

*** The Mines Maternity Benefit (Amendment) Bill**

The Honourable Dr. B. R. Ambedkar (Labour Member):
Sir, I move :

“That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration.”

It might be desirable if I explain to the House why this amendment has become necessary. Under the Mines Maternity Benefit Act, a woman working in the mine is entitled to maternity benefit for a period of 8 weeks, at the rate of 8 annas per day. This period of 8 weeks is divided into two parts of four weeks each, one part preceding delivery and another part succeeding delivery. The four weeks before delivery is a period of optional rest during which a woman may work and get full wages or absent herself and get the maternity benefit. With regard to the four weeks succeeding delivery, it is a period of compulsory rest during which the woman must not work. In fact it is unlawful and criminal for her to work, and be content only with the maternity benefit. Section 5 of the Maternity Benefit Act provides for the payment of maternity benefit and if Honourable members will refer to the words as they stand in line 9 of that section, they will find that the words as they stand are ‘absent from work’. Now, it has been suggested that these words, particularly ‘absent from work’ or rather ‘from work’ are words which are ambiguous and I will briefly explain to the House why it is suggested that these words ‘from work’ introduce a certain amount of ambiguity.

It is said, suppose the mine was closed by the owner on a particular day, would the woman be entitled to maternity benefit ? It is suggested that she would not be, because the implications of the words ‘absent

* Legislative Assembly Debates (Central), Vol. III, 29th July 1943, p. 180.

from work' mean that there is work, but when a mine is closed there is no work. Therefore, the existence of the words 'from work' has introduced this ambiguity. I have compared section 5 with the five different Maternity Benefit Acts which have been passed in the different provinces and I find that these words 'from work' do not exist. Consequently, it has become necessary to remove this ambiguity by removing these words. The amendment is sought to be carried out by two different amendments. One is to delete the words which have caused this ambiguity from section 5 and make the section read to the effect that 'for every day during the four weeks preceding delivery the woman would be entitled to maternity benefit. With regard to the days on which she choose to amend—and as I told the House, the four weeks preceding delivery are periods of optional rest when she may choose to go and earn her full wages or stay at home and be content with maternity benefit—we have added a proviso that she shall not be entitled to any maternity benefit at all. With these words, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is.

“ That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar : Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“ That the Bill be passed.”

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