

<sup>1</sup>[**THE WEST PAKISTAN MATERNITY  
BENEFIT RULES, 1961**]

*[Rules framed by West Pakistan Government in exercise of the powers conferred by section 13 of the West Pakistan Maternity Benefit Ordinance, 1958 (XXXII of 1958), and in supersession of the Sind Maternity Benefit Rules, 1929, and the Punjab Maternity Benefit Rules 1944.]*

**1. Short title and commencement.**—(1) These rules may be called the West Pakistan Maternity Benefit Rules, 1961.

(2) They shall come into force at once.

**2. Definition.**—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(a) "**Form**" means a form appended to these rules;

(b) "**Ordinance**" means the West Pakistan Maternity Benefit Ordinance, 1958 (XXXII of 1958); and

(c) "**Section**" means section of the Ordinance.

(3) Expressions used but not defined in the Ordinance or in these rules have the meanings respectively assigned to them in the Factories Act, 1934 (XXV of 1934).

**3. Muster roll.**—(1) The employer of every factory, other than a seasonal factory, in which women are employed shall maintain in English or Urdu a muster roll in Form A and shall enter therein the particulars prescribed in that Form in respect of women workers employed in the factory from whom notice of confinement is received under clause (a) or (b) of sub-section (1) of Section 5.

(2) All entries in the muster roll shall be made in ink.

(3) The muster roll shall be maintained up-to-date and shall always be available for inspection by an Inspector of Factories during the working hours of the factory.

(4) The employer may enter in the muster roll such other particulars as may be required for the purposes of the Ordinance.

(5) The muster roll shall be preserved for a period of two years from the date of the last entry therein.

**4. Notice of confinement.**— The notice under clause (a) or (b) of sub-section (1) of Section 5, if in writing, shall be given in Form B or C, as the case may be.

**5. Powers of the Directors.**— (1) The Director of Labour Welfare shall be primarily responsible for the administration of the Ordinance and every Inspector of Factories subordinate to him shall be responsible to him for the due discharge of such functions under the Ordinance or these rules as may be assigned to him by the Director of Labour Welfare.

(2) An Inspector of Factories shall discharge his functions within such areas or in respect of such factories or class or classes of factories as may be specified by the Director of Labour Welfare.

**6. Powers of Inspectors.**—An Inspector of Factories may examine the muster roll maintained under rule 3 in respect of any factory within his jurisdiction and may make such enquiries and require the production of such papers or documents as he may consider necessary for the purpose of ascertaining whether provisions of the Ordinance and these rules are being properly carried out in the factory:

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

**7. Method of Payment.**—All payments against claims for maternity benefit shall be made in cash and receipts thereof shall be taken and every such receipt shall, on demand, be produced before the Inspector of Factories.

**8. Appeals.**— (1) Appeal to the Director of Labour Welfare against the decision of the Inspector of Factories under sub-section (2) of Section 7, sub-section (2) of Section 10 or Section 11 shall be presented in the form of a memorandum setting forth the relevant facts of the case along with a certified copy of the order appealed against, duly signed by the appellant or on his behalf by a duly authorised agent or legal practitioner.

(2) Every memorandum of appeal shall bear a court fee stamps of the value of rupee one

(3) The Director of Labour Welfare may call for any further information or require the production of any document which he may deem necessary for the disposal of an appeal.

**9. Returns.**—Every employer owning a factory in which women are employed shall furnish to the Director of Labour Welfare by the <sup>2</sup>[first day of February] in each year, a return in Form D for the previous calendar year.

**9. Records.**—All notices, orders, receipts, certificates and documents received by the employer in pursuance of the Ordinance and these rules shall be preserved for a period of two years.

**10. Abstracts.**— The abstract of the provision of the Ordinance and these rules shall be in Form E and shall be exhibited both in English and Urdu at some conspicuous place in the factory.

**11. Obstruction.**—No person shall willfully obstruct an Inspector of Factories in the exercise of any power under the Ordinance or these rules, or fail to produce on demand by an Inspector of Factories the muster roll or any notice, order, receipt, certificate or other document in his custody maintained or kept in pursuance of the Ordinance or these rules.

**13 Penalties.**— Any person who contravenes any of the provisions of rule 3, 7, 10, 11 or 12 shall on conviction, be punishable with fine which may extend to two hundred and fifty rupees.

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<sup>2</sup> The words Subs. for “fifteen day of January” by Noti.4-1(L-IV)/62. III, Gaz. of West Pak. Pt. I. May 28. 1965.

	1	Name of woman worker	Name of Factory.....Address.....	
	2	Her husband's name		
	3	Age		
	4	Department in which employed		
	5	Register of workers		Serial No. in the
	6	Register of wages		
	7	Average daily wages calculated in accordance with section 4(2)		
	8	Dates with month and year in which employed or not employed		
	9	Total number of days at work during the 3 months immediately preceding the date on which notice of confinement is given, under section 5(1)(a)		
	10	Date on which notice of confinement is given		
	11	Date of confinement		
	12	Date of birth of child		
	13	Date of production of proof of birth		
	14	Date and amount of first payment		
	15	Dates and amounts of subsequent payments		
	16	In the event of the death of the woman worker, name and address of the person to whom maternity benefit is paid and the dates and amounts of such payments		
	17	Remarks of the inspector of Factories		

FORM A  
(Rule 3)  
Muster Roll

**FORM B**  
(Rule 4)

**Notice**

Name and full postal address of factory .....

I ..... (name) employed in  
..... Department of the above-named factory, bearing serial No. .... In  
the register of workers/wages, hereby given notice as required under clause (a) of the sub-section (1)  
of section 5 of the West Pakistan Maternity Benefit Ordinance, 1958 (West Pakistan Ordinance  
XXXII of 1985) that I expect to be confined within one month next following from the date of this  
notice.

2. For the purposes of section 6 of the said Ordinance, I hereby nominate  
..... (name and full address of the nominee to be given) to receive maternity  
benefit due to me in case of my death.

Given this day .....

Dated .....

.....  
Signature or thumb-impression.

Address

To

The Manager

.....(name of factory and full postal address)

**Form C  
(Rule 4)  
Notice**

Name and full postal address of factory.....

.....(name) employed in.....  
.....

**Department of the above-named factory bearing serial No .**

.....  
in the Register of workers/wages, hereby give notice as required under clause (b) of subsection (1) of Section 5 of the West Pakistan Maternity Benefit Ordinance, 1958 (West Pakistan Ordinance XXXII of 1958) that I gave birth to a child on t h e 1 9 .

2. For the purposes of Section 6 of the said Ordinance, I hereby nominate..... (name and full address of the nominee to be given) to receive maternity benefit due to me in case of my death.

Given this day.....

Dated.....

.....  
Signature or thumb-impression

Address

To

The Manager,

.....(name of factory and full postal address).

.....

**FORM D**  
**(Rule 9)**  
**RETURN**

*Annual return showing payment of maternity benefit during the year on the 31st  
December 19 .*

(To be submitted to the Director of Labour Welfare, West Pakistan.)

- (1) Name of factory and full postal address.....
- (2) Name of Occupier.....
- (3) Name of Manager.....
- (4) Average number of women workers employed daily.....
- (5) Number of claims for maternity benefit under Section 5.....
- (6) Number of claims accepted for payment of maternity benefit.....

(7) Number of cases in which maternity benefits were paid to--

- (a) Claimant women.
- (b) Nominees of women.
- (c) Persons taking care of the child.
- (d) Legal representatives of the claimants.

(8) Total amount of maternity benefit paid--

- (a) to claimants.
- (b) to nominees.
- (c) to persons taking care of the child.
- (d) to legal representatives.

(Signature).....

Dated .....

Employer.....

**FORM-E**  
**(Rule 11)**

**ABSTRACT OF THE WEST PAKISTAN MATERNITY BENEFIT ORDINANCE, 1958**  
**(XXXII OF 1958) AND RULES FRAMED THEREUNDER**

1. Every woman employed in a factory for a period of not less than nine months immediately preceding the date of her delivery is entitled to receive from her employer maternity benefit at the rate of her average daily earnings calculated to the nearest paisa in the manner provided in sub-section (2) of Section 4 of the Ordinance, or at the rate of one rupee and fifty paisa a day, whichever is greater, during the period of six weeks immediately preceding and including the day of her delivery and for the six weeks immediately following that day.
  2. A pregnant woman entitled to maternity benefit may give notice to her employer that she expects to be confined within the following six weeks. If such notice is not given before the birth of a child, it must be given within seven days of its birth. The notice may be given either orally in person, or in writing. Where a notice is given in writing, if it is given before birth, it will be in Form B, and if given after birth, it will be in Form C appended to the West Pakistan Maternity Benefit Rules, 1961.
  3. Maternity benefit is payable to the women entitled to receive it but if she dies and her child survives, the benefit due is payable to the person who takes care of the child; if both the woman and the child die, the benefit due is payable to the woman's nominee or her legal representatives.
  4. A woman must not work in a factory during the period for which she receives maternity benefit. Failure to adhere to this rule will render her liable to prosecution.
  5. An employer may not dismiss a woman during the period for which she is entitled to be absent from work, and if dismissed without sufficient cause within six months before delivery, she shall still be entitled to maternity benefit.
  6. All payments against claims for maternity benefit shall be made in cash and receipts therefore shall be taken.
  7. Every employer of a factory in which women are employed shall maintain in English or Urdu a muster roll in Form A appended to the West Pakistan Maternity Benefit Rules, 1961. All entries in the muster roll shall be maintained up-to-date and the muster roll shall always be available for examination by an Inspector of Factories during the working hours of the factory.
1. Every employer of factory in which women are employed shall submit to the Director of Labour Welfare, West Pakistan, by the fifteenth January in each year, a return in Form D appended to the West Pakistan Maternity Benefit Rules, 1961, for the previous calendar year.