

Rajasthan Maternity Benefit Act, 1953

27 of 1953

[12 December 1953]

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Rajasthan Maternity Benefit Act, 1953

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An act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them, it is hereby enacted as follows :-

1. Published in Raj. Govt. Gaz. Part IV-A, dated January 2, 1954.

1. Short title :-

This Act may be called the Rajasthan Maternity Benefit Act. 1953.

2. Extent and operation :-

¹[(a) It extends to the whole of the State of Rajasthan].

(b) It shall come into force at once.

1. Substituted by Act No. 27 01-.1957. Pub. in Raj.Govt.Gaz..Ext. Pt. 4(A) dated 13.8.1957.

3. Definitions :-

In this Act, unless there is anything repugnant in the subject or context. -

(a) "Employer" includes an occupier of factory as defined under section 2(n) of the Factories Act, 1948 and the manager of a factory declared under sec. 7(1)(0 of the said Act or any person found acting as manager under section 7 (5) of the said Act.

(b) The expressions "Employ, "Employed", "Factory" and "Inspector of Factories" shall have the same meanings as are respectively assigned to them under the Factories Act. 1948.

(c) "Maternity Benefit" means the amount of money payable under the provisions of this Act to a woman employed in a factory.

(d) "Wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance. or any deduction or payment made on account of fines.

(e) "Child" includes a still-born child.

(f) "Prescribed" means prescribed by rules made under this Act.

4. Employment of or work by women in factories prohibited during certain period :-

After this Act comes into operation.-

(1) No employer shall knowingly employ a woman in any factory during the ¹[six weeks] following the day on which she is delivered of a child.

(2) No woman shall engage herself in any employment during the ²[six weeks] following the day on which she is delivered of a child.

1. Substituted by Act No. 32 of 1959. Pub. in Raj.Govt.Gaz..Ext. Pt. 4(A) dated 19.6.1959.

2. Substituted by Act No. 32 of 1959. Ibid.

5. Right to payment of maternity benefit :-

(1) Subject to the provisions of this Act, every woman employed in a factory shall be entitled to the maternity benefit at the rate of average daily earnings or twelve annas a day, whichever is greater for the actual days of her absence for the period immediately preceding her confinement and for the ¹[six weeks] immediately following her confinement as mentioned in subsection (2). In the event of miscarriage a woman shall be entitled to three weeks leave with wages from the date of miscarriage:

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit ²[at ⁴least two hundred and forty days before the week in which the confinement takes place or in which notice of pregnancy is given before confinement under sub-section (1) of section 6, whichever is more advantageous to her].

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be ³[twelve weeks] that is to say ¹[six weeks] up to and including the day of her delivery and ¹[six weeks] immediately following that day.⁴[In addition to maternity leave for a period of twelve weeks the employer shall provide further leave for a maximum period of one month in case of illness arising out of pregnancy or confinement]. If 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.

¹[(3) An employer shall not dismiss a woman once a notice of pregnancy has been given except for gross misconduct ²[when] such dismissal shall have the effect of depriving her of maternity benefit.

³[(4) A medical bonus of ten rupees shall be payable to a woman worker on maternity leave if no pre-natal, confinement or post-natal care is provided by the employer free of charge.]

¹[(5) A woman worker shall be employed on light work during a period of one month prior to her proceeding on maternity leave. The employer shall also afford reasonably adequate nursing breaks for nursing mothers.]

1. Substituted by Act No. 32 of 1959. Ibid.

2. Substituted by Act No. 21 of 1962. Pub.in Raj. Govt. Gaz. Ext. Pt. 4(A) dated 15.12.1962.
3. Substituted by Act No. 32 of 1959. Pub.in Raj. Govt. Gaz. Ext. Pt. 4(A) dated 17.6.1959.
4. Inserted by Act No. 32 of 1959. Ibid.

6. Procedure regarding payment of maternity benefit :-

(1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant, may on any day give notice in writing to her employer stating that she expects to be confined within ¹[six weeks] next following, that her maternity benefit may be paid to her, and that she will, not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the following day until ²[six weeks] after the day of her delivery.

(3) Maternity benefit shall be paid by the employer to the woman entitled thereto. after taking her wishes into consideration in any of the following three ways, viz-

(i) for ²[six weeks] within forty-eight hours of the production of a certificate signed by a registered medical practitioner as also a Vaidya or Hakeem registered under the Rajasthan Indian Medicine Act, 1952, certifying that the woman is expected to be confined within ²[six weeks] next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery, within forty-eight hours of the production of a certified extract form a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5, punctually ²[six weeks] after the production of such certified extract from a birth-register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5, within forty-eight hours of production within six weeks of her delivery of a

certified extract from a birth register stating that she has given birth to a child:

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

1. Substituted by Act No. 32 of 1959. Pub.in Raj. Govt. Gaz. Ext. Pt. 4(A) dated 17.6.1959.

2. Substituted by Act No. 32 of 1959. Ibid.

7. Payment of maternity benefit in case of a womans death :-

if a woman is entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her to the person who undertakes the care of the child, and if the child does not survive her, to her legal representatives.

8. No notice of dismissal to be given to a woman during period of maternity benefit :-

When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her a notice of dismissal during such absence or on such a day that the notice will expire during such absence.

9. Forfeiture of maternity benefit :-

If a woman works in any employment after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

10. Penalty for contravention of the Act by an employer :-

If any employer contravenes the provisions of this Act, he shall on conviction be liable to a fine which may extend to five hundred rupees.

11. Penalty for contravention to the Act by a woman :-

If any woman works in any employment within ¹(six weeks) of the date of her delivery she shall be liable on conviction to a fine not exceeding ten rupees.

1. Substituted by Act No. 32 of 1959. Pub.in Raj. Govt. Gaz. Ext. Pt. 4(A) dated 17.6.1959.

12. Cognizance of offence :-

(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Inspector of Factories.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence against this Act or any rules there under.

13. Limitations of prosecutions :-

No Court take cognizance of any offence against this Act or any rule there under unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

14. Rules :-

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register of combined muster roll and register or in the register kept or deemed to have been kept under section 62 of the Factories Act, 1948:

(b) the inspection of factories for the purposes of this Act by Inspector of Factories;

(c) the exercise of powers and the performance of duties by Inspectors of Factories for the purposes of this Act;

(d) the method of payment of maternity benefit in so far as provision has not been made in this Act; and

(e) any other matters for which no provision has been made in this Act and for which provision is in the opinion of the State Government. necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

15. Copies of this Act and Rules there under to be exhibited :-

An abstract of the provisions of this Act and the rules there under in Hindi shall be exhibited in a conspicuous manner by the employer in every part of a factory in which women are employed.

16. Savings :-

No suit, prosecution or other legal proceedings whatsoever shall be against any person for anything which is in good faith done or was intended to be done under this Act.

17. Section :-

¹[XXX]

1. Omitted by Act No. 27 of 1957 Pub. in Raj.Govt.Gaz..Ext. Pt. 4(A) dated 13.8.1957.