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## PART IV

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court.

Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps

### HOME DEPARTMENT

#### NOTIFICATION

*The 4th February 1943*

**No. 300-C.**—The following notification by the Government of India is republished for general information.

By order of the Governor

J. BOWSTEAD

*Chief Secretary to Government*

#### DEFENCE DEPARTMENT

*New Delhi, 11th January 1943*

**No. 5-D.C. (3)/43**—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After sub-rule (3) of rule 130 of the said Rules, the following sub-rule shall be inserted, namely:—

“(4) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, if such magistrate or bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of these Rules as the Central Government may by notified order specify in this behalf in accordance with the provisions contained in sections 262 to 265 of the said Code”.

C. MACI. G. OGILVIE

*Secretary to the Government of India*

### COMMERCE AND LABOUR DEPARTMENT

#### NOTIFICATIONS

*The 31st January 1943*

**No. 167—IJ-2/43-Com.**—The following notification of the Government of India in the Department of Commerce is republished for general information.

By order of the Governor

W. W. DALZIEL

*Secretary to Government*

#### REGISTRATION OF ACCOUNTANTS

*New Delhi, 26th December 1942*

**No. 9-A.(2)/42 (ii)**—In pursuance of rule 50 of the Auditor's Certificates Rules, 1932, and in supersession

of its notification in the Department of Commerce, No. 9-A (5)/39 (ii), dated the 9th September 1939, the Central Government is pleased to appoint with effect from the forenoon of the 25th November 1942, Mr. N. R. Pillai, C.I.E., C.B.E., I.C.S., Secretary to the Government of India in the Department of Commerce, to be the Chairman of the Indian Accountancy Board, vice Sir Alan Lloyd, C.S.I., C.I.E., I.C.S.

S. R. ZAMAN

*Joint Secretary to the Govt. of India*

*The 31st January 1943*

**No. 169—II E-8/42-Com.**—The following notification, issued by the Government of India, Department of Labour, is republished for general information.

By order of the Governor

W. W. DALZIEL

*Secretary to Government*

*New Delhi, 18th November 1942*

**No. E.-103.**—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government is pleased to direct that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published as required by section 18 of the said Act, namely:—

In Schedule IV to the said Rules, after Article 3 the following article shall be inserted, namely:—

“8A I-A To possess gunpowder in quantity not exceeding 25 lbs. and to manufacture, possess and fire Adirvottus in quantities not exceeding 200 in number. The District Free of Authority in charge.”  
of the province of Madras only.

S. H. ZAHEER

*Addl. Dy. Secy. to the Govt. of India*

*The 4th February 1943*

**No. 196-Com.**—The following notifications of the Government of India in the Department of Labour, are republished for general information.

By order of the Governor

W. W. DALZIEL

*Secretary to Government*

*New Delhi, 10th December 1942*

**No. E. 104(1)**—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the

Petroleum Act, 1934 (XXX of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Petroleum Rules, 1937, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely:—

In the said Rules—

(1) For sub-rule (3) of rule 119, the following sub-rule shall be substituted, namely:—

“(3) The same fee shall be charged for the renewal of a licence as for the grant thereof, provided that if the application for renewal is not received within the time specified in sub-rule (2), the licence shall be renewed only on payment of double the fee ordinarily payable for the licence.”

(2) In rule 127, for the words “one rupee”, the words “rupees three” shall be substituted.

New Delhi, 10th December 1942

No. E. 104(2)—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to Carbide of Calcium by the notification of the Government of India in the late Department of Industries and Labour, No. M.-826(1), dated the 15th October 1936, the Central Government is pleased to direct that the following further amendments shall be made in the Carbide of Calcium Rules, 1937, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely:—

In the said Rules—

(1) For sub-rule (3) of rule 43, the following sub-rule shall be substituted, namely:—

“(3) The same fee shall be charged for the renewal of a licence as for the grant thereof, provided that if the application for renewal is not received within the time specified in sub-rule (2), the licence shall be renewed only on payment of double the fee ordinarily payable for the licence.”

(2) In rule 49, for the words “one rupee,” the words “rupees three” shall be substituted.

S. H. ZAHEER

Add. Dy. Secy. to the Govt. of India

The 5th February 1943

No. 204—1M5/1942-Com.—The following notifications, issued by the Government of India in the Department of Labour, are republished for general information.

By order of the Governor

W. W. DALZIEL

Secretary to Government

New Delhi, 24th December 1942

No. M1285(1)—In pursuance of sub-section (3) of section 1 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government is pleased to appoint the 28th December 1942 as the date on which the said Act shall come into force.

New Delhi, 24th December 1942

No. M1285(2)—In exercise of the powers conferred by section 17 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government is pleased to exempt from the operation of the said Act, the mines, classes of mines, and parts of mines specified in the first column of the annexed Schedule subject to the conditions, if any, specified in the corresponding entry in the second column thereof.

SCHEDULE

1	2
<i>Mines and classes exempted.</i>	<i>Conditions attached to exemption.</i>
1. Mines or parts of mines in which excavation is being carried out for prospecting purposes only and not for the purpose of obtaining minerals for use or sale.	Provided that— (i) not more than 20 persons are employed in or about such excavation; (ii) no part of the excavation extends beneath the superjacent ground; and (iii) the depth of the excavation measured from its highest to its lowest point nowhere exceeds 20 feet or, in the case of an excavation for coal, 50 feet.
2. Iron-ore mines worked without mechanical power, the whole of the ore from which is supplied locally to village smelters and blacksmiths.	The owner, agent or manager of any mines so exempted shall not permit any female to enter for purposes of employment, or be employed in, the underground workings, if any, of the mine.
* * * * *	
New Delhi, 7th January 1943	
No. M1285—In exercise of the powers conferred by section 6 and section 15 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 15 of the said Act, namely:—	
MINES MATERNITY BENEFIT RULES, 1943	
1) Short title—These rules may be called the Mines Maternity Benefit Rules, 1943.	
2) Definitions—In these rules, unless there is anything repugnant in the subject or context,—	
(a) “the Act” means the Mines Maternity Benefit Act, 1941 (XIX of 1941);	
(b) “Form” means a form appended to these rules;	
(c) “muster roll” means a muster roll maintained under rule 3;	
(d) “section” means a section of the Act.	
3. Muster roll—(1) Every owner or manager of a mine in which women are employed shall prepare and maintain a muster roll and shall enter the following particulars in such muster roll, namely:—	
(a) name of mine;	
(b) name of woman and her father's (or, if married, husband's) name;	
(c) nature of her work;	
(d) dates with month and year in which she is employed and not employed;	
(e) date on which the woman gives notice under sub-section (1) of section 4;	
(f) date of production of a medical certificate under the proviso to the said sub-section;	
(g) date of birth of child;	
(h) date on which the woman gives notice, if any, under section 7;	
(i) date of production of proof of birth;	
(j) date of production, if any, of proof of death of a woman worker;	

- (k) date with the amount of payment of first instalment of maternity benefit;
- (l) date with the amount of payment of subsequent instalment of maternity benefit;
- (m) date of payment of bonus, if any, under rule 12;
- (n) if the woman dies, the name of the person to whom maternity benefit was paid, the amount thereof, and the date of payment;
- (o) name of the person nominated by the woman under the proviso to section 7;
- (p) remarks column for the use of the Inspector.

(2) All entries in the muster roll shall be made in ink and maintained up to date, and the Inspector may inspect it on the premises at any time during the working time of the mine.

(3) The employer may enter in the muster roll such other particulars as he may wish for any other purpose.

4. *Form of notice under section 4 (1)*—The written notice referred to in sub-section (1) of section 4 shall be in Form A.

5. *Form of notice under section 7*—The notice referred to in section 7 shall be in Form B.

6. *Supply of forms*—The manager shall supply to the woman, at her request, free of cost, copies of Forms A and B.

7. *Medical examination*—(1) The qualified medical practitioner referred to in the proviso to sub-section (1) of section 4 shall be a female, if the woman so desires.

(2) The certificate referred to in the proviso to sub-section (1) of section 4 shall be in Form D.

(3) Medical practitioners and midwives referred to in these rules shall have qualifications not less than those qualified to assist at delivery for the purposes of section 6.

8. *Casual absence*—For purposes of the explanation to section 5, absence from employment up to a maximum period of 26 days during the six months preceding the date of delivery shall be treated as casual absence.

9. *Proof*—The fact that a woman has been confined or is dead shall be proved by the production either of a certificate to that effect from a qualified medical practitioner or of a certified copy of an extract from a birth and death register maintained under the provisions of any law.

10. *Payment of maternity benefit*—(1) Payments against a claim of maternity benefit shall be made by the manager to the woman concerned, or to a person nominated by her in writing, or in case of her death, to the person entitled to it under sub-section (2) of section 9.

In case of doubt the amount may be paid by the manager to the Chief Inspector who shall pay it to the person who, in his opinion, is entitled to receive it.

(2) Whenever the payment referred to in sub-rule (1) is made, a receipt shall be obtained by the manager from the person to whom the payment is made in Form C. Where the amount has been paid to the Chief Inspector, the receipt shall be supplied to the manager by the Chief Inspector.

11. *Records*—Records relating to the payment of maternity benefit kept under the provisions of the Act or these rules shall be preserved for a period of two years from the date of their preparation.

12. *Bonus*—(1) Subject to the provisions of sub-section (1) of section 6, a bonus of three rupees shall be paid by the manager to the woman entitled to maternity benefit under the Act.

(2) Application for bonus shall be made by the woman entitled to maternity benefit within four weeks immediately following the day of delivery.

(3) The application referred to in sub-rule (2) shall be accompanied by a certificate from the qualified midwife or other trained person declaring that the woman worker utilized the services of that midwife or trained person.

(4) The qualifications to be possessed by qualified midwives and other trained persons for the purposes of section 6 shall be determined by the Provincial Government.

13. *Duties and powers of Chief Inspector and Inspectors*—(1) The Chief Inspector shall have jurisdiction, and shall be responsible for the due administration of the Act and these rules, throughout British India.

(2) Every Inspector shall be responsible for the due observance of the Act and these rules within the area assigned to him by the Chief Inspector.

(3) The Chief Inspector and Inspectors shall have power, within their respective jurisdictions—

(a) to require the production of, and to examine, such records as are maintained in the mine under the Act or these rules,

(b) to make such enquiries and to require the production of such papers or documents as may be necessary for the purpose of ascertaining whether the provisions of the Act and of these rules have been or are being properly carried out in any mine; provided that he shall not require any owner or manager to answer any question, or give any evidence, tending to criminate himself.

(4) Every notice given under sub-section (1) of section 4 or under section 7 and every receipt for maternity benefit or bonus paid to any person under the provisions of the Act or of these rules shall, on demand, be produced before the Chief Inspector or an Inspector.

(5) Without prejudice to the generality of sub-rules (1) and (2), the Chief Inspector or an Inspector shall at each inspection of a mine see—

(a) whether due action has been taken on every notice given under sub-section (1) of section 4 or under section 7;

(b) whether the muster roll prescribed by rule 3 is correctly maintained;

(c) whether there have been any cases of dismissal or notice of dismissal in contravention of section 10 since the last inspection;

(d) whether sections 3 and 8 and sub-section (1) of section 16 have been complied with.

(6) An Inspector may issue orders in writing to the owner or manager asking for the correction of all irregularities against the Act or these rules noticed by him.

14. *Penalty*—Any person who contravenes any of the provisions of rules 3, 6, 10, 11, 12 and 13 shall, on conviction be punishable with fine which may extend to fifty rupees.

#### FORM A

(See rule 4)

#### NOTICE UNDER SECTION 4(1) OF THE MINES MATERNITY BENEFIT ACT, 1941

Name of owner of mine  
I, \_\_\_\_\_, <sup>wife</sup> of \_\_\_\_\_, employed as \_\_\_\_\_ at \_\_\_\_\_  
, <sup>daughter</sup> of \_\_\_\_\_  
mine, hereby give notice that I expect to be confined within one month next following from the date of this notice and that I will absent myself from the mine with effect from \_\_\_\_\_

\*2. For the purpose of section 9 (2), I hereby nominate (name and full address of the nominee to be given) to receive maternity benefit due to me in case of my death.

Given this day \_\_\_\_\_ Signature or thumb impression \_\_\_\_\_

Signature of an attestor in case the woman is not able to sign, and affixes thumb impression \_\_\_\_\_ Address \_\_\_\_\_

To The Manager \_\_\_\_\_ (name of mine and full postal address)

\*Strike out where not applicable

**FORM B**  
(See rule 5)

NOTICE UNDER SECTION 7 OF THE MINES MATERNITY BENEFIT ACT 1941

Name of owner of mine \_\_\_\_\_

I, \_\_\_\_\_, <sup>wife</sup> daughter of \_\_\_\_\_, employed as \_\_\_\_\_ at \_\_\_\_\_ mine, hereby give notice that I gave birth to a child on the \_\_\_\_\_ (date). (name and full address of the nominee to be given)

\*2. For the purpose of section 9 (2), I hereby nominate \_\_\_\_\_ to receive maternity benefit due to me in case of my death.

Given this day \_\_\_\_\_ Signature or thumb impression \_\_\_\_\_

Signature of an attestor in case the woman is not able to sign, and affixes thumb impression \_\_\_\_\_

Address \_\_\_\_\_

To The Manager \_\_\_\_\_ (name of mine and full postal address).

\* Strike out where not applicable

**FORM C**  
[See rule 10 (2)]

FORM OF RECEIPT FOR MATERNITY BENEFIT

Name of mine \_\_\_\_\_

I, \_\_\_\_\_, the undersigned, <sup>\*a woman worker</sup> the nominee of \_\_\_\_\_ <sup>woman worker</sup> acting on behalf of \_\_\_\_\_ <sup>woman worker</sup> legal representative of \_\_\_\_\_ <sup>woman worker</sup> worker deceased \_\_\_\_\_

in \_\_\_\_\_ (name of mine) at \_\_\_\_\_ in \_\_\_\_\_ district received maternity benefit under the Mines Maternity Benefit Act, 1941, from the manager of the mine referred to above, as detailed below :

\*Rs. \_\_\_\_\_ being the first instalment after the confinement paid on \_\_\_\_\_

Rs. \_\_\_\_\_ being the second instalment after the confinement paid on \_\_\_\_\_

\*Rs. \_\_\_\_\_ being the bonus under section 6 of the Act paid on \_\_\_\_\_

<sup>\*My</sup> Her confinement took place on \_\_\_\_\_ . In consequence I, \_\_\_\_\_ s' death \_\_\_\_\_

being <sup>\*her nominee, or acting on her behalf</sup> her legal representative \_\_\_\_\_ have received the aforesaid amounts prescribed in section 5 \* [and section 6] of the Mines Maternity Benefit Act, 1941.

Signature

Signature or left thumb impression of <sup>\*woman worker</sup> the nominee or the person working on behalf of the woman worker \_\_\_\_\_ the legal representative of the woman worker \_\_\_\_\_

Signature of an attestor in case the woman is not able to sign, and affixes thumb impression \_\_\_\_\_

Date .....

\* Unnecessary portions to be struck off

**FORM D**  
[See rule 7 (2)]

CERTIFICATE REFERRED TO IN SECTION 4 (1) OF THE MINES MATERNITY BENEFIT ACT, 1941

This is to certify that I examined \_\_\_\_\_, <sup>wife</sup> daughter of \_\_\_\_\_, a woman worker in \_\_\_\_\_ mine at \_\_\_\_\_ in the district of \_\_\_\_\_ on \_\_\_\_\_ (date) and found \_\_\_\_\_ that she is pregnant and is expected to be delivered of a child within \_\_\_\_\_ (months <sup>and</sup> or days) from the abovementioned date.

Date .....

Signature, qualifications and designation of medical practitioner or midwife

\* Strike out where not applicable

H. C. PRIOR  
Secy. to the Govt. of India