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PART VI

Bills introduced into the Council of the Governor General of India and
Bills published before introduction in that Council

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT

The following Report of the Select Committee on the Bill further to amend the Mines Maternity Benefit Act, 1941, was presented to the Legislative Assembly on the 2nd April 1945:—

We, the undersigned, members of the Select Committee to which the Bill further to amend the Mines Maternity Benefit Act, 1941, was referred, have considered the Bill, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

We omit clause 2 as the substance of the definition it introduced has been incorporated in sub-clause (b) of clause 4 of the amended Bill.

Clause 2 (formerly 3)—We have extended the prohibition against employing women working below ground to include a period of 26 weeks after delivery, and have imposed certain restrictions upon so employing women for a further period of 10 weeks after that.

Sub-clause (b) of clause 3 (formerly 4)—The new sub-section in the Bill has been recast and we have added two more to section 4, one enabling the woman to be medically examined by a woman if she so desires, and the other which replaces the existing sub-section (2) generalises the definition of authorised absence on leave.

Clause 4 (formerly 5)—We propose an increase in the daily rate of benefit from 8 to 12 annas generally, and an enhanced rate of six rupees a week for a woman who has worked below ground for not less than 90 days during the 6 months preceding the time when she is barred from further work below ground.

The amendments in clauses 5, 6, 8 and 12 as renumbered are consequential upon other changes we have proposed.

2. The Bill was published in the *Gazette of India*, dated the 10th March 1945.

3. We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended.

ASOKA K. ROY
B. R. AMBEDKAR
S. C. JOSHI
*M. A. AYYANGAR
*N. G. RANGA
N. P. SIVARAJ
*K. B. JINARAJA HEGDE
ZAFAR ALI KHAN
*H. G. STOKES
AMARENDRA NATH CHATTOPADHYAYA
*N. M. JOSHI

The 2nd April 1945

MINUTES OF DISSENT

We would have liked women in the mines to be given maternity benefit for ten weeks after child birth, but since Government were willing to raise the period from four weeks as proposed in the Bill to six weeks, we have not pressed our point to vote. We trust that Government will soon implement their assurance of bringing forward the necessary legislation to make obligatory for mine owners to maintain creches at all mines where women are employed.

N. G. RANGA
M. A. AYYANGAR
K. B. JINARAJA HEGDE

*Subject to a Minute of Dissent

I would like that maternity benefit to be paid after confinement should be for ten weeks instead of for six weeks

(2) I did not press for my proposal that establishment of creches should be made obligatory upon mine owners and that the mother should be given free time to feed the baby, as the Hon'ble Member of Labour stated that the Government of India is considering the question of amending the Indian Mines Act for the purpose stated above. I hope the Government of India will soon bring forward legislation to give effect to my proposal.

The 2nd April 1945

N. M. JOSHI

Whilst I support the objects of this Bill to supply relief to women employed in mines both before and after confinement, such relief must clearly reconcile the two aims of providing adequate benefit while yet maintaining the output of coal necessary for war and other industries. The Bill has been so drastically altered in Select Committee that I consider its probable effects now require further examination by the Coal trade itself. I therefore recommend that further consideration should be delayed until such examination can be carried out.

H. G. STOKES

The 2nd April 1945

L. A. BILL No. 8 OF 1945

(BILL AS AMENDED BY THE SELECT COMMITTEE)

(Words underlined or sidelined indicate the amendments suggested by the Select Committee; asterisks indicate omissions)

A Bill further to amend the Mines Maternity Benefit Act, 1941

WHEREAS it is expedient further to amend the Mines Maternity Benefit Act, 1941 (XIX of 1941), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title**—This Act may be called the Mines Maternity Benefit (Amendment) Act, 1945.

2. **Amendment of section 3, Act XIX of 1941**—Section 3 of the Mines Maternity Benefit Act, 1941 (hereinafter referred to as the said Act) shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely:—

“(2) No owner or manager of a mine shall employ any woman below ground in the mine—

(a) if he has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks;

(b) if she has to the knowledge of the management been delivered of a child within the preceding twenty-six weeks;

(c) during the period of ten weeks following the twenty-six weeks referred to in clause (b)—

(i) for more than four hours in a day unless a *creche* is provided at the mine;

(ii) in any case, for more than four hours at any one time:

Provided that where the woman informs the management that the child of which she was delivered has died, the provisions of clause (c) shall not apply after the management has with due diligence verified the correctness of her statement.”

3. **Amendment of section 4, Act XIX of 1941**—In section 4 of the said Act,—

(a) in the proviso to sub-section (1), after the words “Provided that” the words “except in the case of a woman employed below ground in the mine” shall be inserted;

(b) for sub-section (2) the following sub-sections shall be substituted, namely:—

“(2) If any woman employed below ground in a mine gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within ten weeks from the date of such notice, the manager may, on undertaking to defray the cost of such examination, require the woman to be examined within three days by a qualified medical practitioner or midwife, and shall permit her if she so desires to absent herself from work in any capacity in the mine prior to the said examination, and unless he obtains a certificate that the woman is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination, up to the day of her delivery, and such absence shall be treated as a period of authorised absence on leave.

(3) The examination referred to in the proviso to sub-section (1) or in sub-section (2) shall, if the woman so desires, be carried out by a woman.

(4) The absence of a woman in the period during which she is entitled to maternity benefit under this Act shall be treated as authorised absence on leave.”

4. Amendment of section 5, Act XIX of 1941—Section 5 of the said Act shall be re-numbered as sub-section (1) of that section, and—

(a) in the section as so re-numbered,—

(i) after the words “every woman” the words, brackets and figure “other than a woman to whom the provisions of sub-section (2) apply” shall be inserted;

(ii) for the words “eight annas” the words “twelve annas” shall be substituted;

(b) to the section as so re-numbered the following sub-section shall be added, namely:—

“(2) Every woman who has worked below ground in a mine or mines of the same owner for not less than ninety days in all during a period not exceeding six months immediately preceding the date on which clause (a) of sub-section (2) of section 3 becomes applicable to her case shall, if she complies with the other conditions imposed by this Act, be entitled to receive, and the owner of the mine shall be liable to make to her, in accordance with the provisions of this Act, a payment at the rate of six rupees a week for the ten weeks immediately preceding her delivery and for the six weeks following her delivery.”

5. Amendment of section 7, Act XIX of 1941—In section 7 of the said Act, after the word, brackets and figure “sub-section (1)” the words, brackets, and figure * * “or sub-section (2), as the case may be,” shall be inserted.

6. Amendment of section 8, Act XIX of 1941—In section 8 of the said Act,—

(a) after sub-section (1) the following sub-section shall be inserted, namely:—

“(1A) Where a woman entitled to maternity benefit has given the notice referred to in sub-section (2) of section 4, the manager shall within three days pay to her maternity benefit for ten weeks in advance, unless, within

the said three days as a result of the examination * * referred to in that Sub-section, he obtains a certificate that she is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination.”;

(b) in clause (a) of section (2), after the word, brackets and figure “sub-section (1)” the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

7. Amendment of section 9, Act XIX of 1941—In sub-sections (1) and (2) of section 9 of the said Act, after the word, brackets and figure “sub-section (1)” the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

8. Amendment of section 10, Act XIX of 1941—In sub-section (1) of section 10 of the said Act, for the words and figures “section 3, or has obtained permission to absent herself in accordance with section 4” the words, brackets and figures “sub-section (1) of section 3 or in circumstances under which in accordance with this Act the absence is to be treated as authorised absence on leave” shall be substituted.

9. Amendment of section 11, Act XIX of 1941—In section 11 of the said Act—

(a) in sub-section (1), after the words “Chief Inspector or any Inspector” the words “or any other officer authorised in this behalf by the Central Government” shall be added;

(b) in sub-section (2), after the word “the Chief Inspector or Inspector” the words “or other officer” shall be inserted.

10. Amendment of section 12, Act XIX of 1941—In section 12 of the said Act, for the word and figure “section 3” the words, brackets and figures “sub-section (1) of section 3” shall be substituted.

11. Amendment of section 14, Act XIX of 1941—In section 14 of the said Act,—

(a) in sub-section (1), after the words “Chief Inspector” the words “or of an officer authorised in this behalf by the Central Government” shall be added,

(b) in the proviso to sub-section (3) the words “of the Chief Inspector” shall be omitted.

12. Amendment of section 15, Act XIX of 1941—In sub-section (2) of section 15 of the said Act,—

(a) in clause (c), for the words, brackets and figure “under the proviso to sub-section (1) of” the words “referred to in” shall be substituted.

(b) in clause (f), after the words “the Chief Inspector and Inspectors” the following shall be inserted, namely:—

“and the officers authorised by the Central Government referred to in section 11 and sub-section (1) of section 14”.

MD. RAFI

Secy. to the Govt. of India