



THE MINES MATERNITY BENEFIT ACT, 1941



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THE MINES MATERNITY BENEFIT ACT, 1941

¹ACT NO. XIX OF 1941

[26th November, 1941]

An Act to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mines Maternity Benefit Act, 1941.

²[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such date³ as the ⁴[Federal Government] may, by notification in the official Gazette, appoint.

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

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¹For Statement of Objects and Reasons, see Gazette of India, 1941, Pt. V, p. 139.

The Act has been applied to Baluchistan, see Notification No. 20-F, dated the 5th February, 1942, Gazette of India, 1942, Pt. I, p. 264.

It has been extended to—

(a) the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950);

(b) the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended;

(c) the Khairpur State, see the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953), as amended; and

(d) the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

The Act has been applied to the Provincially Administered Tribals Areas or to the parts of those Areas to which it does not already apply, see Regulation No. I of 1972, s. 2 and Sch.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949.

³Brought into force with effect from the 28th December 1942, see Gazette of India, 1943, Pt. I, p. 32.

⁴Subs. by F. A. O., 1975, Art. 2 and Table for “Central Government”.

⁵Clause (al) which was ins. by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956), omitted by A. O., 1964, Art. 2 and Sch.

- (a) “child” includes a still-born child;
- (b) “Chief Inspector”, “Inspector”, “employed”, “mine” and “owner” have the meanings assigned, respectively, to these expressions in section 3 of the Mines Act, 1923; ([IV of 1923](#)).
- (c) “manager” means the manager of the mine appointed in accordance with the provisions of the Mines Act 1923; ([IV of 1923](#)).
- (d) “maternity benefit” means the payment referred to in section 5;
- (e) “prescribed” means prescribed by rules made under this Act.

¹**[3. Prohibition of employment of, and work by women during certain period.—** (1)] No owner or manager of a mine shall knowingly employ a woman and no woman shall engage in employment in any mine during the ²[six weeks] following the day on which she is delivered of a child.

³[(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.]

¹S. 3 was re-numbered as sub-section (1) of that section, by the Mines Maternity Benefit (Amdt.) Act, 1945, (10 of 1945), s. 2.

²Subs. by the Mines Maternity Benefit (Amdt.) Act, 1950 (21 of 1950), s. 2, for “four weeks”.

³Sub-section (2) was added by Act 10 of 1945, s. 2.

4. Right to obtain leave of absence in pregnancy and after delivery.— (1) If any woman employed in a mine who is pregnant 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 ¹[one and a half months] from the date of such notice, the manager shall permit her if she so desires to absent herself from work up to the day of her delivery and such absence shall be treated as a period of authorised absence on leave:

Provided that ²[except in the case of a woman employed below ground in the mine] the manager may, on undertaking to defray the cost of such examination, require the woman to be examined by a qualified medical practitioner or midwife, and, if the woman refuses to submit to such examination or is certified on such examination as not pregnant or not likely to be delivered of a child within ¹[one and a half months], he may refuse such permission.

³[(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.]

¹Subs. by the Mines Maternity Benefit (Amdt.) Act, 1950, (21 of 1950), section 3, for "one month".

²Ins. by Mines Maternity Benefit (Amdt.) Act, 1945 (10 of 1945), s. 3.

³Subs. by Act 10 of 1945, s. 3, for the original sub-section (2).

¹[**5. Right to and liability for payment of maternity benefit.**—(1)] Every woman ²[other than a woman to whom the provisions of sub-section (2) apply] employed in a mine who has been continuously employed in that mine or in mines belonging to the owner of that mine for a period of not less than six months preceding the date of her delivery shall, if she complies with the 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 ³[Last pay drawn] ⁴* * * during the ⁵[six weeks] immediately preceding and including the day of her delivery and for each day of the ⁵[six weeks] following her delivery:

⁶[Provided that no such payment shall be made for any day on which she attends work and receives payment therefor during the ⁵[six weeks] preceding her delivery.]

¹[(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.]

Explanation.— Periods of casual absence as defined by rules made under section 15 or authorised absence on account of illness or leave shall count as employment in determining whether employment has been continuous.

¹S. 5 was re-numbered as sub-section (1), and sub-section (2), added by Mines Maternity Benefit (Amdt.) Act 1945 (10 of 1954), section 4.

²Ins. *ibid.*

³Subs. by and 53 of 2001, s. 2 and Sch.

⁴The words “on which she is absent from work owing to her confinement” omitted by the Mines Maternity Benefit (Amdt.) Act, 1943 (18 of 1943), section 2.

⁵Subs. by the Mines Maternity Benefit (Amdt.) Act, 1950 (21 of 1950), section 4, for “four weeks”.

⁶Added by Act 18 of 1943, s. 2.