

SANKHLA CORPORATE SERVICES PVT. LTD.

**GUJARAT MATERNITY BENEFIT RULES,
1964**



**Sankhla
Consultants**

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The logo for Sankhla Consultants features a stylized graphic of three overlapping circles in shades of blue and orange, positioned above the company name. The name 'Sankhla' is written in a light blue, sans-serif font, and 'Consultants' is written below it in a bold, orange, sans-serif font.

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GUJARAT MATERNITY BENEFIT RULES, 1964¹

[15th April 1964]

No.KH-SH-228/MBA-1064-9932-I :- In exercise of the powers by conferred by section 28 of the Maternity benefit Act,1961 (53 of 1961) in its application to the State of Gujarat the Government of Gujarat hereby makes the following rules. namely:-

1. Short title and commencement

These rules may be called the Gujarat Maternity Benefit Rules, 1964.

2. Definitions

In these rules unless the context otherwise requires,

- (a) "the Act" means the Maternity Benefit Act, 1961 (53 of 1961);
- (b) "Competent Authority" means ²[the Commissioner of Labour, Gujarat]
- (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 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 in the establishment.
- (2) All entries in the muster roll shall be made in ink and maintained up-to-date and the muster roll shall always be available for inspection by 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. Form of notice under section 6

The written notice referred to in section 6 shall be in Form B.

5. Proof

- (1) The fact that a woman is pregnant or has been delivered or of a child has undergone miscarriage or is suffering from illness arising out by pregnancy, delivery, premature birth of child or miscarriage shall be proved by the production of certificate in Form C to that effect-
 - (a) from a Medical Officer attached to any Government Hospital dispensary.
 - (b) from a Medical officer attached to the hospital or dispensary establishment ; or

- (c) from any Registered Medical Practitioner.
- (2) The fact a woman has been confined may 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 qualified mid-wife.
 - (3) The fact that a woman has undergone miscarriage may also be proved by the production of a certificate signed by a qualified mid-wife.
 - (4) The fact of a death of a woman or a child may be proved by the production of a certificate to that effect in Form D 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) For the purpose of sub-rule (2) and (3) the qualifications to be possessed by a mid-wife shall be as deemed to be a qualified mid wife, if she has passed the examination conducted by the Gujarat Nursing Council for a fully qualified nurse, or possesses equivalent qualification from any other recognized institution.

6. Method and time of payment

- (1) Payment of maternity benefit and any other amount due under the Act shall be made by the employer to the woman Concerned or the person nominated by her in the notice in Form '13' or her legal representative, as the case may be,
- (2) 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.
- (3) The Medical bonus shall be paid along with the second instalment of the maternity benefits.
- (4) The payment under section 7 shall be made within two months of the death of the woman.
- (5) The wages due under section 9 shall be paid immediately production of the Certificate in Form C or Form E as the case may be;
- (6) The wages due under section 10 shall be paid within 48 hours of the expiry of the period of leave referred to in that section.

7. Break for nursing child

Each of the two breaks mentioned in section 11 shall be of 15 minutes duration.

Provided that in case the creche or the place where children are left by women while on duty is not in the vicinity of the place of work, a period upto 15 minutes more may be allowed for the purpose of journey to and from.

8. Duties and power of the Competent Authority and Inspectors

- (1) The Competent Authority shall be responsible for the due administration of these rules throughout the State.
- (2) Every Inspector shall discharge his duties within the local limits of his jurisdiction and shall act under the supervision and control of the Competent Authority.
- (3) Every Inspector shall at each inspection of an establishment see

- (a) Whether the action has been taken on every notice given under section;
 - (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 section of section 12 since the last inspection;
 - (d) whether the provision (1) of sub-section (1) of section 4, sub-section (5) and (6) of section 6, and sections 8, 9, 10, 11, 13 and 19 have been complied with and whether amounts due have been paid within the time prescribed under these rules;
 - (e) whether there have been any cases of deprivation of maternity benefits or medical bonus in contravention of sub-section (2.) of section.12, and
 - (f) how far the irregularities pointed out at previous inspection have been remedied and how far orders previously issued have been complied with.
- (4) An inspector may issue orders in writing to the employer asking for correction of all irregularities against the Act or these rules noticed by him.
- (5) The Inspector shall keep a file of the records of his inspection and shall indicate in a diary the work done by him.

9. Acts which constitute gross misconduct

The following acts shall constitute gross misconduct for purposes of section 12, namely:

- (a) wilful destruction of goods or property;
- (b) assault;
- (c) serious crime resulting in conviction in a court of law;
- (d) thefts, fraud or dishonesty in connection with the employer's business or property; and
- (e) deliberate tampering with safety arrangements especially if done with internet to cause harm to the employer.

10. Appeal under section 12

- (1) An Appeal under clause (b) of subs section (2) of section 12 shall be preferred to the Competent Authority Form G and it shall be written in Form G and duly signed by the appellant,
- (2) The appeal may be 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 appeal to the employer, call for reply thereto and also ask him to produce documents connected with the issue of the appeal before fixed date. The Competent Authority may ascertain further details if necessary, from the employer as from the appellant. On considering the facts presented to it and ascertained by it the Competent Authority shall give its decisions. In case the

employer fails to submit his reply or produce the required documents within the specified period the Competent Authority may give its decision ex parte.

11. 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 that 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 under section 7, as the case may be, immediately or within a specified to the woman or to the person claiming the period.

12. Appeal under section 17

- (1) An Appeal against the decision of an Inspector under sub-section (2) of Authority section 17, shall lie to the Competent Authority.
- (2) The Appeal shall be written in Form 'J' and duly signed by the appellant and may be accompanied in writing to the Competent Authority within the prescribed period by other supporting documents.
- (3) When an appeal is received the Competent Authority shall call upon the Inspector to produce before him, before a fixed date, a copy of his decision and other documents concerning the decision. The Competent Authority shall, if necessary, also record the statements of the Appellant and the Inspector and seek my clarification is required.
- (4) After taking into account the documents, the evidence produced before it and the facts presented to it or ascertained by it, the Competent Authority shall gives its decision.

13. Supply of forms

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

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. Record to be maintained by employer

The employer of every establishment shall prepare and maintain every year records in Forms K, L, M and N giving information as to the particulars specified in respect of the preceding year.

16. Repeal and Savings

On the commencement of these rules in the State of Gujarat any rules in force with respect to matters covered by these rules shall stand repealed, provided that anything done or any action taken under the provision of the rules hereby repealed shall be

deemed to have been taken under the corresponding provisions of these rules and

shall continue in force until superseded by anything done or any action taken under
the provisions of these rules.



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