

GOVERNMENT OF KERALA
THE KERALA MATERNITY BENEFIT RULES, 1958

Labour and Local Administration Department (Labour)

NOTIFICATION

No. L3-18217/58/L&LAD. Dated, Trivandurm, 17th April 1958.

In exercise of the power conferred by Section 20 of the Kerala Maternity Benefit Act, 1957 (Act 19 of 1957) Government of Kerala hereby make the following rules, the same having been previously published as required by sub-section (4) of the said Section.

By order of the Governor,
P.I. Jacob,
Secretary.

THE KERALA MATERNITY BENEFIT RULES, 1958

1. These rules may be called the Kerala Maternity Benefit Rules, 1958.
2. In these rules, “the Act” means the Kerala Maternity Benefit Act, 1957.
 3. (1) The notice to be given by a woman to her employer under sub-section (1) of Section 5 of the Act shall be in Form A annexed to these rules.
(2) For the purposes of sub-section (3) of Section 5 of the Act, the fact that a women has been confined shall be proved by the production of a certified extract from a birth register or a certificate signed by a certifying surgeon or a register Medical Practitioner or a qualified midwife.
(3) For the purposes of Section 6 of the Act the miscarriage of a woman may also be proved by the production of a certified signed by a Surgeon or Medical Practitioner.
(4) For the purposes of Section 7 of the Act the illness of a woman arising out of pregnancy or confinement shall be proved by the production of a certificate singed by a Certifying Surgeon or a registered Medical Practitioner.
(5) For the purposes of Section 8 of the Act a certificate singed by a Certifying Surgeon or a registered Medical Practitioner or a qualified midwife shall be produced. The person issuing such certificate shall state therein that the woman concerned has utilized his/her services before or during or after confinement and shall also state the period during which the woman concerned had been under his/her medical attention.
(6) For the purposes of Section 9 of the Act, the death of a woman may be proved either by the production of a certificate to that effect from a Certifying Surgeon or from a registered Medical Practitioner or by the production of a certified extract from a death register.
(7) For the purposes of sub-rule (1) to (5) the qualifications to be possessed by a midwife shall be notified by the Government.
(8) The certificate to be issued under Section 6 of the Act and under sub-rule (3) and (4) shall be in Form ‘B’ and under sub-rules (2) and (5) shall be in Form ‘C’ and under sub-rule (6) shall be in Form ‘D’ annexed to these rules.
4. (1) The woman entitled to the benefits under Section 6 or 7 or 8 of the Act shall send the certificate specified in Section 6 of the Act or prescribed in Sub-rules (3) or (4) of rules 3 as the

case may be, to the employer with a notice in Form E annexed to these rules within seven days of availing herself of the leave and shall send the certificate prescribed in sub-rule (5) of rule 3 to the employer along with a notice in Form F before the expiry of seven days from the date of confinement :

Provided that non-compliance of the procedure laid down in the sub-rule shall not disentitle a woman to the benefits if she is found to be illiterate.

(2) The amount of benefits under sections 6 and 7 for the period up to the production of the certificates prescribed in sub-rules (3) and (4) or rule 3 shall be paid by the employer to the woman within forty-eight hours of the production of such certificate and the amount due for the subsequent period shall be paid punctually each work in arrear.

(3) The amount payable under Section 8 shall be paid within forty-eight hours of the production of the certificate prescribed in sub-rule (5) of rule 3.

5. (1) An appeal against the orders of an Inspector under sub-section (2) of Section 11 of the Act shall lie to the Labour Commissioner or such authority as the Government may be notification in the Gazette appoint in this behalf. The appellate authority after giving both parties an opportunity of being heard shall either reject the application or decide in any manner it deems fit.

(2) All appeals under sub-rule (1) shall be in form of a memorandum setting forth concisely the grounds of objections to the order bearing court fee stamps in accordance with the law relating to Court fees in force for the time being and shall be accompanied by a certified copy of the order appealed against duly signed by the appellant or on his behalf by a duly authorized agent or legal practitioner. An appeal shall be considered valid only if submitted within two months from the date of the order appealed against.

(3) On receipt of the memorandum of appeal, the appellate authority may if it thinks fit appoint an assessor within two weeks to assist in the disposal of the appeal. It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against.

6. Every Inspector shall have power, within the local Limits of his Jurisdiction-

(a) to require the production of, and to examine, such records as are maintained in the factory or plantation, or establishment, and

(b) to make such enquiries as may be necessary for the purpose of ascertaining whether the provisions of the Act or the rules made thereunder, have been or are properly carried out :

Provided that he shall not require any employer to answer any question or to give any evidence tending to criminate himself.

7. (1) An Inspector shall at each inspection of factory or plantation or establishment satisfy himself-

(a) that due action has been taken on every notice given under sub-rule (1) of rule 3 and under sub-rule (1) of rule 4;

(b) that the muster roll prescribed in Rule 14 is correctly maintained;

(c) that the amount of maternity benefit and other benefits have been correctly calculated and paid within the time prescribed;

(d) that provision of section 21 of the Act has been complied with.

(2) The Inspector shall issue orders in writing to the employer asking for the correction of all irregularities under the Act notice by him and shall institute prosecutions for breaches of law whenever deemed necessary.

(3) The Inspector shall keep a file of the records of his inspection and shall indicate in a diary the work done by him under the Act.

8. (1) The payment of any amount against the claim under Section 5,7 and 8 of the Act shall be made by the employer to the woman worker concerned or if the woman is dead, to the person who undertakes the care of the child if the child is living and if the child is dead, to the persons nominated by her in the notice given under sub-rule (1) of rule 3 or under sub-rule (1) of rule 4 as the case may be, and if there is no such person, to her legal representative.

(2) The payment of any amount against the claim under Section 6 shall be made by the employer to the woman concerned or if the woman is dead to the persons nominated by her in the notice given under sub-rule (1) of rule 4 and if there is no such person, to her legal representative.

(3) Whenever the payment referred to in sub-rules (1) and (2) is made a receipt shall be obtained by the employer in Form G annexed to these rules.

9. The person who claims the maternity benefits under Sections 5,7 and 8 as the person who has undertaken the care of the child referred to in sub-rule (1) of rule 8 shall give the undertaking to take care of the child in writing to the employer.

10. The employer on receipt of notice under sub-rule (1) of rule 3 or under sub-rule (1) of rule 4 for benefits together with the proof specified in sub-section (1) of Section 6 or prescribed in sub-rules (2), (3) (4) and (5) or rule 3 as the case may be, shall give the worker an acknowledgment within forty-eight hours in Form H annexed to these rules.

11. When a worker is not eligible to receive any of the benefits claimed for, the employer shall intimate the fact to the worker in Form I annexed to these rules within 48 hours after the receipt of the notice under sub-rule (1) or rule 3 or under sub-rule (1) of rule 4 stating clearly the reasons for the non-payment of the benefit. A copy of this reply shall be sent to the Inspector also within the time stipulated above.

12. Records relating to the payment of benefits under the provisions of the Act or these rules shall be preserved for a period of two years from the date of their preparation.

13. Every employer of women in a factory or plantation or establishment shall before the 31st January every year furnish to the Inspector specified in this behalf by the Government by notification in the Gazette an annual return in Form J annexed to these rules for the year ending on the 31st day of December immediately preceding.

14. (1) Every employer in a factory or plantation or establishment in which women are employed shall prepare and maintain a muster roll in Form K annexed to these rules and shall enter therein the names particulars of all women workers in the factory or plantation or establishment:

Provided that entries in columns 5 to 19 shall be made within forty-eight hours of the receipt of notices prescribed under sub-rule (1) of rule 3 or under sub-rule (1) of rule 4 are received.

(2) All entries in the muster-roll shall be made in ink and maintained up-to-date and it shall be made available for inspection by the Inspector on the premises during the working hours.

(3) The employer may enter in the muster-roll such other particulars as may be required for any other purpose.

15. (1) Any employer who contravenes the provisions of Rules 14 shall be punishable with fine which may extend to fifty rupees.

(2) Any person who :

(a) willfully obstructs an Inspector in the exercise of his powers or the performance of his duties under these rules, or

(b) fails to produce on demand (i) the muster roll, or (ii) the notices given under sub-rule (1) of rule 3 or under sub-rule (1) or rule 4.

(iii) the receipts for the benefits paid or any other document necessary to enable an Inspector to ascertain whether the provisions of the Act and these rules have been complied

with or not, or

- (c) fails to submit any return or to preserve any records as required by these rules, or
- (d) fails to acknowledge receipt of the notices from the worker under rule 10, or
- (e) fails to give intimation regarding non-eligibility of worker for benefits under rule 11 shall be punishable with fine which may extend to fifty rupees.

ANNEXURE

FORM A

[See under sub-rule (1) of rule 3]

1, daughter*/wife of employed in department/section*/group No.....of factory*/establishment*/plantation hereby give notice that*/ I expect to be confined within 4 weeks immediately following the date of this notice and that I will absent myself from work with effect from */I gave birth to a child on

2. For the purpose of rule 8 (1) I hereby nominate (here enter name and address of the nominee) to receive maternity benefit due to me in case of my death.

3. A copy of a certified extract from a birth register*/A certificate signed by (name of the person who issued the certificate may be given) is enclosed.

Given this date

Signature/Thumb impression.

Signature of

Atteestor in case the woman

Affixes thumb impression

Address
.....
.....

To

The employer,

..... (name of factory/establishment/
plantation) and full address.

FORM B

[See sub-rule (8) of Rule 3]

Certificate of illness*Miscarriage

This is to certify that I have examined Smt. daughter*/wife of employed in factory*/establishment*/plantation at in the district of on and found her suffering form She is/has been carrying months, I recommend..... days of absence from work from

Signature, qualification and designation of

Certifying Surgeon/Medical/Practitioner/Midwife

FORM C

[See sub-rule (2) & (8) of rule 3]

Certificate of Confinement

This is to certify that Smt. daughter/wife or
employed in factory/establishment/plantation had utilized my services
before or/and during or /and after confinement and that she gave birth to a child on
..... She has been under my medical attention from to
.....

Place
Date

Signature, qualification and designation of
Certifying Surgeon/Medical Practitioner/Midwife.

FORM D

[See sub-rule (8) of Rule 3]

Certificate of Death

This is to certify that Smt. daughter/wife or employed in factory/establishment/plantations expired on before/during/after confinement. The child died on/survives her.

Place
Date

Signature, qualification and designation of
Certifying Surgeon/Registered practitioner/Midwife.

FORM E

[See sub-rule (1) of Rule 4]

I wife/daughter of employed in department/group*/No Section of Factory*/plantation*/establishment hereby give notice that I am suffering from/suffered miscarriage on with effect from and that I may be granted leave with effect from the above date till as provided under Section 6*/7.

2. For the purpose of sub-rule (1) of Rule 8 I hereby nominate (name and address of the nominee) to receive allowance due to me in case of my death.

3. The required certificate signed by (here enter the name and designation of the person who signed the certificate) is enclosed.

Given this date

Signature/thumb impression

Signature of attester in case of
Woman affixes thumb impression.

Address

To
The Employer (name etc.)

FORM F

[See sub-rule (1) of Rule 4]

I, wife/daughter of employed in Department/Section/Group No. of factory/establishment/plantation hereby give notice that I gave birth to a child on

2. I have utilised the services of (here enter name and address of the person who attended her) before/during/after my confinement.

3. For the purpose of sub-rule (1) of rule (8) I hereby nominate

..... (here enter name and full address of nominee) to receive the bonus due to me in case of my death.

Given this day
Signature/thumb impression.

Signature of attestation in case of
Woman affixes thumb impression
Address

To
The Employer (name etc.)
.....(name of Factory/establishment/Plantations.)

FORM G
[See Rule 8 (3)]

Name of factory or plantation or establishment I
.....the undersigned woman worker/who *has undertaken
the care of the child of woman worker/*the nominee of woman worker
...../*the legal representative of woman worker in the
factory/*plantation/*establishment atTaluk received benefits under
Section 5/*6/*7/*8 of the Kerala Maternity Benefit Act, 1957 from the employer of the
factory/*plantation/*establishment referred to above as detailed below:-

*Rs. being the advance before confinement paid on
*Rs.
*Rs. being the *1st/*2nd/*3rd instalment of maternity benefit after confinement
paid on *Rs.
*Rs. being the *1st/*2nd/*3rd instalment of allowance for miscarriage paid on
.....
*Rs. being the *1st/*2nd/*3rd instalment of illness allowance paid on.....
.....
*Rs. being the bonus paid on
*My----- confinement took place on 's
..... 's death took place on in.....
..... consequence I, being the person who has
undertaken the *being her nominee
care of her child.....
being her legal representative
have received the aforesaid amount as prescribed in sub-rules (1) and (2) or rule 8 of the Kerala
Maternity Benefit Rules, 1958.

*woman worker

*the person who has undertaken the care of
The child of the woman worker

*the nominee of the woman worker

*the legal representative of the woman
worker

Signature or left
Thumb impression of

* Strike out when not applicable

FORM H
[See Rule 10]

Received on a notice No.
Dated..... together with(here enter the kind of proof
produced) from Smt..... employed in the
department/*section/*group No.of this factory/*plantation/*establishment. The matter is

receiving the attention of the management.

Date Signature of Manager or
Place Occupier

FORM I

[See Rule 11]

Form of Notice to be given to worker who is not eligible to receive Maternity Benefit

Referring to her application No..... dated Smt. is informed that she is not eligible to receive maternity benefit/*allowance for miscarriage/*allowance for illness/*bonus for the following reasons:-

.....
.....
.....

Date

Signature
Manager or Occupier.

Name of Factory/plantation/establishment
Place

To

Smt.

Copy to : Inspector

FORM J

[See Rule 13]

Annual Return for the year endng 31st December 195.....

(to be submitted to the Inspector before 31st January)

Name of Factory/Plantation/Establishment.....

PART 1

Name of Occupier	Name of Manager	Total No.of Women employed during the Year	No. of women who worked for a period of not less than 150 days
1	2	3	4
	No. of women Who were refused	No. of women who were granted	Total number of

who claimed maternity benefit under Section 5(1)	permission for absence during 4 weeks before the expected day of delivery	permission to absent on account of notice of confinement	women who received maternity benefit
5	6	7	8

No. of women to whom maternity benefit rejected	No. of women who actually received maternity benefit and the total amount	No. of women died ----- Before delivery After deliver		No. of other persons to whom payment of maternity benefit was made under Section 9 and the total amount
9	10	11(a)	11(b)	12

No. of expectant Women dismissed While working	No. of women to whom payment of maternity benefit made on the order of the Inspector	Remaks
13	14	15

- Notes :** 1. Where possible separate figures should be shown in respect or Clerical and Supervisory Staff and other workers.
2. Full particulars of each case and reason for action taken under headings (6), (9) and (13) should be given.

PART II

Number of women who applied for leave for miscarriage	Number of women to whom leave for miscarriage rejected	Total amount paid as leave allowance under section 6	Number of women who applied for leave for illness under Section 7
(1)	(2)	(3)	(4)

Number of women To whom leave for illness	Total amount paid as leave allowance under	Number of women who applied for bonus under
---	--	---

rejected
(5)

Section 7
(6)

Section 8
(7)

Number of women To whom claim for Bonus rejected (8)	Total amount paid as bonus (9)	Remarks (10)
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Notes : 1. Full particulars of each case and reason for action taken under headings (2), (5) and (8) should be given.

FORM K

[See Rule 14 (1)]

Must Roll

Address

Name of women and date of admission to Employment 1	Name of husband or father 2	Name of work or Department or Section in which 3	Ticket or departmental number 4
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Period during Which employed From.....to..... 5	Period during which not employed From.....to..... 6	Date of discharge if any 7	Date of giving notice of pregnancy under Section 5(1) 8
--	---	-------------------------------------	---

Date of giving Notice of deliver Section 5(1) nominated Delivery 9	Name of person of proof of death 10	Date of if any 11	Date of advance of production paid Date 12(a)	Date of advance of maternity benefit under Amount 12(b)
--	---	-------------------------	---	---

G. 3795

Dates of subsequent
Payments of
Maternity
Benefit

Dates Amount
13(a) 31(b)

Date of receipt of
application for leave
for miscarriage under
rule 4(1) with the
required certificate

14

Payment of allowance
for miscarriage

Date Amount

15(a) 15(b)

Date of receipt of
Application for leave
For illness under
Rule 4(1) with the
Required certificate

16

Payment of Allowance
for illness

Date Amount

17(a) 17(b)

Date of receipt of
application for payment
of bonus under
rule 4(1)
with the required
Certificate

18

Payment of bonus

Rate Amount
18(a) 18(b)

Remarks

19

-
- * Strike out when not applicable
 - * Strike out when not applicable

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