



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR WELFARE DEPARTMENT ::: LABOUR (RC) BRANCH

NOTIFICATION

The 5th March, 2019

No.GLR(RC) 87/2017/52.- Whereas the 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) were published, as required under the sub-section (1) of section 28 of the said Act, vide Government Notification No. GLR(RC) 87/2017/46, dated 30th August, 2018 in the Assam Gazette Extraordinary No. 542, dated 16th November, 2018 inviting objections or suggestions from any person likely to be affected thereby within a period of 6 (six) weeks from the date of publication of the said Notification in the Official Gazette;

And whereas no objections or suggestions has been received from any person in respect of the draft rules within the stipulated period;

Now, therefore, in exercise of the powers conferred by section 28 of the Maternity Benefit Act, 1961 (Act No. 53 of 1961), the Governor of Assam is hereby pleased to make the following rules, namely:-

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| Short title and commencement | 1. | (1) These rules may be called the Assam Maternity Benefit (Amendment) Rules, 2019. |
| | | (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.”

J. BARUA,

Additional Chief Secretary to the Govt. of Assam,
Labour and Welfare Department.