

Bombay

Maternity Benefit Act

1929

The Bombay Maternity B
of 1929), has been amended by Bombay Act V of 1934.

In reprinting the ~~amendments~~ have been inserted
with explanatory foot-notes.

BOMBAY ACT No. VII OF 1929.

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BOMBAY ACT No. VII OF 1929.^[a]

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd May 1929.)

An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided; And Whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Maternity Benefit Act, 1929. Short title

2. (1) This Act shall apply in the first instance to the Bombay Suburban District and the cities of Bombay, Ahmedabad, Viramgam, Surat, Broach, Jalgaon, Sholapur, Belgaum, Amalner and Karachi. The Government may from time to time by notification in the "Bombay Government Gazette" extend this Act to such other places as it thinks fit. Extent and operation.

(2) It shall come into operation on the first day of July 1929.

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

(a) "Employer" includes an occupier of a factory as defined in [b]the Indian Factories Act, 1911, and the manager of a factory;

[a] For Statement of Objects and Reasons see "Bombay Government Gazette", 1928, Pt. V, pp. 15-16; for Report of Select Committee, see *ibid.*, pp. 132-138; and for Proceedings in Council, see Bombay Legislative Council Debates, Volume XXII—February to March, 1928, p. 1752, Volume XXIII—July to August, 1928, pp. 337-369, and 372-407, and Volume XXV—February to March, 1929, pp. 1491-1517.

[b] See now the Factories Act, 1934 (XXV of 1934), which came into force on the 1st day of January 1935.

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(b) the expressions "employ", "employed", "factory", and "inspector of factories" shall have the same meanings as are respectively assigned to them under [*]the Indian Factories Act, 1911 ;

(c) "maternity benefit" means the amount of money payable under the provisions of this Act to a woman employed in a factory ;

[^b](d) "wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance, or any deduction or payment made on account of fines.

4. After this Act comes into operation,—

(1) no employer shall knowingly employ a woman in any factory during the (four) weeks immediately following the day of her delivery ; and

(2) no woman shall work in any factory during the (four) weeks immediately following the day of her delivery.

5. (1) Subject to the provisions of this Act every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day [^c]in the cities of Bombay, Ahmedabad and Karachi, and elsewhere) at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6, \or at the rate of eight annas a day, whichever is less [^c] for the actual days of her absence for the period immediately preceding her confinement and for the four* weeks immediately

[a] See now the Factories Act, 1934 (XXV of 1934), which came into force on the 1st day of January 1935.

[b] This clause was inserted by Bom. V of 1934, s. 2.*

[c—c] These words were inserted by *ibid.*, s. 3 (a).*

*Foot-note.—Nothing in sections 2, 3 and 4 of this Act shall apply for a period of six months from the date when this Act comes into force to any woman who shall have been employed on the said date and who shall continue to be employed by the same employer for a period of six months thereafter.

Such woman shall be paid the maternity benefit to which she is entitled under the said Act in accordance with the provisions thereof, as if this Act had not been passed.

Employment of or work by women in factories prohibited during certain period.

Right to payment of maternity benefit.

following her confinement as mentioned in sub-section (2) :

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than [a] nine months immediately preceding the date on which she [b] gives notice [b] under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be [c] eight weeks, that is to say, [c] four weeks up to and including the day of her delivery and [c] four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within (one month) next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

Procedure regarding payment of maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until (four) weeks after the day of her delivery.

[d] (3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely:—

(i) for (four) weeks—within forty-eight hours of the production of a certificate signed by a

[a] The word "nine" was substituted for the word "six" by Bom. V of 1934, s. 3 (b) (i).*

[b—b] These words were substituted for the original words by *ibid.*, s. 3 (b) (ii).*

[c] The words "eight" and "four" were substituted for the words "seven" and "three" respectively, by *ibid.*, s. 3 (c).*

[d] This sub-section was substituted for the original sub-section by *ibid.*, s. 4.*

registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—punctually (four) weeks after the production of such certified extract from a birth register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production within (six) weeks of her delivery of a certified extract from a birth register stating that she has given birth to a child:

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

Payment of maternity benefit in case of a woman's death.

7. If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

No notice of dismissal to be given to a woman during period of maternity benefit.

8. When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Forfeiture of maternity benefit.

10. If any employer contravenes the provisions of this Act he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Act by an employer.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Penalty for contravention of the Act by a woman.

12. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the inspector of factories.

Cognisance of offences.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.

13. No Court shall take cognisance of any offence against this Act or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Limitation of prosecutions.

14. (1) The Governor in Council may make rules for the purpose of carrying into effect the provisions of this Act.

Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

[^a](a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 35^a of [^b]the Indian Factories Act, 1911 ;

(b) the inspection of factories for the purposes of this Act by inspectors of factories ;

[a] This clause was substituted for the original clause (a) by Bom. V of 1934, s. 5.

[b] See now the Factories Act, 1934 (XXV of 1934), which came into force on the 1st day of January 1935.

(b) the execution of powers and the discharge of duties by inspectors of factories for the purposes of this Act.

(c) the method of payment of maternity benefits so far as provision has not been made in this Act; and

(d) any other matter for which no provision has been made in this Act and for which provision is, in the opinion of the Governor in Council, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be annulled or modified. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.

15. [“An abstract”] of the provisions of this Act and the rules thereunder in the local vernacular shall be exhibited in a conspicuous [“manner”] by the employer in every [“part of a”] factory in which women are employed.

Section 15 of the Act and rules thereunder to be exhibited.

[a—] These words were substituted for the original words by Sess. 1934, n. 6 (a).

[b] The word “manner” was substituted for the word “place” by Sess. 1934, n. 6 (a).

[c—] These words were inserted by Sess. 1934, n. 6 (a).