

Telangana Maternity Benefit Act, 1349 F

TELENGANA

India

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Act 7 of 1349

- Published on 1 June 2016
- Commenced on 1 June 2016
- [This is the version of this document from 1 June 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana Maternity Benefit Act, 1349 F (Act No.7 of 1349 F) Last Updated 10th January, 2020 The Andhra Pradesh (Telangana Area) Maternity Benefit Act, 1349 F. in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

- This Act may be called [the Telangana Maternity Benefit Act, 1349 F.] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] and it shall come into force in [the whole of the State of Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] from the date of its publication in the Official Gazette.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context; -(1)[the words and expressions used and not defined in this Act but defined in the Factories Act, 1948 (LXIII of 1948) shall have the meanings assigned to them in that Act;] [Substituted by Act No.II of 1952.][(1-A) "Inspector" means an Inspector appointed under sub-section (1) of section 6-A.] [Added by Act No.II of 1952.](2)"maternity benefit" means the amount of money which an owner of a factory is required to pay in accordance with the provisions of this Act to a woman worker working in a factory.

3. Employment of women workers in factories immediately after delivery prohibited.

- No owner of factory shall knowingly employ a woman worker in his factory during [four weeks] [Substituted by Act No.XXV of 1950.] following her delivery; and the owner of a factory who is liable

under this Act for the maternity benefit of such women shall not after delivery employ such women during [six weeks] [Substituted by Act No.XXV of 1950.] including the day of delivery.

4. Rights of woman worker.

(1) Subject to the provisions of this Act, a woman worker shall, in spite of her absence, be entitled to receive from the owner of the factory maternity benefit at the rate of [twelve annas] [Substituted by Act No.XXV of 1950.] a day for the days of absence during a minimum period of [six weeks] [Substituted by Act No.XXV of 1950.] immediately preceding the day of her confinement and during [six weeks] [Substituted by Act No.XXV of 1950.] following the confinement including the day of delivery: Provided that she has been continuously working in the factory wherefrom she claims maternity benefit for a period of not less than nine months, including the days during which she has been unavoidably ill, preceding the date on which she makes declaration and gives notice under sub-section (1) of section 5. (2) If a woman worker dies during the period for which she is entitled to maternity benefit, the maternity benefit shall be payable only upto and including the day of death.

5. Claim for maternity benefit and procedure regarding its payment.

(1) A woman worker entitled to maternity benefit shall give to the owner of the factory liable for her maternity benefit a notice in writing that she expects to be confined within one month from the date of the notice and stating as to whom he should pay her maternity benefit; she shall also make a declaration in writing to the owner of the factory that she will not work elsewhere during the period for which she shall receive maternity benefit. Where the delivery has taken place, the woman-worker shall, within one week from the date of delivery, inform the owner of the factory of her delivery along with the afore-said declaration and also state as to whom her maternity benefit should be paid. (2) On receipt of the declaration and the notice from the woman worker and on production of such proof of delivery as may be prescribed by the Government in this behalf by publication in the Official Gazette, the owner of the factory shall pay the maternity benefit due within forty-eight hours. The maternity benefit due shall thereafter be paid regularly on every fifteenth day.

6. Payment of maternity benefit when woman entitled to it dies.

- If a woman worker dies within the period during which she was entitled to receive the maternity benefit, the owner of the factory shall pay the maternity benefit due to the person whom the woman had nominated in the notice referred to in sub-section (1) of section 5 and if no one was so nominated, to the person under whose care the newly born child may be, and otherwise to the husband of the woman; and when there is no husband, to her eldest child provided the owner of the factory has knowledge thereof. In case he does not know and in the absence of the husband and also the children, the amount due shall be paid to the legal representative of the deceased determined in accordance with the rules made by the Government in this behalf.

6A. [Appointment of Inspectors. [Added by Act No.II of 1952.]

(1)The Government may by notification in the Official Gazette, appoint Inspectors for the purposes of this Act and may determine the local limits within which and the classes of factories in respect of which they shall exercise their functions.(2)Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860.)]

7. Notice of dismissal to woman worker prohibited.

(1)When a woman worker absents herself on the grounds that she expects delivery or that her delivery has taken place, the owner of the factory liable for her maternity benefit shall not be authorised to dismiss her during such absence.(2)The notice of dismissal given [five months] [Substituted by Act No.XXV of 1950.] before the delivery shall not have the effect of depriving woman worker of her right to receive her maternity benefit to which she would have been entitled in the absence of such notice or she would have been entitled on the date of her delivery under this Act.(3)The dispute whether the notice of dismissal to a pregnant woman worker is or is not contrary to the intention of sub-section (2), shall be decided by the [Inspector] [Substituted by Act No. II of 1952.] whose decision shall be final.

8. Forfeiture of maternity benefit.

- If a woman worker works, after giving notice to the owner of the factory and filing declaration under section 5, her claim to receive maternity benefit forfeit.

9. Penalty to owner of factory in case of contravention.

- If an owner of a factory contravenes the provisions of this Act he shall be liable to a fine which may extend to two hundred and fifty rupees.

10. Procedure in case of contravention.

- [(1) No prosecution for the provisions of this Act or of the rules thereunder shall be instituted except by an Inspector or with his written permission.] [Substituted by Act No. II of 1952.](2)No court inferior to that of a Magistrate of the first Class shall try any case for the contravention of this Act or the rules thereunder.

11. Limitation for prosecution.

- No Court shall take cognizance of an offence under this Act unless complaint is made within six months of the date of commission of the offence. In computing this period, the time spent in obtaining the sanction under sub-section (1) of section 10 shall be treated as excluded.

12. Rules.

(1)The Government may make rules to carry out the purposes of this Act. The Government shall, without prejudice to the generality of this power, make such rules for the following matters: -(a)the preparation of a register for marking the attendance of a woman worker and the particulars to be entered therein;(b)the inspection of factories for the purposes of this Act by [Inspectors] [Substituted by Act No.II of 1952.];(c)determination of powers and duties of [Inspectors] [Substituted by Act No.II of 1952.] and the manner for the performance and exercise thereof;(d)the manner of payment of maternity benefit.(2)The Government may provide in the rules made by them that a person who contravenes any rule shall be liable to a fine which may extend to fifty rupees.(3)The rules under this section shall be made subject to the condition of previous publication.

13. [Abstract of Provisions of this Act and rules made thereunder to be exhibited at conspicuous place. [Substituted by Act No.II of 1952.]

- An abstract of the provisions of this Act and of the rules made thereunder shall be exhibited in the local vernaculars in a conspicuous place by the employer in every part of the factory in which women are employed.]