

# Bihar Maternity Benefit Rules, 1964

BIHAR

India

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### Rule BIHAR-MATERNITY-BENEFIT-RULES-1964 of 1964

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Bihar Maternity Benefit Rules, 1964Published vide Notification No. 2/M1-101/64-L&E-10642 dated 21st November, 1964, Bihar Gazette Part 2, dated 27.1.1965Notification No II/M1-101/64-L&E-10642 the 21st November, 1964. - In exercise of the powers conferred by sub-section (1) of Section 28 of the Maternity Benefit Act, 1961 (53 of 1961), the Governor of Bihar is pleased to make the following Rules, the same having been previously published as required by sub-section (1) of the said Section of the said Act, namely:-

#### 1. Short title and commencement.

(1)These Rules may be called the Bihar Maternity Benefit Rules, 1964.(2)They shall come into force at once.

#### 2. Definition.

- In these Rules, unless the context otherwise requires-(a)the "Act" means the Maternity Benefit Act, 1961 (53 of 1961);(b)"Competent Authority" means in relation to establishments other than mines, the Chief Inspector appointed under sub-section (2) of Section 8 of the Factories Act, 1948 (63 of 1948) and includes a Deputy Chief Inspector of Factories;(c)"Establishment" wherever used in these Rules will refer to an establishment other than a mine to which the Act applies or has been applied;(d)"Form" means a Form appended to these Rules;(e)"Muster Roll" means a muster roll maintained under Rule 3;(f)"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 medicines;(g)"Section" means a section of the Act;(h)All other words and expressions used hereinafter and not defined in these rules but defined in the Act shall have same meaning as respectively assigned to them in the Act.

### **3. Muster Roll.**

(1)The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form "A" and shall enter therein particulars of all women workers employed in the establishment, in the manner required therein:Provided that the Inspector, if he is satisfied that any register or record maintained by any establishment in any other form furnishes all the required particulars, may in writing direct that the said Register or record be treated as muster roll for the purposes of this Rule.(2)All entries in the muster roll shall be made in ink and maintained up to date and it shall always be made available for inspection by the Inspector during the normal working hours of establishment.(3)The employer may enter in the muster roll such other particulars as may be required for any other purpose of the Act.(4)Every muster roll shall be preserved for a period of two years from the date of the last entry made therein and shall be produced before an Inspector whenever required within the said period.

### **4. Proof.**

(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 but of pregnancy, delivery, premature birth of a child or miscarriage shall be proved by the production of certificate to the effect-(a)from a Gazetted Officer of the State or Central Government; or(b)from an officer of the establishment in which the woman was employed holding a supervisory or managerial rank; or(c)from a member of Parliament, State Legislature, the Local Municipality, or Notified Area Committee, or any other Local Authority; or(d)from a Registered Medical Practitioner, vaid, Hakim, or Kaviraj.The certificate shall ordinarily be in Form "B", but a certificate in any other form shall also be accepted by the employer provided it furnishes all the relevant informations.(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 these production of a certificate to the effect in Form "C" from any of the person as referred to in sub-rule (1) or by 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 any establishment 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 Form 'E' and in case there is no nominee to her legal representative.(2)In case of doubt the maternity benefit or other amount due to a woman 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.(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 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'.(7)The wages payable under Section 10 shall be paid to the woman entitled to receive such wages within forty-eight hours of the production of the proof described in Rule 4.

## **6. Break for nursing child.**

- Each of the two breaks mentioned in Section 11 shall be of fifteen minutes' duration. In addition to these fifteen minutes sufficient time shall be allowed at each break to cover the distance from the place of work to the creche or to the place where the children are left by woman while on duty and back, provided it shall not be of less than five minutes and more than fifteen minutes. If any dispute arises regarding the total period of break, the matter shall be referred to the Competent Authority whose decision shall be final and binding.

## **7. Duties and powers of the Competent Authority and Inspector.**

(1)The Competent Authority shall be responsible for the administration of these Rules throughout the State of Bihar, except mines.(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 Competent Authority.(3)[ Every Inspector shall at each inspection of an establishment verify and satisfy himself-] [Substituted by S. O. 1135 dated 15.7.1974.](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 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, 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 irregularities pointed out a previous inspection have been remedied and how far orders previously issued have been complied with.(4)Without any prejudice to the powers conferred by Section 15 of the Act an Inspector may-(a)carry out such inspection, investigation and enquiry and require the production of such papers, records, registers or documents as he may consider necessary to ascertain that the provisions of the Act and these rules are being complied with and are not or have not been contravened;(b)ask an employer in writing to furnish such information within a specified time, as may be relevant to the enforcement of the Act and these Rules and as may be required in connection with any complaint made to him or with any contravention reported to him or brought to his notice;(c)ask an employer in writing to furnish such figures and statistics within a specified time, as may be required for the compilation of any statistics or data relating to the employment of woman of enforcement of the Act and these rules;(d)issue an inspection note to the employer mentioning

therein the defects, irregularities or violations observed by him, or issue an order directing the employer or rectify or remove within a specified time any defect, irregularity or contravention observed by him, and to report compliance to him, whether any prosecution in respect thereof is instituted or not; and(e)institute and conduct any prosecution in any Court of Law against any employer for any contravention of any of the provisions of the Act and these Rules.

## **8. Acts which constitute gross misconduct.**

- The following acts shall constitute gross misconduct for the purpose of Section 12, namely:-(a)wilful destruction of employer's goods or property;(b)assaulting 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 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 (d) of subsection (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 a 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 documents 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 the establishment 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) 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.(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 statement of the aggrieved person, and of the Inspector and seek clarification if any 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 'T'.

## **13. Non submission of notices, appeal 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 the 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 the last entry made therein.

## **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' shall be exhibited in such manner as the Competent Authority may require.

## **16. Annual Returns.**

(1)The employer of every establishment shall on or before the 21st day of January in each year submit to the Competent Authority a return in respect of the preceding year in each of the Forms 'L', 'M', 'N' and 'O' giving therein complete and correct informations as required to be furnished in the respective forms.(2)If the employer of an establishment to which the Act applies sells, abandons or discontinues the working of the establishment, he shall within one month of the date of sale or abandonment or within four months of the discontinuance, as the case may be submit to the Competent Authority 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)Muster RollName of Establishment.....

- 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 months 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
1	2	3	4	5

- 6. Date on which the woman gives notice 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 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.**
- 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 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 the establishment authenticating the entries in the muster roll.**

**21. Remarks column for the use of Inspector.**

Form B[See Rule 4 (1)]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 child within.....(month and days) from the abovementioned date/has undergone miscarriage/has been delivered of a child on (date) or is suffering from (date) from illness arising out of the pregnancy/delivery/premature birth of a child or miscarriage.....Date.....Signature, qualifications and designation of Medical Officer/Medical Practitioner.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 C[See Rule 4 (4)]This is to certify that Shrimati.....wife/daughter of.....employed in.....(name of establishment) 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.....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.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 E Notice Under Section 6 of the Maternity Benefit Act, 1961 [See Rule 5 (1)] To (Name of establishment) I..... (Name of woman), wife/daughter of..... (employed as..... at..... (name of establishment), hereby give notice that I, expected 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 received 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 affix thumb impression

Signature of thumb impression of woman.

Date.....

Form F Form of Receipt of Maternity [See Rule 5(3)] To..... (Name of establishment) I, the undersigned, a woman employee/the nominee of..... woman employee/legal representative..... woman employee deceased in..... (name of establishment) at..... in..... district received maternity benefit and/or other amount due under the Maternity Benefit Act, 1961, from the employer of the establishment 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 the leave period from..... to..... mentioned under Section 9 or 10.

\*My/her confinement/miscarriage took place on 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.

Date.....

Signature of an attestor in case the woman is not able to sign and affix thumb impression

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

\*Strike out unnecessary portion. Form G (See Rule 9) To The Competent Authority, appointed under the Maternity Benefit Act, 1961:..... (address) Sir, I,..... the undersigned, woman employee of..... (name of establishment 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 of an attester in case the woman is not able to sign and affix thumb impression      Signature or thumb impression of the woman.

Form H(See Rule 10)ToThe Inspector,(Under the Maternity Benefit Act 1961).....(Address)Sir,I.....(name of woman) employed in.....(name and full address of establishment) 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 10 but the same has been improperly withheld by the employer. He may, therefore be directed to pay the amount to me.

Date.....

Signature of an attester in case the woman is unable to sign and affix thumb impression      Signature or thumb impression of the woman.

Form I(See Rule 10)ToThe Inspector(Under the Maternity Benefit Act, 1961)Sir,I (name), a person nominated under Section 6 by or a legal representative of .....(name of woman) employed in.....(name and full address of establishment), 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 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.....

Date.....

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

Full address of the nominee/legal representative.\* Strike out unnecessary portion.Form J(See Rule 11)ToThe Competent Authority(appointed under the Maternity Benefit Act, 1961).....(Address)Sir,Shri ..... Inspector, having directed under sub-section (2) of Section 17 to pay the Maternity Benefit or other amount being.....(nature of amount) 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 an establishment of the employer 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 the qualifying period of one hundred and sixty 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 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 'D' 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 '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 to such persons 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 untill 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 a 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 or miscarriage shall, on production of a certificate in Form 'B' be entitled, in addition 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 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-employer 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 Competent Authority i.e., the Chief Inspector of Factories and the 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.**

**9.**

(1)Any woman claiming that maternity benefit or any other amount to which she is entitled under the Act and any person claiming the 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 the Chief Inspector of Factories.(4)The decision of the Chief Inspector of Factories where an appeal has been preferred to him or of the Inspector where no such appeal has been preferred to him 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', 'E', 'G' 'H', and 'I'.**

(b)The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of 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 every establishment in which woman are employed shall prepare and maintain a muster roll in Form 'A' 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, in each year submit to the Chief Inspector of Factories, 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 under the Maternity Benefit Act, 1961 for the year ending on the 31st December, 19..... General Instructions

**1. Name of the establishment.**

**2. Situation and address of the establishment.**

**3. Nearest Railway Station.**

**4. Date of opening of the establishment.**

**5. Date of closing, if closed.**

**6. [Name of employer] [Employer as defined in Section 3 (d).] Postal address of employer.**

**7. Name of Manager, Postal address of Manager.**

**8. (a) Name of Medical Officer attached to the establishment.**

(b) Qualification of Medical Officer attached to the establishment. (c) Is he resident at the establishment.

**9. If a part-time Medical Officer, how often does he pay visit to the establishment?**

**10. (a) Is there any hospital at the establishment?**

(b) If so, how many beds are provided for woman employees? (c) Is there a lady doctor? (d) If so, what are her qualifications? (e) Is there a qualified midwife? (f) Has any creche been provided? Signature of Employer. Date. Form M (See Rule 16) Annual return under the Maternity Benefit Act, 1961 for the year ending on the 31st December, 19- Employment, dismissal, payment of bonus, etc. of woman for the year ending on 31st December, 19-

**1. Name of establishment.**

- 2. Aggregate number of woman 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 gave 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 prenatal confinement and post-natal care was provided by the management free of charge (Section 8).**
- 9. Number of claims for medical bonus paid (Section).**
- 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 -**

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.(a)before delivery.(b)after delivery.

**16. Number of cases in which payment was made to persons other than the women 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 Competent Authority or Inspector.**

**20. Remarks.**

Signature of employer. Date..... Form N (See Rule 16) Annual return under the Maternity Benefit Act, 1961 for the year ending on the 31st December, 19..... Details of payment made during the year ending on the 31st, December 19 ... Name of person to whom paid..... amount paid.

**1. Date of payment**

**2. Woman employee.**

**3. Nominee of the woman.**

**4. Legal representative of the woman.**

**5. Amount for the period preceding date of expected delivery.**

**6. Amount for the subsequent period.....**

**7. Under Section 8 of the Act.....**

**8. Under Section 9 of the Act.....**

**9. Under Section 19 of the Act....**

**10. Number of woman workers who absconded after receiving the first instalment of maternity benefit.**

## 11. Cases where claims were contested in a court of law.....

## 12. Results of such cases.....

## 13. Remarks

Date.....Signature of employerForm O(See Rule 16)Annual return under the Maternity Benefit Act, 1961 for the year ending on the 31st December, 19 .....Prosecutions under the Maternity Benefit Act, 1961 during the year ending on the 31st December, 19.....Name of the Establishment.....

Number of cases instituted	Sections of the Act or of the Rule for thecontravention of which the cases were instituted and otherdetails of the prosecution.	No. of cases which resulted in conviction	Remarks
1	2	3	4

Date.....Signature of employer.N.B. - Reasons for prosecution should be given in full.