

Tamil Nadu Maternity Benefit (Repeal) Act, 1964

TAMILNADU

India

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Act 23 of 1964

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Tamil Nadu Maternity Benefit (Repeal) Act, 1964(Tamil Nadu Act 23 of 1964)Statement of Objects and Reasons - Tamil Nadu Maternity Benefit (Repeal) Act, 1964 (Tamil Nadu Act 23 of 1964). - Maternity protection is at present provided under three Central Acts, namely, the Mines Maternity Benefit Act, 1941 (Central Act XIX of 1941), the Employee's State Insurance Act, 1948 (Central Act XXXIV of 1948) and the Plantations Labour Act, 1951 (Central Act LXIX of 1951) and under the different State Acts on the subjects. There is considerable diversity in their provisions relating to qualifying conditions, period and rate of benefit, etc. In order to reduce as far as possible the existing disparities in this respect, the Government of India have enacted the Maternity Benefit Act, 1961 (Central Act 53 of 1961). Central Act 53 of 1961 will come into force in the State (except in relation to mines) only on a date to be notified by the State Government. Again, it is the State Government who are competent to make rules in relation to all establishments other than mines under that Act. When the Central Act comes into force, the provisions thereof will have effect notwithstanding anything inconsistent therewith contained in any other law - see sub-section (1) of section 27. The Madras Maternity Benefit Act, 1934 (Madras Act VI of 1935) is the law now in force regarding maternity benefit. After the commencement of the Central Act, the provisions of the Madras Act in so far as they are inconsistent with the Central Act will cease to have effect. But, the Central Act does not contain any provision for the repeal of the Madras Act. Hence, the Government of India have requested this Government to undertake necessary legislation for repealing the Madras Act and for bringing the Central Act into force simultaneously.² The Bill accordingly seeks to repeal the Madras Act. Published in Part IV - Section 3 of the Fort St. George Gazette Extraordinary, dated the 17th July 1964. Received the assent of the President on the 28th September 1964 and published in Part IV - Section 4 of the Fort St. George Gazette Extraordinary, dated the 7th October 1964. An Act to provide for the repeal of the [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Maternity Benefit Act, 1934. Be it enacted by the Legislature of the State of [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] in the Fifteenth Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Maternity Benefit (Repeal) Act, 1964.

2. Repeal of the [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Maternity Benefit Act, 1934 [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act VI of 1935).

- On and from the date notified in that behalf in the Official Gazette by the State Government under clause (b) of sub-section (3) of section 1 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961), as the date on which that Act shall come into force in relation to establishments (other than mines), in the State, the [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Maternity Benefit Act, 1934 (Tamil Nadu Act VI of 1935), shall stand repealed.

3. Saving.

- The repeal of the [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Maternity Benefit Act, 1934 (Tamil Nadu Act VI of 1935), by section 2 shall not affect -(a)the previous operation of the said Tamil Nadu Act or anything duly done or suffered thereunder; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under the Tamil Nadu Act; or(c)any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against the said Tamil Nadu Act; or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed, as if this Act has not been passed.