

Finin2min

[Labour Publication Series](#)

Labour & Manpower Law Publication Series

Chapter VI - Maternity benefit

Code on Social Security, 2020 | Detailed statutory, Rule, compliance, remedy and evidence guide.

Review date: 2026-07-18 Authors: CA Nikhil Gupta & Kajri Singh Sections: 59-72 Central Rules mapped: 6 Local source-hashed Act text + linked Rules and implementation analysis

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Code on Social Security, 2020 Maternity benefit four-step compliance flowchart

Finin2min decision flow — identify the law, complete the statutory process and preserve evidence.

Publication-source status: Every mapped section of the parent Code is embedded locally from the retained official India Code PDF and carries the source SHA-256. Linked 2026 Central Rules, forms, notifications and operational analysis remain subject to the official Gazette and subsequent amendments.

Chapter decision flow

Classify establishment & person → Fix event date → Apply section and Rule → Complete form/record → Retain evidence & remedy file

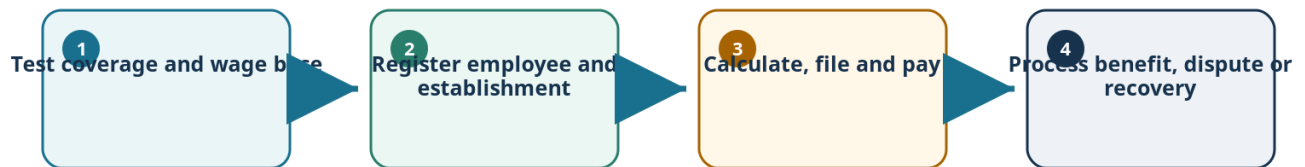
Finin2min Summary - Chapter in 2 Minutes

This chapter turns maternity benefit into an operational control file. It covers Employment of, or work by, women prohibited during certain period, Right to payment of maternity benefit, Continuance of payment of maternity benefit in certain cases, Notice of claim for maternity benefit and payment thereof; the practical sequence is to classify coverage and event date, apply the provision and mapped Rule, complete the form/register, calculate the entitlement or exposure, and retain evidence for inspection, claim or appeal.

Chapter VI - Maternity benefit

FININ2MIN LEGAL FLOW

Code on Social Security, 2020 — Maternity benefit



Law → trigger → procedure → evidence. Confirm the operative Central/State instrument on the event date.

Use this flow with the chapter provision map, implementation controls, evidence checklist, limitation/forum review and remedy framework. Confirm the operative Central and State instruments on the event date.

Chapter VI - Maternity benefit

Finin2min implementation explanation

Maintain a controlled implementation file for Chapter VI - Maternity benefit: coverage and event date, operative Central/State instrument, responsible owner, approval and authority, form/portal step, due date, calculation basis, supporting evidence, exception, escalation and closure proof. Reconcile payroll, HR, finance, contractor and legal records before sign-off.

Practical example

Classify the worker and establishment, identify the operative provision and notified instrument on the event date, compute the entitlement or exposure from source records, obtain approval, complete the filing/payment/action, and retain evidence. Do not use a portal value or payroll label as a substitute for the statutory test.

Calculation / control template

Control calculation: verified population or transaction base $\times$ applicable notified rate/amount $\times$ eligible period, adjusted for statutory inclusions, exclusions, ceilings, interest, compensation and prior payments. Reperform the calculation from retained source data.

Current-law control: verify the operative Central/State instrument, notification, form, portal and binding judgment on the event date. Numerical amounts in examples are illustrative unless expressly sourced.

Who is covered

Employers, employees, unorganised workers, gig/platform workers, beneficiaries and social-security authorities must identify the applicable chapter, establishment threshold and scheme.

Main obligations and rights

- Section 59: Employment of, or work by, women prohibited during certain period
- Section 60: Right to payment of maternity benefit
- Section 61: Continuance of payment of maternity benefit in certain cases
- Section 62: Notice of claim for maternity benefit and payment thereof
- Section 63: Payment of maternity benefit in case of death of a woman
- Section 64: Payment of medical bonus

Key thresholds and timelines

- Use only the threshold, rate and limitation period effective on the event date; verify the Central/State instrument before acting.

Forms, registers and evidence

- Notice
- Certificate
- Retain classification, calculation, approval, communication, acknowledgement and payment/filing proof.

Employer risk snapshot

Highest practical risks: denial of protected benefit, incorrect qualifying service or adverse employment action.

Employee/worker remedy snapshot

Core protection: maternity and connected benefits, protection from prohibited dismissal and access to the competent authority. Confirm the authority, limitation and appeal route stated in this chapter.

Old law / transition

Map the event date and savings position against: Employees' Compensation Act, 1923; Employees' State Insurance Act, 1948; EPF and MP Act, 1952; Employment Exchanges Act, 1959; Maternity Benefit Act, 1961.

Five-point professional checklist

1. Freeze the event date, establishment, location and person/worker classification.
2. Identify the controlling section/paragraph, mapped Rule, notification and appropriate Government.
3. Reperform the calculation or decision test and document every exception or approval.
4. Complete the prescribed form/register/portal step and retain acknowledgement, payment and communication evidence.
5. Record the remedy, forum, limitation, appeal path and State variation before sign-off.

Finin2min takeaway: for maternity benefit, the defensible answer is not a policy label - it is the event-date law, the mapped procedure, the calculation and a complete evidence trail.

[Download one-page Finin2min cheat sheet](#)

Section-by-section provision map

Provision Subject

Section 59 Employment of, or work by, women prohibited during certain period

Section 60 Right to payment of maternity benefit

Section 61 Continuance of payment of maternity benefit in certain cases

Section 62 Notice of claim for maternity benefit and payment thereof

Section 63 Payment of maternity benefit in case of death of a woman

Section 64 Payment of medical bonus

Section 65 Leave for miscarriage, etc.

Implementation focus

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Provision Subject**Implementation focus**

Section 66 Nursing breaks

Trigger, linked Rule/form, evidence, consequence and remedy

Section 67 Crèche facility

Trigger, linked Rule/form, evidence, consequence and remedy

Section 68 Dismissal for absence during pregnancy

Trigger, linked Rule/form, evidence, consequence and remedy

Section 69 No deduction of wages in certain cases

Trigger, linked Rule/form, evidence, consequence and remedy

Section 70 Forfeiture of maternity benefit

Trigger, linked Rule/form, evidence, consequence and remedy

Section 71 Duties of employer

Trigger, linked Rule/form, evidence, consequence and remedy

Section 72 Power of Inspector-cum-Facilitator to direct payments to be made

Trigger, linked Rule/form, evidence, consequence and remedy

Section 59: Employment of, or work by, women prohibited during certain period

Current statutory text

59. Employment of, or work by, women prohibited during certain period.—(1) knowingly employ a woman in any establishment during the six weeks immediately preceding her delivery, miscarriage or medical termination of pregnancy.

(2) No woman shall work in any establishment during the six weeks immediately preceding her delivery, miscarriage or medical termination of pregnancy.

(3) Without prejudice to the provisions of section 62, no pregnant woman shall be 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 in any way is likely to interfere with her pregnancy or the normal development thereof or 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

expected delivery;

(b) any period during the said period of six weeks for which the p
leave of absence under section 62.

Explanation.— For the purposes of this section, the expression “any wo
any work which involve or require strenuous effort or is difficult and tir

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for employment of, or work by, women prohibited during certain period within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 59: employment of, or work by, women prohibited during certain period.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance |
Official source: [section 59](#).

Section 60: Right to payment of maternity benefit

Current statutory text

60. Right to payment of maternity benefit.—(1) Subject to the other provisions of this section, a woman shall be entitled to, and her employer shall be liable for, the payment 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, and any period immediately following the day of her delivery.

Explanation.—For the purposes 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 twelve months immediately preceding the date from which she absents herself on account of her absence, or the minimum rate of wage fixed or revised under the Code on Wages, 2019 (2019) 100 of 1947.

(2) No woman shall be entitled to maternity benefit unless she has actually worked in the establishment in which she claims maternity benefit, for a period of not less than twelve months immediately preceding the date of her expected delivery.

Explanation.— For the purposes of calculating the period under this sub-section, the days for which she has actually worked in the establishment, the days for which she has been absent on account of her absence declared under any law for the time being in force to be holidays with wages shall be taken into account, and the months immediately preceding the expected date of her delivery shall be taken into account.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be six weeks of which not more than eight weeks shall precede the expected date of her delivery.

Provided that the maximum period entitled to maternity benefit by a woman who has no surviving children shall be twelve weeks of which not more than six weeks shall precede the expected delivery:

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:

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

Explanation.— For the purposes of this sub-section, “child” includes a

(4) A woman who legally adopts a child below the age of three months shall be entitled to maternity benefit for a period of twelve weeks from the adopting mother or the commissioning mother, as the case may be.

(5) In case the work assigned to a woman is of such nature that she may allow her to do so after availing of the maternity benefit for such period, the employer and the woman may mutually agree.

Finin2min clause-by-clause decode

1. Legal test 1
2. Eligibility depends on actual service and the relevant maternity event; calculate benefit using the statutory average-wage method and protected period.
3. Implementation control
4. Trigger
5. Document the facts that activate section 60: right to payment of maternity benefit.
6. Coverage and jurisdiction
7. Identify establishment, employee/worker category, appropriate Government, First Schedule threshold and territorial authority.
8. Decision owner
9. Assign a named owner for maternity benefit, protected absence, nursing breaks, crèche and remedies; identify HR, payroll, finance, legal, contractor and authorised-signatory roles.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.

- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 60](#).

Section 61: Continuance of payment of maternity benefit in certain cases

Current statutory text

61. Continuance of payment of maternity benefit in certain cases.— Every woman entitled to payment of maternity benefit under this Chapter, shall, notwithstanding that she leaves the factory or other establishment in which she is employed, continue to be entitled to be qualified to claim maternity benefit under section 32.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for continuance of payment of maternity benefit in certain cases within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 61: continuance of payment of maternity benefit in certain cases.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 61](#).

Section 62: Notice of claim for maternity benefit and payment thereof

Current statutory text

62. Notice of claim for maternity benefit and payment thereof.—(1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act, shall give in writing in such form as may be prescribed by the Central Government, to her employer, a notice of claim for maternity benefit and any other amount to which she may be entitled under this Act, or to such person as she may nominate in the notice and that she will not be absent from work for the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date of her absence from work, not being a date earlier than eight weeks from the date

(3) Any woman who has not given the notice when she was pregnant may give the notice as soon as possible after her delivery.

(4) On receipt of the notice, the employer shall permit such woman to be absent 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 delivery shall be paid in advance by the employer to the woman on production of such proof as may be required by the Central Government that the woman is pregnant, and the amount due for the period following the date of delivery shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed by the Central Government that the woman has been delivered of a living child.

(6) The failure to give notice under this section shall not disentitle a woman to receive any other amount under this Chapter if she is otherwise entitled to such benefit. If the employer or an Inspector-cum-Facilitator may either of his own motion or on an application made by the woman, order the payment of such benefit or amount within such period as may be specified in the rules.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for notice of claim for maternity benefit and payment thereof within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 62: notice of claim for maternity benefit and payment thereof.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

Central Rule 35: Rule 35 — Certificate and notice of claim for maternity benefit

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the

decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 35 | Official source: [section 62](#).

Section 63: Payment of maternity benefit in case of death of a woman

Current statutory text

63. Payment of maternity benefit in case of death of a woman.—If a woman entitled to maternity benefit or any other amount under this Chapter, dies before receiving such benefit, where the employer is liable for maternity benefit under the second proviso, the employer shall pay such benefit or amount to the person nominated by her under section 62 and in case there is no such nominee, to her legal representative.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for payment of maternity benefit in case of death of a woman within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger

9. Document the facts that activate section 63: payment of maternity benefit in case of death of a woman.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 63](#).

Section 64: Payment of medical bonus

Current statutory text

64. Payment of medical bonus.—Every woman entitled to maternity benefit un also be entitled to receive from her employer a medical bonus of three tho amount as may be notified by the Central Government, if no pre-natal confi provided for by the employer free of charge.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for payment of medical bonus within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 64: payment of medical bonus.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A payroll team tests the employee category, wage period, notified rate, permitted exclusions and documentary proof before releasing payroll. It records the calculation, approval, bank output and wage slip so that every disputed limb can be reconstructed.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance |
Official source: [section 64](#).

Section 65: Leave for miscarriage, etc.

Current statutory text

65. Leave for miscarriage etc.—(1) In case of miscarriage, or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed by the Central Government, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks commencing from the date of her miscarriage or, as the case may be, her medical termination of pregnancy.

(2) In case of tubectomy operation, a woman shall, on production of such proof as may be prescribed by the Central Government, 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.

(3) A woman suffering from illness arising out of pregnancy, delivery, miscarriage or medical termination of pregnancy shall, on production of such proof as may be prescribed by the Central Government, be entitled, in addition to the period of absence specified in section 62, or, as the case may be, under sub-section (1), to leave with wages at the rate of maternity benefit for a maximum period of one month.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for leave for miscarriage, etc. within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 65: leave for miscarriage, etc..
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

Central Rule 35: Rule 35 — Certificate and notice of claim for maternity benefit

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 35 | Official source: [section 65](#).

Section 66: Nursing breaks

Current statutory text

66. Nursing breaks.—Every woman delivered of a child who returns to duty a in addition to the interval for rest allowed to her, be allowed in the cou such duration as may be prescribed by the Central Government, for nursing the age of fifteen months.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for nursing breaks within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.

7. Implementation control
8. Trigger
9. Document the facts that activate section 66: nursing breaks.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

Central Rule 36: Rule 36 — Duration of nursing breaks

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 36 | Official source: [section 66](#).

Section 67: Crèche facility

Current statutory text

67. Creche facility.—(1) Every establishment to which this Chapter applies or such number of employees as may be prescribed by the Central Government the facility of crèche within such distance as may be prescribed by the Ce separately or along with common facilities:

Provided that the employer shall allow four visits a day to the crèche include the intervals of rest allowed to her:

Provided further that an establishment may avail common crèche facilities from the State Government, municipality or private entity or provided by non-Government or other organisation or group of establishments who may pool their resources in the manner as they may agree for such purpose.

(2) Every establishment to which this Chapter applies shall intimate in writing to every woman at the time of her initial appointment in such establishment the provisions under this Chapter.

Finin2min clause-by-clause decode

1. Legal test 1
2. Crèche obligation requires threshold, distance/access, visits and facility rules —not merely a reimbursement policy.
3. Implementation control
4. Trigger
5. Document the facts that activate section 67: crèche facility.
6. Coverage and jurisdiction
7. Identify establishment, employee/worker category, appropriate Government, First Schedule threshold and territorial authority.
8. Decision owner
9. Assign a named owner for maternity benefit, protected absence, nursing breaks, crèche and remedies; identify HR, payroll, finance, legal, contractor and authorised-signatory roles.
10. Evidence pack

Applicable Central Rules immediately below the provision

Central Rule 37: Rule 37 — Employees and crèche facility

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 37 | Official source: [section 67](#).

Section 68: Dismissal for absence during pregnancy

Current statutory text

68. Dismissal for absence during pregnancy.—(1) When a woman absents herself in accordance with the provisions of this Chapter, it shall be unlawful for her to dismiss her during or on account of such absence or to give notice of discharge or to give notice will expire during such absence, or to vary to her disadvantage any

Provided that the discharge or dismissal of a woman at any time during her absence but for such discharge or dismissal would have been entitled to maternity benefit under this Chapter, shall not have the effect of depriving her of the maternity benefit.

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

(2) Any woman deprived of maternity benefit or medical bonus, or both, under sub-section (1), may, within sixty days from the date on which order of dismissal is communicated to her, appeal to the competent authority, and on such appeal, whether the woman should or should not be deprived of maternity benefit or both, or discharged or dismissed, shall be final.

Final clause-by-clause decode

1. Legal test 1
2. Discharge or dismissal during protected absence is restricted; gross misconduct and benefit forfeiture require the prescribed process.
3. Implementation control

4. Trigger
5. Document the facts that activate section 68: dismissal for absence during pregnancy.
6. Coverage and jurisdiction
7. Identify establishment, employee/worker category, appropriate Government, First Schedule threshold and territorial authority.
8. Decision owner
9. Assign a named owner for maternity benefit, protected absence, nursing breaks, crèche and remedies; identify HR, payroll, finance, legal, contractor and authorised-signatory roles.
10. Evidence pack

Applicable Central Rules immediately below the provision

Central Rule 38: Rule 38 — Gross misconduct

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

Before changing employment status, the employer maps headcount, worker category, service, notice, permission, compensation and re-employment obligations. The decision is held until the legal, HR and finance evidence files reconcile.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 38 | Official source: [section 68](#).

Section 69: No deduction of wages in certain cases

Current statutory text

69. No deduction of wages in certain cases.—No deduction from the normal a of a woman entitled to maternity benefit under the provisions of this Chap of—

(a) the nature of work assigned to her by virtue of the provisions c

(b) breaks for nursing the child allowed to her under the provisions

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for no deduction of wages in certain cases within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 69: no deduction of wages in certain cases.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A payroll team tests the employee category, wage period, notified rate, permitted exclusions and documentary proof before releasing payroll. It records the calculation, approval, bank output and wage slip so that every disputed limb can be reconstructed.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.

- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 69](#).

Section 70: Forfeiture of maternity benefit

Current statutory text

70. Forfeiture of maternity benefit.—A woman who works for remuneration du has been permitted by an employer to absent herself for availing the mater Chapter shall not be entitled to receive maternity benefit for such period

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for forfeiture of maternity benefit within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger; person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control
8. Trigger
9. Document the facts that activate section 70: forfeiture of maternity benefit.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

Central Rule 38: Rule 38 — Gross misconduct

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 38 | Official source: [section 70](#).

Section 71: Duties of employer

Current statutory text

71. Duties of employer.—An abstract of the provisions of this Chapter and in the language or languages of the locality shall be exhibited in a conspicuous part of the establishment in which women are employed.

Finin2min clause-by-clause decode

1. Legal test 1
2. This section allocates legal responsibility for duties of employer within the Maternity Benefit Chapter.
3. Legal test 2
4. Identify the statutory trigger, person obligated, authority, timing, exceptions and documentary output before applying the provision.
5. Legal test 3
6. Read every subsection, proviso, explanation and linked Schedule in the official text; the heading alone is not the legal test.
7. Implementation control

8. Trigger
9. Document the facts that activate section 71: duties of employer.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

Central Rule 40: Rule 40 — Duties of Inspector-cum-Facilitator

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 40 | Official source: [section 71](#).

Section 72: Power of Inspector-cum-Facilitator to direct payments to be made

Current statutory text

72. Power of Inspector-cum-Facilitator to direct payments to be made.—(1) that,—

(a) maternity benefit or any other amount to which she is entitled claiming that payment due under this Chapter has been improperly withheld;

(b) her employer has discharged or dismissed her during or on account of her pregnancy or in accordance with the provisions of this Chapter,

may make a complaint to the Inspector-cum-Facilitator.

(2) The Inspector-cum-Facilitator may, on receipt of a complaint referred to in sub-section (1), refer the matter to 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 his order in writing;

(b) she has been discharged or dismissed during or on account of her pregnancy or in accordance with the provisions of this Chapter,

may pass such orders as he deems just and proper according to the circumstances.

(3) Any person aggrieved by the order of the Inspector-cum-Facilitator made under sub-section (2) may appeal within thirty days from the date on which such order is communicated to such authority as may be prescribed by the appropriate Government.

(4) The decision of the authority referred to in sub-section (3), where no appeal is made under that sub-section or of the Inspector-cum-Facilitator where no such appeal is made, shall be final.

CHAPTER VII EMPLOYEE'S COMPENSATION

Finin2min clause-by-clause decode

1. Legal test 1
2. Complaint and direction powers create a fast statutory remedy in addition to internal grievance routes.
3. Implementation control
4. Trigger
5. Document the facts that activate section 72: power of inspector-cum-facilitator to direct payments to be made.
6. Coverage and jurisdiction
7. Identify establishment, employee/worker category, appropriate Government, First Schedule threshold and territorial authority.
8. Decision owner
9. Assign a named owner for maternity benefit, protected absence, nursing breaks, crèche and remedies; identify HR, payroll, finance, legal, contractor and authorised-signatory roles.
10. Evidence pack

Applicable Central Rules immediately below the provision

Central Rule 39: Rule 39 — Complaint before Inspector-cum-Facilitator and appeal

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Central Rule 40: Rule 40 — Duties of Inspector-cum-Facilitator

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 39, Rule 40 | Official source: [section 72](#).

Rules, forms, registers, portals and due dates

Rule Subject	Text/control status
35 Rule 35 — Certificate and notice of claim for maternity benefit	Source-controlled mapping
36 Rule 36 — Duration of nursing breaks	

Rule Subject	Text/control status
	Source-controlled mapping
37 Rule 37 — Employees and crèche facility	Source-controlled mapping
38 Rule 38 — Gross misconduct	Source-controlled mapping
40 Rule 40 — Duties of Inspector-cum-Facilitator	Source-controlled mapping
39 Rule 39 — Complaint before Inspector-cum-Facilitator and appeal	Source-controlled mapping

Forms and registers must be confirmed from the appended 2026 Central Rules and the live portal applicable to the appropriate Government. A form is not treated as current merely because an earlier law used the same number.

Notifications and effective-date history

Control	Required action
Enactment	Record Act number, assent and Gazette publication. Use the provision-specific commencement notification; the four
Commencement	Codes became broadly operative from 21 November 2025 subject to earlier partial commencement and corrigenda.
Central Rules	Read the applicable 2026 Central Rules from their Gazette date and verify subsequent amendments.
State instrument	Check final State Rules, authority notifications, forms and rates where the State is appropriate Government.

Old-law/new-Code concordance

Predecessor law	Transition control
Employees' Compensation Act, 1923	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Employees' State Insurance Act, 1948	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
EPF and MP Act, 1952	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

Predecessor law

Employment Exchanges Act, 1959

Maternity Benefit Act, 1961

Payment of Gratuity Act, 1972

Cine Workers Welfare Fund Act, 1981

BOCW Welfare Cess Act, 1996

Unorganised Workers' Social Security Act, 2008

Transition control

Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

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Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

Practical calculations and control file

Calculation sequence

1. Freeze the employee/worker population and event date.
2. Apply the statutory wage/benefit base and notified threshold.
3. Reconcile attendance, service, payroll and contractor records.
4. Calculate principal amount, interest/damages and any statutory compensation separately.
5. Obtain legal/payroll approval and retain the versioned worksheet.

Three-owner sign-off

- **Employer/HR:** facts, classification, communication and workflow.
- **Employee/worker:** notice, records, nomination/claim and acknowledgement.
- **Professional:** source, formula, forum, limitation and evidence reconciliation.

Binding and highly relevant case-law principles

Older cases are included for principles only. Their continued application must be tested against the current Code wording, repeal-and-savings clause and later judgments.

Decision	Principle and present-use caution
Regional Director, ESI Corporation v. Ramanuja Match Industries	Social-security legislation is beneficial, but coverage and contribution liability still turn on statutory definitions and evidence.
Organo Chemical Industries v. Union of India	Social-security defaults may attract compensatory and deterrent consequences; separate principal contribution, interest, damages and prosecution.
Jeewanlal (1929) Ltd. v. Appellate Authority	Gratuity is a statutory terminal benefit; eligibility and forfeiture require strict application of the governing text.
Municipal Corporation of Delhi v. Female Workers	Maternity protection is interpreted purposively, while present claims must be tested under the Code and current Rules.

State-law variation alerts

- Confirm whether the Central or State Government is the appropriate Government.
- Central Rules do not automatically displace valid State Rules, rates, registers, authorities or portal procedures.
- Minimum-wage rates, holidays, working-hours permissions, licences and local welfare obligations require State-specific verification.
- Record Gazette number, effective date and supersession status in the location compliance register.

Practical transaction application

Use the chapter in hiring, payroll migration, contractor onboarding, M&A diligence, business transfer, employee exits, death/injury claims, gratuity, maternity, gig/platform arrangements and benefit-fund reconciliations. Test coverage and contribution periods at employee and establishment level.

Authority, consent and execution controls

Assign responsibility among the employer, principal employer, payroll owner, authorised officer, nominee/claimant, social-security organisation and competent

authority. Board approval or employee consent does not replace statutory registration, contribution, nomination, deposit or claim procedure.

Stamp duty and registration alerts

Contribution records and statutory returns ordinarily do not require registration, but nominations, settlements, assignments, security documents and business-transfer instruments may have separate State stamp or registration implications. Preserve the distinction between benefit filing and instrument validity.

Evidence and document-retention checklist

Retain the operative law/rule version, classification note, approvals, signed instruments, statutory forms, portal acknowledgements, registers, calculations, bank proof, correspondence, inspection records, service proof, decision and appeal file. Apply the longer of the statutory retention rule, litigation hold, tax/audit need and contractual requirement; restrict access to personal and sensitive data.

Performance, delivery and payment controls

Reconcile employee master, wage base, contribution file, challan, bank debit, return, nomination and benefit claim. For exits, deaths, injuries and transfers, create an event-date checklist with owner, statutory clock, documentary dependency and payment evidence.

Breach, loss, mitigation and remedy framework

On detecting a breach, stop continuing exposure, preserve evidence, quantify employee and government dues, identify affected persons, make lawful corrective payment/filing, notify the authorised decision-maker, assess self-disclosure or compounding where available, and reserve contractual recovery against responsible vendors without delaying statutory remediation.

Limitation and forum controls

Use the designated social-security authority, competent authority, tribunal or appellate forum. Track assessment, determination, recovery, benefit rejection and appeal dates independently; a contractual forum clause cannot defeat the statutory remedy.

Arbitration and mediation interface

Mediation may narrow factual or computation disputes but cannot waive mandatory contributions, statutory benefit eligibility, recovery powers or offences. Any settlement must identify what remains subject to authority approval or statutory adjudication.

Company, partnership, GST and tax overlays

For a company, align board/delegation and officer-in-default controls; for an LLP or partnership, identify the designated partner/partner and authorised employer representative. Labour dues can affect transaction price, indemnities, director/partner exposure and insolvency claims. Salary/TDS, perquisite, contractor TDS, GST on outsourced services and accounting provisions must be reconciled without treating tax treatment as proof of labour-law classification.

Finin2min Q&A

Which law and version should be applied?

Use the current text of Code on Social Security, 2020, the commencement notification, the applicable Central or State Rules and any later instrument effective on the event date.

How is the appropriate Government identified?

Classify ownership/control, sector, establishment and contractor relationship before selecting the Central or State authority.

Can a company policy override the statutory protection?

No. A policy may improve a benefit or control, but it cannot contract out of a mandatory statutory floor.

What evidence should be retained?

Retain the classification memo, source instrument, form/portal record, calculation, approval, employee communication, acknowledgement and payment or authority proof.

Do the Central Rules apply to every establishment?

No. They govern the Central sphere. State Rules and State notifications must be checked where the State is the appropriate Government.

How should a historical event be tested?

Apply the law and subordinate instrument effective on the event date, then use the repeal-and-savings provision for pending rights and proceedings.

What happens when portal practice conflicts with the statute?

Record the conflict, follow the higher legal instrument, seek authority clarification where necessary and preserve screenshots and correspondence.

Can criminal and monetary consequences arise together?

They may. Separate wages/benefits, interest, damages, civil penalty, prosecution, compounding and director/officer liability.

Is a contractor arrangement enough to shift liability?

No. Principal-employer and contractor liabilities depend on the specific provision and facts; the contract should allocate evidence and recovery without diluting worker rights.

What is the first professional review step?

Freeze the event date and facts, identify the applicable provision, then map Rules, forms, notification status, authority, limitation and evidence.

What is the operational focus of section 59 - Employment of, or work by, women prohibited during certain period?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 60 - Right to payment of maternity benefit?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 61 - Continuance of payment of maternity benefit in certain cases?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 62 - Notice of claim for maternity benefit and payment thereof?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 63 - Payment of maternity benefit in case of death of a woman?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 64 - Payment of medical bonus?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 65 - Leave for miscarriage, etc.?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 66 - Nursing breaks?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

[← Previous: Gratuity](#)[Next: Employees compensation →](#)

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