....
- (b) If so, how many beds are provided for the women employed?....
- (c) Is there a lady doctor? 4 .....
- (d) If so, what are her qualification?.....
- (e) Is there a qualified midwife? • .....
- (f) Has any creche been provided?

*Signature of employer*

**FORM 'M'**  
(See Rule 16)

**Employment, &enthral, payment of bonus, etc., of women for  
the year ending on December 31, 19**

- 1. Factory/Plantation.**
- 2. Aggregate number of women permanently or temporarily employed during the year.**
- 3. Number of women who worked for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of delivery.**
- 4. Number of women who have notice under Section 6.**
- 5. Number of women who were granted permission to absent on receipt of notice of confinement.**
- 6. Number of claims for maternity benefit paid.**
- 7. Number of claims for maternity benefit rejected.**
- 8. Number of cases where pre-natal confinement and post-natal care was provided by the management free of charge (Section 8).**
- 9. Number of claims, medical bonus paid (Section 8).**
- 10. Number of claims for medical bonus rejected.**
- 11. Number of cases in which leave for miscarriage was granted.**
- 12. Number of cases in which leave for miscarriage was applied for but was rejected.**
- 13. Number of cases in which additional leave for illness under Section 10 was granted.**
- 14. Number of cases in which additional leave for illness under Section 10 was applied for but was rejected.**
- 15. Number of women who died—**
  - (a) before delivery.**
  - (b) after delivery.**
- 16. Number of cases in which payment was made to persons other than the woman concerned.**
- 17. Number of women discharged or dismissed while working.**
- 18. Number of women deprived of maternity benefit and/or medical bonus under proviso to sub-section (2) of Section 12.**
- 19. Number of cases in which payment was made on the order of the Chief Inspector of Factories in respect of the factories and the Chief Inspector of Plantations in respect of the plantations or Inspector.**

**20. Remarks.**

*N.B.—Full particulars of each case and reasons for the action taken under serials 7, 10, 12, 14, 17 and 18 should be given in the Appendix below :*

*Signature of employer*

