

**THE MATERNITY BENEFIT ACT,
1961**

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THE MATERNITY BENEFIT ACT, 1961

Act No. 53 of 1961

[12th December, 1961]

An Act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows

1. Short title extent and commencement

- (1) This Act may be called the Maternity Benefit Act, 1961.
- (2) It extends to the whole of India ¹[***].
- (3) It shall come into force on such date² as may be notified in this behalf in the Official Gazette,
 - (a) ³[in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government; and]
 - (b) In relation to other establishments in a State, by the State Government.

2. Application of Act

- (1) ⁴[It applies, in the first instance
 - (a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;
 - (b) to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed, or were employed, on any day of the preceding twelve months:]

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

- (2) ⁵[Save as otherwise provided in ⁶[sections 5A and 5B], nothing contained in this Act] shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948, apply for the time being.

STATE AMENDMENT

GUJARAT:

In section 2, after sub-section (2), insert the following sub-section, namely:

- “(3) Notwithstanding anything contained in sub-section (2), in the case of a factory or other establishment to which the provisions of the Employee’s State Insurance Act, 1948 apply for the time being, the provisions of the Act shall apply to a woman employed in such factory or establishment so long as she is not qualified to claim maternity benefit under section 50 of the Employees’ State Insurance Act, 1948.”

[Vide Gujarat Act 27 of 1965, section 2 (w.e.f. 6-12-1965.)]

3. Definitions

In this Act, unless the context otherwise requires:

- (a) "appropriate Government" means, in relation to an establishment being a mine, ⁷[or an establishment wherein persons are employed for exhibition of equestrian, acrobatic and other performances] the Central Government and in relation to any other establishment the State Government;
- (b) "child" includes a still-born child;
- (ba) ⁸["commissioning mother" means a biological mother who uses her egg to create an embryo implanted in any other woman.]
- (c) "delivery" means the birth of a child;
- (d) "employer" means
 - (i) in relation to an establishment which is under the control of the Government, a person or authority appointed by the Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;
 - (ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;
 - (iii) in any other case, the person who, or the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person.,
- (e) ⁹["establishment" means
 - (i) a factory;
 - (ii) a mine;
 - (iii) a plantation;

- (iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;
- (iv-a) ¹⁰[a shop or establishment; or]
- (v) an establishment to which the provisions of this Act have been declared under sub-section (1) of section 2 to be applicable;]
- (f) "factory" means a factory as defined in clause(m) of section 2 of the Factories Act, 1948;
- (g) "Inspector" means an Inspector appointed under section 14;
- (h) "maternity benefit" means the payment referred to in sub-section (1) of section 5;
- (ha) ¹¹ ["medical termination of pregnancy" means the termination of pregnancy permissible under the provisions of the Medical Termination of Pregnancy Act, 1971 (34 of 1971)]
- (i) "mine" means a mine as defined in clause (j) of section 2 of the Mines Act, 1952;
- (j) "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;
- (k) "plantation" means a plantation as defined in clause (f) of section 2 of the Plantations Labour Act 1951;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "State Government", in relation to a Union territory, means the Administrator thereof;
- (n) "wages" means all remuneration paid or payable in cash to a woman, in the terms of the contract of employment, express or implied, were fulfilled and includes
 - (1) such cash allowances (including dearness allowance and house rent allowance) as a woman is for the time being entitled to;
 - (2) incentive bonus; and
 - (3) the money value of the concessional supply of food grains and other articles, but does not include:
 - (i) my bonus other than incentive bonus;
 - (ii) overtimes earnings and any deduction or payment made on account of fines;
 - (iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the woman under any law for the time being in force; and
 - (iv) any gratuity payable on the termination of service;
- (o) "woman" means a woman employed, whether directly or through any agency, for wages in any establishment.

4. Employment of or work by, women prohibited during certain period

- (1) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery ¹² [miscarriage or medical termination of pregnancy].
- (2) No woman shall work in any establishment during the six weeks immediately following the day of her delivery ¹³[miscarriage or medical termination of pregnancy].
- (3) Without prejudice to the provisions of section 6, no pregnant woman shall on request being made by her in this behalf, be required by her employer to do during the period specified in sub-section (4) 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.
- (4) The period referred to in sub-section (3) shall be
 - (a) the period of one month immediately preceding the period of six weeks, before the date of her expected delivery;
 - (b) any period during the said period of six weeks for which the pregnant woman does not avail of leave of absence under section 6.

STATE AMENDMENT

ASSAM:

- (i) In sub-section (1) and (2), for the words "six week", substitute "eight month"
[Vide Assam Act 12 of 1964, sec. 2]
- (ii) In sub-section (4), in clauses (a) and (b), for the word "six", substitute "four".
[Vide Assam Act 1 of 1965, sec. 2.]

5. Right to payment of maternity benefit

- (1) ¹⁴[Subject to the provision of this Act, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day]

Explanation: For the purpose of this sub-section, the average daily wage means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absent herself on account of maternity, ¹⁵[the minimum rates of wages fixed or revised under the Minimum Wages Act, 1948 (11 of 1948) or ten rupees, whichever is the highest].

- (2) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than ¹⁶[eighty days] in the twelve months immediately preceding the date of her expected delivery:

Provided that the qualifying period of ¹⁷[eighty 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.

Explanation: For the purpose of calculating under this sub-section the days on which a woman has actually worked in the establishment, ¹⁸[the days for which she has been laid off or was on holidays declared under any law for the time being in force to be holidays with wages] during the period of twelve months immediately preceding the date of her expected delivery shall be taken into account.

- (3) ¹⁹[The maximum period for which any woman shall be entitled to maternity benefit shall be ²⁰[twenty-six weeks of which not more than eight weeks] shall precede the date of her expected delivery:

²¹ [Provided that the maximum period entitled to maternity benefit by a woman having two or more than two surviving children shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery.]

²² [Provided further that] where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death:

²³ ²⁴[Provided also that] where a woman, having been delivered of a child, dies during her delivery or during the period immediately following the date of her delivery for which she is entitled for the maternity benefit, leaving behind in either case the child, the employer shall be liable for the maternity benefit for that entire period but if the child also dies during the said period, then for the days up to and including the date of the death of the Child].

- (4) ²⁵ [A woman who legally adopts a child below the age of three months or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be.]
- (5) ²⁶[In case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree.]

STATE AMENDMENT

ASSAM:

For section 5, substitute the following section, namely:

- “5. Right to payment of Maternity benefit: Subject to the provision of this Act every woman shall be entitled to, and her employer shall be liable for, the payment of maternity

benefit at the rate of her wages for the period as prescribed under sub-section (3). Such payment shall be made weekly in case of a woman working on daily wage basis and monthly in case of a woman working on monthly wage basis.

Explanation: For the purpose of this sub-section, weekly payment of wages means in case of woman working on daily basis, such daily wage multiplied by six.

- (2) No woman shall be entitled to maternity benefit unless she has worked directly under the employer from whom she claims such benefit for a total of one hundred and fifty days during the period of twelve months immediately preceding the date on which the notice of expected delivery is given and where no notice has been given or in case of miscarriage during the twelve months preceding the date of delivery or the date of miscarriage:

Provided that the qualifying period of one hundred and fifty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of immigration.

Explanation: In computing the number of days on which a woman worked, the days on which (a) she has been laid-off under an agreement or as permitted by Standing Orders under Industrial Employment (Standing Orders) Act, 1946 or under the Industrial Dispute Act, 1947 and (b) she has been on leave with full wages, earned in the previous year or on maternity leave or on such leave shall be included.

- (3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks that is to say, four weeks upto and including the day of delivery and eight weeks immediately following the day of delivery:

Provided that where a woman dies during this period the maternity benefit shall be payable only for the days upto and including the day of her death.

Provided further that when a woman having been delivery of a child/ children dies during her delivery or during the period of eight weeks immediately following the date of her delivery, leaving behind in either case the child or children, the employer shall be liable for the maternity benefit for the entire period of eight weeks immediately following the day of her delivery but if the child/ children also dies/die during the said period, then, for the days upto and including the day of the death Of the child/ children, as the case may be."

[Vide Assam Act 13 of 1964, sec. 3 and I of 1965, sec. 3.]

5A. ²⁷[Continuance of payment of maternity benefit in certain cases

Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees' State Insurance Act, 1948 (31 of 1948), to the factory or other establishment in which she is employed continue to be so entitled until she becomes qualified to claim maternity benefit under section 50 of that Act.]

5-B. ²⁸[Payment of maternity benefit in certain cases

Every woman

- (a) who is employed in a factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 (34 of 1948). apply;
- (b) whose wage (excluding remuneration for over-time work) for a month exceed the amount specified in sub-clause (b) of clause (9) of section 2 of that Act; and
- (c) who fulfils the conditions specified in sub-section (2) of section 5, shall be entitled to the payment of maternity benefit under this Act.]

6. Notice of claim for maternity benefit and payment thereof

- (1) Any woman employed in an establishment and entitled to the maternity benefit under the provisions of this Act may give notice in writing in such form as may be prescribed, to her employer, stating that her maternity 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 such notice as soon as possible after the delivery.
- (4) ²⁹[On receipt of the notice, the employer shall permit such woman to absent herself from the establishment during the period for which she receives the maternity benefit.]
- (5) 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 such proof as may be prescribed that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed that the woman has been delivered of a child.
- (6) The failure to give notice under this section shall not disentitle a woman to maternity benefit or any other amount under this Act if she is otherwise entitled to such benefit or amount and in any such case an Inspector may either of his own motion or on application made to him by the woman order the payment of such benefit or amount within such period as may be specified in the order.

STATE AMENDMENT**ASSAM:**

For section 6, in sub-section (2), for the word "six", substitute "four".

[Vide Assam Act 1 of 1965, sec. 4.]

In section 6, for sub-section (5), substitute the following sub-section, namely:

“(5) The amount of maternity benefit for the period preceding the date of her expected delivery and the amount due for the subsequent period shall be paid by the employer on production of such proof as may be prescribed regarding pregnancy and delivery of a child.”

7. Payment of maternity benefit in case of death of a woman

If a woman entitled to maternity benefit or any other amount under this Act, dies 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, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 6 and in case there is no such nominee, to her legal representative.

8. ³⁰Payment of medical bonus

(1) Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of ³¹ [Three thousand five hundred rupees,] if no pre-natal confinement and postnatal care is provided for by the employer free of charge. (2)

(2) The Central Government may before every three years, by notification in the Official Gazette, increase the amount of medical bonus subject to the maximum of twenty thousand rupees.]

9. ³²[Leave for miscarriage, etc.

In case of miscarriage or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed, 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 or, as the case may be, her medical termination of pregnancy.]

STATE AMENDMENT

ASSAM:

In section 9, for the words “six weeks”, substitute “eight”.

[Vide Assam Act 12 of 1964, sec. 5.]

Ed. This amendment pertains to section 9, before section 9 was substituted by Act 29 of 1995, sec. 4 (w.e.f. 1-2-1996).]

9-A. ³³[Leave with wages for tubectomy operation

In case of tubectomy operation, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of her tubectomy operation.]

10. Leave for illness arising out of pregnancy, delivery, premature birth of child,³⁴[miscarriage, medical termination of pregnancy or tubectomy operation]

A woman suffering from illness arising out of pregnancy, delivery, premature birth of child³⁵ [miscarriage, medical termination of pregnancy or tubectomy operation] shall, on production of such proof as may be prescribed, be entitled in addition to the period of absence allowed to her under section 6 or, as the case may be, under section 9, to leave with wages at the rate of maternity benefit for a maximum period of one month.

11. Nursing breaks

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 prescribed duration for nursing the child until the child attains the age of fifteen months.

11A.³⁶ [Creche facility

- (1) Every establishment having fifty or more employees shall have the facility of crèche within such distance as may be prescribed, either separately or along with common facilities:

Provided that the employer shall allow four visits a day to the creche by the woman, which shall also include the interval for rest allowed to her.

- (2) Every establishment shall intimate in writing and electronically to every woman at the time of her initial appointment regarding every benefit available under the Act.]

12. Dismissal during absence of pregnancy

- (1) When a woman absents herself from work in accordance with the provisions of this Acts, 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 referred to in section 8, shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided that where the dismissal is for any prescribed gross misconduct, the employer may, by order in writing communicate to the woman, deprive her of the maternity benefit or medical bonus or both.

- (b) ³⁷[Any woman deprived of maternity benefit or medical bonus, or both, or discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Act, may, within sixty days from the date on which order of such deprivation or discharge or dismissal is communicated to her, appeal to such authority as may be prescribed, and the decision of that authority on such appeal, whether the woman should or should not be deprived

of maternity benefit or medical bonus, or both, or discharged or dismissed shall be final].

- (c) Nothing contained in this sub-section shall affect the provisions contained in sub-section (1).

13. No deduction of wages in certain cases

No deduction from the normal and usual daily wages of a woman entitled to maternity benefit under the provisions of this Act shall be made by reason only of,

- (a) the nature of work assigned to her by virtue of the provisions contained in sub-section (3) of section 4; or
- (b) Breaks for nursing the child allowed to her under the provisions of section 11.

14. Appointment of Inspectors

The appropriate Government may, by notification in the Official Gazette, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits of the jurisdiction within which they shall exercise their functions under this Act.

15. Powers and duties of Inspectors

An Inspector may, subject to such restrictions or conditions as may be prescribed, exercise all or any of the following powers, namely

- (a) enter at all reasonable time with such assistants, if any, being persons in the service of the Government or any local or other public authority, as he thinks fit, any premises or place where woman are employed or work is given to them in an establishment, for the purposes of examining any registers, records and notices required to be kept or exhibited by or under this Act and required their production for inspection.
- (b) examine any person whom he finds in any premises or place and who, he has reasonable cause to believe, is employed in the establishment:
- Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself;
- (c) require the employer to give information regarding the names and addresses of women employed, payment made to them, and applications or notices received from them under this Act: and
- (d) take copies of any registered and records or notices or any portions thereof.

16. Inspectors to be public servants

Every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, (45 of 1860).

17. Power of Inspector to direct payments to be made

- (1) ³⁸[Any woman claiming that,

- (a) maternity benefit or any other amount to which she is entitled under this Act and any person claiming that payment due under section 7 has been improperly withheld;
 - (b) her employer has discharged or dismissed her during or on account of her absence from work in accordance with the provisions of this Act,
may make a complaint to the Inspector.
- (2) The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section (1), make an inquiry or cause an inquiry to be made and if satisfied that
- (a) payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders;
 - (b) she has been discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Act, may pass such orders as are just and proper according to the circumstances of the case].
- (3) Any person aggrieved by the decision of the Inspector under sub-section (2) may, within thirty days from the date on which such decision is communicated to such persons, appeal to the prescribed authority.
- (4) The decision of the prescribed authority where an appeal has been preferred to it under sub-section (3) or of the Inspector where no such appeal has been preferred, shall be final.
- (5) ³⁹[Any amount payable under this section shall be recoverable by the Collector on a certificate issued for that amount by the Inspector as an arrear of land revenue].

18. Forfeiture of maternity benefits

If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of section 6 for any period during such authorised absence, she shall forfeit her claim to the maternity benefit for such period.

19. Abstract of Act and rules thereunder to be exhibited

An abstract of the provisions of this Act and the rules made thereunder in the language or languages of the locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed.

20. Registers etc.

Every employer shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

21. Penalty for contravention of Act by employer

- (1) ⁴⁰[If any employer fails to pay any amount of maternity benefit to a woman entitled under this Act or discharges or dismisses such woman during or on account of her absence from work in accordance with the provisions of this Act, he shall be

punishable with imprisonment which shall not be less than three months but which may extend to one year and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees:

Provided that the court may, for sufficient reasons to be recorded in writing impose a sentence of imprisonment for a lesser term or fine only in lieu of imprisonment.

- (2) If any employer contravenes the provisions of this Act or the rules made thereunder, he shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both:

Provided that where the contravention is of any provision regarding maternity benefit or regarding payment of any other amount and such maternity benefit or amount has not already been recovered, the court shall, in addition, recover such maternity benefit or amount as if it were a fine and pay the same to the person entitled thereto].

22. Penalty for obstructing Inspector

Whoever fails to produce on demand by the Inspector any register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by an Inspector shall be punishable with imprisonment which may extend to ⁴¹[one year, or with fine which may extend to five thousand rupees, or with both].

23. Cognizance of offences

- (1) ⁴²[Any aggrieved woman an office- bearer of a trade union registered under the Trade Unions Act, 1926 (16 of 1926) of which such woman is a member or a voluntary organisation registered under the Societies Registration Act, 1860 (21 of 1860) or an Inspector, may file a complaint regarding the commission of an offence under this Act in any court of competent jurisdiction and no such complaint shall be filed after the expiry of one year from the date on which the offence is alleged to have been committed.
- (2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act].

24. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

25. Power of Central Government to give directions

The Government may give such directions as it may give deem necessary to a State Government regarding the carrying into execution of the provisions of this Act and the State Government shall comply with such direction.

26. Power to exempt establishments

If the appropriate Government is satisfied that having regard to an establishment or a class of establishments providing for the grant of benefits which are not less favourable than those provided in this Act, it is necessary so to do, it may, by notification in the Official Gazette, exempt subject to such conditions and restrictions, if any, as may be specified in the notification, the establishment or class of establishments from the operation of all of or any of the provisions of this Act or of any rule made thereunder.

27. Effect of laws and agreement inconsistent with this Act

- (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a woman is entitled to benefits respect of any matters which are more favourable to her than those to which she would be entitled under this Act, the woman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

- (2) Nothing contained in this Act shall be construed to preclude a woman from entering into an agreement with her employer for granting her rights or privileges in respect of any matter which are more favourable to her than those to which she would be entitled under this Act.

28. Power to make rules

- (1) The appropriate Government may, subject to the condition of previous publication and by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the preparation and maintenance of registers, records and muster rolls;
 - (b) the exercise of powers (including the inspection of establishments and the performance of duties by Inspectors for the purposes of this Act;
 - (c) the method of payment of maternity benefit and other benefits under this Act in so far as provision has not been made therefor in this Act;
 - (d) the form of notices under section 6;
 - (e) the nature of proof required under the provisions of this Act;
 - (f) the duration of nursing breaks referred to in section 11;
 - (g) acts which may constitute gross misconduct for purposes of section 12;

- (h) the authority to which an appeal under clause (b) of sub-section (2) of section 12 shall lie; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;
 - (i) the authority to which an appeal shall lie against the decision of the Inspector under section 17; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;
 - (j) the form and manner in which complaints may be made to Inspector under sub-section (1) of section 17 and the procedure to be followed by them when making inquiries or causing inquiries to be made under sub-section (5) of that section;
 - (k) any other matter which is to be, or may be, prescribed.
- (3) ⁴³[Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session ⁴⁴[or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

29. Amendment of Act 69 of 1951

In section 32 of the Plantations Labour Act, 1951

- (a) in sub-section (1), the letter and brackets "(a)" before the words "in the case of sickness", the word "and" after the words "sickness allowance" and clause (b) shall be omitted;
- (b) in sub-section (2), the words "or maternity" shall be omitted.

30. Repeal

On the application of this Act

- (i) to mines, the Mines Maternity Benefit Act, 1941; and
- (ii) to factories situate in the Union territory of Delhi, the ⁴⁵[Maharashtra] Maternity Benefit Act, 1929 ⁴⁶[Maharashtra] Act VII of 1929, as in force in that territory, shall stand repealed.

STATE AMENDMENT

Section 31

GUJARAT:

After section 30, add the following section, namely:

"31 Repeal of Bombay Act VII of 1929: On the date of the commencement of this Act in the State of Gujarat under clause (b) of sub-section (3) of section I, the Bombay Maternity

Benefit Act, 1929 and that Act, as adapted and applied to the Saurashtra area of the State of Gujarat shall stand repealed:

Provided that the repeal shall not affect:

- (a) The previous operation of the Acts so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Acts, or
- (c) any penalty, forfeiture or punishment incurred under them in respect of any offence, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not come into force:
- (e) Provided further that anything done or any action taken under the provisions of the Acts repealed under this section shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force until superseded by anything done or any action taken under the provisions of this Act."

[Vide Gujarat Act 30 of 1963, sec. 2 (w.e.f. 6-6-1963).]

1 The words "except the State of J & K" omitted by Act 51 of 1970, sec. 2 and Sch. (w.e.f.1.9.1971).

2 1st Nov. 1963 vide Notification No. S.O. 2920, dated 5th Oct., 1963, Gazette of India, Part II Sec. 3(ii), page 3735.

3 Subs. by Act 52 of 1973, sec. 2 for clause (a) (w.e.f. 1.3.1975)

4 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

5 Subs. by Act 21 of 1972, Sec. 2 nothing contained in this Act.

6 Subs. by Act 53 of 1976, sec. 2 for "sec. 5A" (w.e.f. 1.5.1976)

7 Ins. by Act 52 of 1973, sec. 4 (w.e.f. 1.3.1975)

8 Inserted by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

9 Subs. by Act 52 of 1973, sec.3 (w.e.f. 1975)

10 Ins. by Act 61 of 1988, (w.e.f. 10.1.1989)

11 Ins. by Amendment Act No.29 of 1995, dt. 17.8.1995.

12 Subs. by Amendment Act No.29 of 1995, dt. 17.8.1995.

13 Subs. by Amendment Act No.29 of 1995, dt. 17.8.1995.

14 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

15 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

16 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

17 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

18 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

19 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

20 Subs. by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

21 Inserted by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

22 Subs. by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

23 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)

24 Subs. by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

25 Inserted by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

26 Inserted by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.

27 Ins. by Act 21 of 1972, sec. 3 (w.e.f. 1972)

28 Ins. by Act 53 of 1976, (w.e.f. 1.5.1976)

- 29 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 30 Subs. by Act No.15 of 2008 dated 1.4.2008 (w.e.f. 15.4.2008). Now the amount of Medical Bonus has been raised to Two Thousand Five Hundred Rupees to three thousand five hundred rupees by Notification No.S.O.2831(E) dated 9.12.2011 (w.e.f. 9.12.2011)
- 31 Substituted by Vide S.O. 2016(E), dated 11th August, 2008, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 11th August, 2008 and corrigendum S.O. 2831(E), dated 19th December, 2011.
- 32 Subs. by Amendment Act No.29 of 1995 (w.e.f. 1.2.1996)
- 33 Ins. by Amendment Act No.29 of 1995 (w.e.f. 1.2.1996).
- 34 Subs. for "or miscarriage" by Act 29 of 1995, S.6 (w.e.f. 1.2.1996)
- 35 Subs. for "or miscarriage" by Act 29 of 1995, S.6 (w.e.f. 1.2.1996)
- 36 Inserted by The Maternity Benefit (Amendment) Act, 2017, GSR No. 6, dated 28th March, 2017.
- 37 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 38 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 39 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 40 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 41 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 42 Subs. by Act 61 of 1988 (w.e.f. 10.1.1989)
- 43 Subs. by Act 52 of 1973, sec. 5 for certain words (w.e.f. 1.3.1975)
- 44 Subs. by Act 52 of 1973, sec. 5 for certain words (w.e.f. 1.3.1975)
- 45 Subs. by Act No. XXIV of 2012 dated 22.8.2012 for the words Bombay to Maharashtra.
- 46 Subs. by Act No. XXIV of 2012 dated 22.8.2012 for the words Bombay to Maharashtra.