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ASSAM ACT XII OF 1964

THE MATERNITY BENEFIT (ASSAM AMENDMENT) ACT, 1963

(Received the assent of the President on the 31st May 1964)

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*An
Act*

to amend the Maternity Benefit Act, 1961 in its application to the State of Assam

Preamble WHEREAS it is expedient to amend the Maternity Benefit Act, 1961, hereinafter called the principal Act in its application to the State of Assam, in the manner hereinafter appearing ;

Central Act
No. 53 of
1961.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maternity Benefit (Assam Amendment) Act, 1963.

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

(3) It shall come into force on such date as may be notified in this behalf by the State Government in the official Gazette.

Amendment
of Section 4
of the Cen-
tral Act No.
53 of 1961.

2. In sub-sections (1) and (2) of Section 4 of the principal Act, for the words "six weeks" wherever occurring between the words "the" and "immediately" the words "eight weeks" shall be substituted.

Amendment
of Section 5
of Central
Act No. 53
of 1961.

3. For Section 5 of the principal Act, the following shall be substituted, namely:—

"Right to
payment of
maternity
benefit.

5. (1) Subject to the provision of this Act every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her wages for the period as prescribed under sub-section (3). Such payment shall be made weekly in case of a woman working on daily wage basis and monthly in the case of a woman working on monthly wage basis.

Explanation.—For the purpose of this sub-section, weekly payment of wages means in case of woman working on daily wage basis, such daily wage multiplied by six.

(2) No woman shall be entitled to maternity benefit unless she has worked directly under the employer from whom she claims such benefit for a

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total of one hundred and fifty days during the period of twelve months immediately preceding the date on which the notice of expected delivery is given and where no notice has been given or in case of miscarriage during the twelve months preceding the date of delivery or the date of miscarriage :

Provided that the qualifying period of one hundred and fifty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of immigration.

Explanation.—In computing the number of days on which a woman worked, the days on which (a) she has been laid off under an agreement or as permitted by Standing Orders under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947 and (b) she has been on leave with full wages, earned in the previous year or on maternity leave or on sick leave shall be included.

Central Act
No. 20 of
1946.

Central Act
No. 14 of
1947.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, four weeks upto and including the day of delivery and eight weeks immediately following the day of delivery."

Amendment
of Section
6 of Central
Act No.53
of 1961.

4. For sub-section (5) of Section 6 of the principal Act, the following shall be substituted, namely:—

"(5) The amount of maternity benefit for the period preceding the date of her expected delivery and the amount due for the subsequent period shall be paid by the employer on production of such proof as may be prescribed regarding pregnancy and delivery of a child."

Amendment
of Section
9 of Central
Act No.53
of 1961.

5. In Section 9 of the principal Act, for the words "six weeks" occurring between the words "of" and "immediately" the words "eight weeks" shall be substituted.

Repeal

6. The Assam Maternity Benefit Act, 1944 is hereby repealed.