



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 542 Dispur, Friday, 16th November, 2018, 25th Kartika, 1940 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR WELFARE DEPARTMENT :::: LABOUR (RC) BRANCH

NOTIFICATION

The 30th August, 2018

No.GLR(RC) 87/2017/46.- The following draft of certain rules further to amend the Assam Maternity Benefit rules, 1965 hereinafter referred to as the principal rules, which the Governor of Assam proposes to make in exercise of the powers conferred by section 28 of The Maternity Benefit Act, 1961 (Act No. 53 of 1961) is hereby published, as required under the said section of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft shall be taken into consideration after the expiry of a period of 6 (six) weeks from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any individual with respect to the said draft rules before the expiry of the period specified above shall be considered by the Government of Assam.

Objections or suggestions, if any, may be sent to the Secretary to the Government of Assam, Labour Welfare Department, Janata Bhawan, Dispur, Guwahati-781006.

Draft Rules

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| Short title and commencement | 1. | (1) These rules may be called the Assam Maternity Benefit (Amendment) Rules, 2018. |
| | (2) | They shall come into force on the date of their publication in the Official Gazette. |
| Amendment of Form F | 2. | In the principal Rules, in Form F, in clause 3,- |
| | (i) | in sub-clause (1), for the words “not exceeding four weeks immediately preceding and including the days of her delivery and also for the eight weeks immediately following that day”, the words “shall be twenty six weeks of which not more than eight weeks shall precede the date of her expected delivery” shall be substituted; |

- (ii) after sub-clause (1), and before the first proviso, a new proviso shall be inserted, as follows, namely:-

“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.”;

- (iii) In the first proviso, for the words “provided that”, the words, “Provided further that” shall be substituted;

- (iv) In the second proviso, for the words, “Provided further that”, the words, “Provided also that” shall be substituted;

- (v) After sub-clause (2), the following new sub-clauses (2A) and (2B), shall be inserted, namely:-

“(2A) 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;

(2B) 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.”

Insertion of
new rule 5 A

3. In the principal Rules, after rule 5, a new rule, 5A, shall be inserted, as follows, namely :-

- “ 5A. (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 crèche 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.”

TAPAN CHANDRA SARMA,
Secretary to the Govt. of Assam,
Labour Welfare Department.