

ABSTRACT OF THE MATERNITY ACT. 1961

1. No Employer shall knowingly employ a woman during six weeks immediately following the day 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 this period of six weeks for which she does not avail of leave of absence, any work which is of arduous nature or which involves long hours of standing or which in any way likely to interfere with her pregnancy or the normal development of the fetus or is likely to cause miscarriage or otherwise to adversely affect her health .
3. (I) Subject to the provisions of the Act. Every woman who has actually worked in and establishment of the employer from whom she claim maternity benefit or for a period not less than eighty days including the days during which she was laid off shall be entitled to and her employer shall be liable for the payment of the maternity benefit at the rate of her average daily wages or one rupees 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 six weeks immediately following that day : Provided that qualifying period of eighty days said shall not apply to a woman who has immigrated into the State of Punjab and was pregnant at the time of immigration . Provided further that where a woman dies during the afore-said shall not apply to a woman who has immigrated into the State of Punjab and was pregnant at the time of immigration. Provided further that where a woman dies during the afore-said shall not apply to a woman who has immigrated into the State of Punjab and was pregnant at the time of immigration. Provided further that where a woman dies during the period for which maternity benefit is payable to 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 upto and including the day of the death of the child.-
ii) 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 certification 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 the production of the certificate in the Form "C" or Form "E" 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. (i) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act, may give notice in writing in Form "B" to her employer stating that her maternity benefit and any other amount to which 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 received maternity benefit.

(ii) In the case of a woman who is pregnant , such notice shall state the date from which she will absent from work not being a date earlier than six weeks from the date of her expected delivery.

(iii) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery .

iv) On receipt of the notice, the employer shall, permit such woman to absent herself from the establishment until the expiry of six weeks, after the date of her delivery.

- 5) (i) 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 prenatal conferment and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second installment of the maternity benefit .

(ii) In case of miscarriage, a woman shall on production of a certificate in Form "C" or Form "B" be entitled to leave with wages at the rate of maternity benefit for a period of six weeks immediately following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in Form "C" Form "B".

(iii) A woman suffering from illness arising out of pregnancy. Delivery.

Premature birth of child or miscarriage shall on production of a certificate in Form "C" be entitled in addition to the period of absence allowed to her on account of maternity or miscarriage , at 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 the period.

- 6) Every woman delivered of a child who returns to duty after such delivery shall in addition to interval for rest allowed to her in the course of her daily work two breaks of 5 minutes duration for nursing the child until the child attains the age of fifteen months. An extra sufficient 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 crèche or the place where the children are left by women while on duty provided that such extra period shall not be less than 5 minutes and more than 15 minutes duration.

7. (i) When a woman absents herself from work in accordance with the provision of the Act. It shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to be given 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 .

- ii) a) The discharge or discharge or dismissal of woman at any time during 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) Willful destruction of employer's goods or property.
- ii) Assaulting any superior or co-employee at the place of work.
- iii) Criminal offence involving moral turpitude. Resulting in conviction in a court of law.
- iv) Theft, fraud or dishonesty in connection with the employer's business or property.
- v) Willful non-observance of safety measures or rules or the subject or willful 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, appealing Form "G" to the competent Authority 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 under the provisions of the Act. She shall forfeit her claim, to maternity benefit of such period.

9. (i) Any woman claiming that maternity benefit any other amount to which she is entitled under the Act and any person claiming that payment due has been improperly withheld may make a complaint to the inspector in writing in Form "H" or "I" as the case may be.

(ii) The inspector may of his own motion or on receipt of a complaint in Form "H" or "I" make an enquiry of 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.

(iii) 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 Competent Authority.

(iv) The decision of the Competent Authority where an appeal has been preferred to him or of the inspector where no such appeal has been preferred shall be final.

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

(b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to received 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. (i) 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 establishments.

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

(iii) The employer of every establishment shall on or before the 21st January in each year submit to the Competent Authority a return in each of the Form "K" ,"L","M" and "N" giving information as to the particulars specified in respect of the preceding year.