

## ORISSA ACT XIX OF 1953

## THE ORISSA MATERNITY BENEFIT ACT, 1953

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AN ACT TO PREVENT THE EMPLOYMENT OF WOMEN IN FACTORIES FOR SOMETIME BEFORE AND SOMETIME AFTER CONFINEMENT AND TO PROVIDE FOR PAYMENT OF MATERNITY BENEFIT TO THEM

**W**HEREAS it is expedient to prevent the employment of women in factories for some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter appearing ;

It is hereby enacted as follows :—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Orissa Maternity Benefit Act, 1953.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions

2. In this Act unless there is anything repugnant in the subject or context—

(a) "employer" includes an "occupier" of a factory as defined in the Factories Act, 1948 and the manager of a factory ; LXIII of  
1948.

(b) the expressions "Factory", "Inspector of Factories" and "worker" shall have the same meanings as are respectively assigned to them by the Factories Act, 1948 ; and LXIII of  
1948.

(c) "maternity benefit" means the amount of money payable under the provisions of this Act to a woman worker in a factory.

Exemption  
of factories  
owned or  
maintained  
by a Local  
authority in  
particular  
circums-  
tances.

3. Nothing contained in this Act shall apply to worker of any factory owned or maintained by a Local authority except in so far as such authority has not made provision for the prevention of employment of women in the said factory in a similar manner as provided in this Act.

Prohibition of employment of women in factories immediately after confinement.

4. After this Act comes into operation no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her confinement.

Right to maternity benefit of women workers in non-seasonal factories.

5. (1) Subject to the provisions of this Act, every woman worker in a factory shall be entitled to the payment of maternity benefit at a rate equal to the rate of wage or salary paid to her subject to a minimum of twelve annas a day for the actual days of her absence during the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2) :

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, for a period of not less than six months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be seven weeks, that is to say, three weeks up to and including the day of her confinement and four weeks immediately following that day. 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.

Notice of claim of maternity benefit and payment thereof.

6. (1) Any woman worker in a factory entitled to maternity benefit under the provisions of this Act may give notice in writing to her employer stating that her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she receives maternity benefit. If the woman worker has not been confined, such notice shall state that she expects to be confined within one month from the date of the notice ; if she has been confined, such notice shall be given within one week of her confinement.

(2) The employer shall, on receipt of the notice, permit such woman to absent herself from the factory until the expiry of four weeks after the day of her confinement.

(3) The amount of maternity benefit for the period up to and including the day of confinement shall be paid by the employer to the woman within forty-eight hours of the production of such proof as the State Government may, by rule, provide that the woman has been confined. The amount due for the subsequent period shall be paid punctually each fortnight in arrear.

Payment of maternity benefit in case of claimant's death.

7. If a woman worker entitled to maternity benefit under the provisions of this Act dies during the period for which she is entitled to maternity benefit, the employer shall pay the amount of maternity benefit due to the nominee mentioned in the notice given under sub-section (1) of section 6 and if there is no such nominee, to her legal representative.

Prohibition of notice of dismissal to women workers in certain cases.

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

(2) (a) No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would on or before the date of her confinement have become, entitled under this Act.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices falling under sub-section (1).

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 5, she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of Act by employer.

10. If any employer contravenes the provisions of this Act, he shall be punishable with fine not less than two hundred and fifty rupees.

Jurisdiction  
of Courts.

**11.** (1) No prosecution for any offence under this Act or any rules made thereunder 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 under this Act or any rules thereunder.

Period of  
limitation  
for prosecu-  
tions under  
the Act.

**12.** No Court shall take cognizance of, or convict a person for, any offence under this Act or any rule thereunder unless complaint thereof has been made within six months from the date on which the offence was committed. In computing the period of six months aforesaid, the time, if any, taken for the purpose of obtaining the previous sanction of the Inspector of Factories under sub-section (1) of section 11 shall be excluded.

Power of  
Government  
to make  
rules.

**13.** (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 and the particulars to be entered in such roll ;

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

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

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

(3) Any such rule may provide that 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.

Copy of the  
Act and  
rules to be  
exhibited in  
factories  
employing  
women.

**14.** A copy of the provisions of this Act and rules thereunder in the local vernacular shall be exhibited in a conspicuous place by the employer in every factory in which women are employed.