

The Rajasthan Maternity Benefit Rules, 1954

RAJASTHAN

India

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Rule THE-RAJASTHAN-MATERNITY-BENEFIT-RULES-1954 of 1954

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The Rajasthan Maternity Benefit Rules, 1954 Published vide Notification No. F. 15(9) Lab/54 dated 3-3-1955, published in the Rajasthan Gazette Part 4-C dated 26-3-1955 (Section 14) In exercise of the powers conferred by sub-section (1) of section 14 of the Rajasthan Maternity Benefit Act, 1953, the Government of Rajasthan is pleased to make the following rules, the same having been previously published in the Rajasthan Rajpatra under section 14 of the said Act.

1. Short title and commencement.

- These rules may be called the Rajasthan Maternity Benefit Rules, 1955. They shall come into force with immediate effect.

2. Definitions.

- In these rules:-(a)"Act" means the Rajasthan Maternity Benefit Act, 1953 and "Section" means a Section thereby.(b)"Muster roll" means a muster roll prepared and maintained under Rule 3 and includes a register kept or deemed to have been kept under Section 62 of the Indian Factories Act, 1948 and (c) words and comparison defined in the Act have the meaning respectively assigned to them in the Act.

3. Muster Roll.

(1) The employer of every factory in which women are employed shall prepare and maintain a Muster Roll and shall enter the following particulars in such muster roll viz., (a) Name of women and her father's or (if married) husband's name. (b) Department in which employed and name of factory. (c) Ticket or departmental number. (d) Dates with month and year on which employed and not employed. (e) Total days employed in the payment period. (f) "Wages" as defined in Section 3(d). (ii) "Average daily earning" calculated to the nearest quarter of an anna on the total wages

earned during a period of three months immediately preceding the date on which the women gives notice under Section 6(i) of the Act:(g)Date on which the women gives notice under Section 6(i) of the Act.(h)Date of confinement or miscarriage.(i)Date of production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month.(j)Date of production of certified extract from birth register.(k)Date of first payment of maternity benefit and amount of same.(l)Date of subsequent payments of maternity benefit and amount of same(m)If the woman worker dies, amount of maternity paid and date of payment and the name of person to whom paid.(n)Date of payment of bonus under Section 5(4).(o)Remarks column for the use of the Inspector only.(2)All entries in the muster roll shall be maintained upto date and shall always be available for inspection by the Inspector during working hours.(3)The employer may enter in the muster roll such other particulars as may be required for any other purpose.(4)All entries in the muster roll shall be made in ink.

4. Proof.

(1)The fact that a woman worker has had a miscarriage or is dead shall be proved by the production either of a certificate to the effect from registered medical practitioner or Hakim or Vaid registered under the Rajasthan Indian Medicine Act, 1952 or certified copy of an extract from death register maintained under the provisions of any law. as the case may be.(2)The fact that a woman worker has availed herself of the services of a qualified mid-wife or a trained woman health visitor at the time of her confinement to entitle her to bonus under Section 5(4) shall be proved by the production of a certificate to that effect from a registered medical practitioner or a trained woman health visitor or a Hakim or Vaid registered under the Rajasthan Indian Medicine Act, 1952.

5. Responsibilities of the Inspector.

- The Inspector shall be primarily responsible for the Administration of the Act within the area assigned to him under the Indian Factories Act, 1948 provided that in areas where there are more than one Inspector, the Commissioner of Labour may allocate the factories within such areas to such Inspector as he shall deem proper.

6. Power of Inspector.

(1)The Inspector may within the area for which he is appointed examine the muster roll maintained under Rule 3 and shall have power to make such enquiries and to require the production of such papers or documents he considers necessary for the purpose of ascertaining whether the provisions of these rules are properly carried out in any factory or not.(2)Every notice given under Sub-section (i) of Section 6 of the Act every receipt for maternity benefit paid to any person under the provisions of the Act or of these rules shall, on demand be produced before the Inspector.

7. Forms of notice by women workers.

- The notice under section 6(2) of the Act may be given in Form II to those Rules and every

employer shall keep in stock sufficient number of copies of such notice and shall supply a copy to every woman worker bona-fide requiring it at not more than 1/2 anna.

8. Obstruction to Inspector.

- No person shall wilfully obstruct an Inspector in exercise of his powers or the performance of his duties on conviction to under the Act or those rules.

9. Returns.

- Every employer of women in a factory shall furnish to the Chief Inspector of Factories by the 15th day of January in each year a return in the form I to these Rules.

10. Records.

- Records relating to the payment of maternity benefit under the provisions of the Act or these rules shall be preserved by the employer for a period of two years from the date of their preparation.

11. Discharge of closing of factory.

- A woman entitled to maternity benefit shall not be deemed to have been dismissed within the meaning of Section 8 if she is discharged on account of closing of the factory in which she is employed.

12. Exhibition of Abstract of Provisions of the Act and Rules.

- The abstract of the provisions of Act and rules in the Hindi required to be exhibited by Section 15 of the Act shall be in such form as the Chief Inspector of Factories may approve and he exhibited in such manner as he may require. The Chief Inspector of Factories may prepare an abstract and supply copies to employers who make an application for the same to the Inspector.

13. Penalty.

- An employer contravening any provision of Rules 3, 8, 9. 10 or 12 of these rules or any other person contravening Rule of these Rules, shall, on conviction be punishable with a fine not exceeding fifty rupees. Form I See Rule 9 Return to be submitted to the Chief Inspector of Factories, on or before the 15th January each year.

1. Name of Factory.

2. Name of Occupier.

3. Name of Manager, year ending 31st December, 19....

4. Average number of women employed daily.

5. Number of women who claimed Maternity Benefit (Section 6(i) of the Act).

6. No. of women who were paid Maternity Benefit for actual births.

7. No. of other persons who were paid Maternity Benefit (Section 7).

8. No. of women who were paid Maternity Benefit for miscarriage.

9. The number of women who were paid bonus of Rs. 5/- under Section 5(4).

10. Total amount of bonus paid.

11. Total amount of Maternity Benefit paid.

Signature.....Employer.....Form IISee Rule 7Notice under Section 6(i) of
the Rajasthan Maternity Benefit Act, 1953.Name of employer.....
I.....wife/daughter.....of.....a woman worker in
the.....Factory hereby give notice to my employer that I expect to be confined within one
month from today that I will absent myself from the factory with effect from and that I shall not
work in any employment during the period for which I receive Maternity
Benefit.Signature.....Date