

REPORT ON THE WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2012

1. Scope and Objective

1.1 The Maternity Benefit Act, 1961 extends to the whole of the Indian Union and applies to every factory, mine, plantation and circus industry including any such establishments belonging to government but excluding all the establishments covered under the provisions of the Employees State Insurance Act, 1948. The State Governments are, however, empowered to extend the provisions of the Act to any other establishment subject to the prior approval of the Central Government. The Act also applies to Shops and Commercial Establishments in which 10 or more persons are employed or were employed on any day of the preceding 12 months, and establishments wherein persons are employed for the exhibition of equestrian, acrobatic and other performances. Every woman entitled to the payment of maternity benefit under the Act shall, notwithstanding the application of the Employees State Insurance Act, 1948 to the factory or other establishments in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under Section 50 of the Act. There is no wage limit for coverage under the Maternity Benefit Act provided a woman is not covered under the Employees State Insurance Act, 1948.

2. Main Provisions

2.1 The Act regulates the payment of maternity benefits to women employees in certain establishments for certain specified periods before and after the child birth and prescribes for the payment of maternity benefits to them at the rate of average daily wage for the period of their actual absence from duty. The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks up to and including the day of her delivery and six weeks immediately following that day. The Act was last amended by the Maternity Benefit (Amendment) Act, 2008 which came into force from 15th April, 2008. The amended Act provides, inter-alia, for extension of its provisions to Shops and other Commercial Establishments employing 10 or more persons. The qualifying period of service for the entitlement of maternity benefit under the Act is at least 80 days of actual work in the twelve months immediately preceding the expected date of delivery and the rate of medical bonus payable to women employees is ₹ 3500 if the employer does not provide pre-natal confinement and post-natal care free of charge. The average daily wage of a woman worker for this purpose is to be calculated on the basis of wage earned by her for the days on which she worked during the

period of three calendar months immediately preceding the date of her absence on account of maternity and the rate of maternity benefit would be fixed at the average daily wages for three calendar months or minimum wages fixed or revised under the Minimum Wages Act, 1948 or ₹ 10 per day, whichever is higher.

2.2 A provision has also been made for filing of complaints, if any, with the competent court by the aggrieved women workers, or office bearers of a registered trade union of which such women workers are members or a voluntary organisation, or an inspector notified under the Act. The complaints can be filed only with the prior approval of the Inspector. These provisions of the amended Act were brought into force with effect from 10.1.1989. Under the Act, there are also provisions for certain other benefits in case of miscarriage, premature birth or illness arising out of pregnancy.

3. Administration of the Act

3.1 The Central Government is responsible for administration of the provisions of the Act in Mines and in Circus Industry, while the concerned State Governments are responsible for the enforcement of the Act in factories, plantations and other establishments. The Central Government has entrusted the responsibility of administration of the Act to the Chief Labour Commissioner (Central) in respect of Circus Industry.

4. Working of the Act during the year 2012

4.1 In the factory sector, out of 84,956 factories covered by the Act, 31.92 % submitted annual returns (Table-1). The aggregate daily employment of women workers in these establishments was 5,68,286 of which only 2,441 (0.43 %) claimed maternity benefit during the year 2012. However 2,308 claims involving an amount of ₹ 22,05,76,325 including special bonus to the tune of ₹ 84,75,446 were accepted and settled.

4.2 In Plantation Sector out of 3,215 plantations 36.73 per cent submitted returns where in 1,59,812 women workers were employed daily. Of the aggregate daily employment of 1,59,812 women workers 21,988 (13.76 %) claimed maternity benefit during the year. A total number of 4,59,657 claims were accepted and paid either fully or partially out of which 842 claims were from the current year. Total amount of maternity benefits paid was ₹ 4,39,36,355 including special bonus of ₹ 1,40,00,749.

4.3 In other establishments, out of 29,830 establishments only 29.21 % submitted returns, in which the aggregate daily employment of women workers was 2, 86,777. Of the aggregate daily employment of 2, 86,777 women workers 1,716(0.60 %) claimed maternity benefit. However, 1,141 claims involving an amount of ₹ 2,82,50,039 including special bonus to the tune of ₹ 60,56,425 were accepted and paid.

4.4 The number of claims made per 100 women workers employed in factories, plantations and other establishment along with the average amount of maternity benefits paid in respect of the units submitting returns are presented in Table 2. While the percentage reflects the incidence of claims per hundred women workers employed, the average amount of maternity benefits paid per accepted claim indicates the extent of incidence of monetary impact per case. The percentage of women workers claiming maternity benefits to the total number of women workers employed in factories was the highest at 7.50% in Chandigarh followed by 6.71% in Meghalaya and 5.35% in Karnataka. In plantations, the highest percentage was in Assam i.e. 21.05% followed by Tripura 5.64% and Tamil Nadu 2.32%. So far as the other establishments are concerned the aforesaid percentage i.e. 30.77% relates to the state of Jammu & Kashmir only. The table also reveals that the highest average amount of maternity benefits paid was ₹ 3,44,586 in Uttar Pradesh in the factory sector and ₹ 14,774 in Tamil Nadu in the plantation sector. In case of other establishments an average amount of ₹ 2,77,739 and ₹ 73,504 were paid as maternity benefits to the women workers in Karnataka and Maharashtra respectively.

4.5 The details relating to the number of complaints received, number of complaints investigated, number of prosecutions launched, number of convictions obtained and the amount of fine levied in factories, plantations and other establishments are given in Table 3. In the factory sector 23 complaints were received, one prosecution was launched and an amount of ₹ 20,000 was fined in Tamil Nadu. In the plantation sector neither complaints were received nor any case of prosecution was reported. In case of other establishments, out of total 99 complaints received 4 cases were investigated and 1 conviction obtained with fine of ₹ 10,000 in Tamil Nadu.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2011-12 are presented in Table 4. The extent of coverage under the Act varied from State to State. The number of women workers who claimed maternity benefit under this Act was the highest in Karnataka 12,390 (36.33 %) followed by Kerala 5,617 (16.47 %), Tamil Nadu 5,449(15.98%) and Maharashtra 3,219 (9.44%). The amount of maternity benefit

paid was highest in Tamil Nadu State (₹ 9,42,94,402) followed by Karnataka (₹ 9,19,69,110), Kerala (₹ 8,15,68,906) and Andhra Pradesh (₹ 4,38,85,857) during 2011-12. In all 34,108 women workers claimed the maternity benefit and ₹ 50,04,33,137 was paid to them as maternity benefit under the ESI Act, 1948.

4.7 Since women workers can claim maternity benefits either under the Maternity Benefit Act, 1961 or under the Employees' State Insurance Act, 1948, the total of the respective figures under these Acts is expected to reflect the progress in the extension of the particular benefit to eligible women workers. The total number of claims paid under the Maternity Benefit Act, 1961 and the Employees' State Insurance Act, 1948 was 4,97,214 and the total amount paid as maternity benefits under both these statutes comes to ₹ 79,31,95,056 during the year 2012.

5. Limitations of Statistics

The report is based on the information received from 26 States and 6 Union Territories whereas the Act extends to whole of India. The statistics from the States such as Arunachal Pradesh, Manipur and Dadra & Nagar Haveli could not be compiled due to non submission of return for the year 2012. In view of this, all-India figures in the report may not be truly comparable over the years as the responding States/UT's vary from year to year.

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Table-1
State-wise maternity benefits paid in Factories, Plantations and Other
Establishments during the year 2012

State/Union Territory	Number of establishments covered by the Maternity Benefit Act	Number of establishments submitting returns	Response Rate (%)	Average No. of women workers employed daily in establishments submitting returns	No. of women who claimed maternity benefit during the year
1	2	3	4	5	6
I FACTORIES					
1 Andhra Pradesh	13452	5172	38.45	68246	348 (0.51)
2 Bihar	9	9	100.00	38	- -
3 Chhattisgarh	3178	163	5.13	253	2 (0.79)
4 Goa	99	99	100.00	1014	40 (3.94)
5 Gujarat	3871	3049	78.77	33243	118 (0.35)
6 Haryana	817	550	67.32	17814	609 (3.42)
7 Himachal Pradesh	1409	442	31.37	4506	9 (0.20)
8 Jammu & Kashmir	58	34	58.62	689	24 (3.48)
9 Jharkhand	313	7	2.24	1462	37 (2.53)
10 Karnataka	594	243	40.91	2522	135 (5.35)
11 Kerala	2719	1453	53.44	156847	58 (0.04)
12 Maharashtra	11928	533	4.47	29490	913 (3.10)
13 Madhya Pradesh	7795	187	2.40	4174	5 (0.12)
14 Meghalaya	62	42	67.74	164	11 (6.71)
15 Mizoram	*	*	*	*	* *
16 Odhisha	631	10	1.58	895	18 (2.01)
17 Punjab	586	45	7.68	367	- -
18 Rajasthan	2496	12	0.48	220	4 (1.82)
19 Sikkim	*	*	*	*	* *
20 Tamil Nadu	19761	12576	63.64	228789	54 (0.02)
21 Tripura	395	172	43.54	4227	- -
22 Uttar Pradesh	498	97	19.48	1716	14 (0.82)
23 Uttarakhand	349	42	12.03	668	6 (0.90)
24 West Bengal	771	31	4.02	1150	7 (0.61)
25 A & N Islands	9	8	88.89	166	- -
26 Chandigarh	2090	162	7.75	40	3 (7.50)
27 Daman & Diu #	2089	161	7.71	-	- -
28 NCT Delhi @	8572	1635	19.07	5372	2 (0.04)
29 Pudducherry	405	184	45.43	4214	24 (0.57)
All India/Total	84956	27118	31.92	568286	2441 (0.43)
II PLANTATIONS					
1 Assam	513	427	83.24	98014	20634 (21.05)
2 Himachal Pradesh	17	-	-	-	- -
3 Karnataka	1283	66	5.14	5837	57 (0.98)
4 Kerala	663	156	23.53	18740	196 (1.05)
5 Meghalaya	30	-	-	-	- -
6 Odhisha	2	-	-	-	- -
7 Tamil Nadu	595	462	77.65	29826	691 (2.32)
8 Tripura	106	64	60.38	7270	410 (5.64)
9 Uttarakhand	5	5	100.00	114	- -
10 A & N Islands	1	1	100.00	11	- -
All India/Total	3215	1181	36.73	159812	21988 (13.76)
III OTHER ESTABLISHMENTS					
1 Jammu & Kashmir	103	45	43.69	26	8 (30.77)
2 Jharkhand	3	-	-	-	- -
3 Karnataka	4227	363	8.59	60195	361 (0.60)
4 Maharashtra	8215	304	3.70	14540	479 (3.29)
5 Meghalaya	4	3	75.00	9	1 (11.11)
6 Odhisha	29	7	24.14	10	- -
7 Rajasthan	8139	132	1.62	69	- -
8 Tamil Nadu	9020	7855	87.08	211873	867 (0.41)
9 Uttarakhand	84	-	-	-	- -
10 A & N Islands	6	5	83.33	55	- -
All India /Total	29830	8714	29.21	286777	1716 (0.60)

- = Nil.

= There is no indication of number of women employed in the establishments.

* = Act not enforced Figures in brackets in col. 6 are percentages with reference to column 5.

Note: The information in respect of other States/Union Territory(ies) not specified above may please be treated as 'Nil' except the States/U.T. of Arunachal Pradesh, Manipur and D.&N.Haveli which has not furnished the returns

Table-1-Concl.

State/Union Territory	No. of claims accepted and paid either fully or partially		Number of cases in which special bonus was paid	Total amount of maternity benefits paid (in Rs.).	Amount of Bonus (included under Col. 10) (in Rs)
	Total	From Current year Claims			
1	7	8	9	10	11
I FACTORIES					
1 Andhra Pradesh	348	348	10	21425067	901407
2 Bihar	-	-	1	1000	1000
3 Chhattisgarh	2	2	2	169798	169798
4 Goa	40	-	31	2200073	51900
5 Gujarat	110	92	87	3209789	715288
6 Haryana	609	609	1000	61662958	589000
7 Himachal Pradesh	9	9	9	801401	801401
8 Jammu & Kashmir	13	-	9	-	-
9 Jharkhand	37	-	-	1536357	-
10 Karnataka	126	126	54	7446282	1496192
11 Kerala	6	6	3	483496	18420
12 Maharashtra	864	812	316	109603594	901083
13 Madhya Pradesh	5	5	-	497385	13815
14 Meghalaya	11	-	-	118672	-
15 Mizoram	*	*	*	*	*
16 Odhisha	18	15	-	1740068	5000
17 Punjab	-	-	-	-	-
18 Rajasthan	4	-	-	-	-
19 Sikkim	*	*	*	*	*
20 Tamil Nadu	54	23	33	2428163	45846
21 Tripura	-	-	-	-	-
22 Uttar Pradesh	10	10	105	3445856	2756679
23 Uttarakhand	6	6	-	1246586	-
24 West Bengal	7	5	2	517845	-
25 A & N Islands	-	-	-	-	-
26 Chandigarh	3	3	-	194224	-
27 Daman & Diu #	-	-	-	-	-
28 NCT Delhi @	2	2	-	224888	8617
29 Pudducherry	24	-	-	1622823	-
All India/ Total	2308	2073	1662	220576325	8475446
II PLANTATIONS					
1 Assam	458851	-	431147	38118528	12548593
2 Himachal Pradesh	-	-	-	-	-
3 Karnataka	61	61	61	616974	616974
4 Kerala	196	196	-	2312022	-
5 Meghalaya	-	-	-	-	-
6 Odhisha	-	-	-	-	-
7 Tamil Nadu	139	175	-	2053649	-
8 Tripura	410	410	410	835182	835182
9 Uttarakhand	-	-	-	-	-
10 A & N Islands	-	-	-	-	-
All India/Total	459657	842	431618	43936355	14000749
III OTHER ESTABLISHMENTS					
1 Jammu & Kashmir	-	-	-	-	-
2 Jharkhand	-	-	-	-	-
3 Karnataka	21	21	35	5832521	5527639
4 Maharashtra	255	23	56	18743642	496786
5 Meghalaya	1	-	-	6016	-
6 Odhisha	-	-	-	-	-
7 Rajasthan	-	-	-	-	-
8 Tamil Nadu	864	860	-	3667860	32000
9 Uttarakhand	-	-	-	-	-
10 A & N Islands	-	-	-	-	-
All India/Total	1141	904	91	28250039	6056425

@ = Covered by The Employees' State Insurance Corporation .

Note: The information in respect of other States/Union Territorie(s) not specified above may please be treated as 'Nil'

except the States/U.T. of Arunachal Pradesh, Manipur and D.&N.Haveli which has not furnished the returns

Table-2
Percentage of claims made and the average amount of maternity benefits paid in
Factories, Plantations and Other Establishments (By States) during the year 2012

State/Union Territory	Claims made and Benefits paid	
	No. of claims made per 100 women workers employed (%)	Average amount of maternity benefits paid per accepted claim (in Rs.)
1	2	3
I FACTORIES		
1 Andhra Pradesh	0.51	61566
2 Bihar	-	-
3 Chhattisgarh	0.79	84899
4 Goa	3.94	55002
5 Gujarat	0.35	29180
6 Haryana	3.42	101253
7 Himachal Pradesh	0.20	89045
8 Jammu & Kashmir	3.48	-
9 Jharkhand	2.53	41523
10 Karnataka	5.35	59097
11 Kerala	0.04	80583
12 Madhya Pradesh	3.10	99477
13 Maharashtra	0.12	126856
14 Meghalaya	6.71	10788
15 Mizoram *	*	*
16 Odhisha	1.99	96670
17 Punjab	-	-
18 Rajasthan	1.82	-
19 Sikkim *	*	*
20 Tamil Nadu	0.02	44966
21 Tripura	-	-
22 Uttar Pradesh	0.82	344586
23 Uttarakhand	0.90	207764
24 West Bengal	0.61	73978
25 A & N Islands	-	-
26 Chandigarh	7.50	64741
27 Daman & Diu #	-	-
28 NCT Delhi	0.04	112444
29 Puducherry	0.57	67618
Total / All India	0.43	95570
II PLANTATIONS		
1 Assam	21.05	83
2 Himachal Pradesh	-	-
3 Karnataka	0.98	10114
4 Kerala	1.05	11796
5 Meghalaya	-	-
6 Odhisha	-	-
7 Tamil Nadu	2.32	14774
8 Tripura	5.64	2037
9 Uttarakhand	-	-
10 A & N Islands	-	-
Total / All India	13.76	96
III OTHER ESTABLISHMENTS		
1 Jammu & Kashmir	30.77	-
2 Jharkhand	-	-
3 Karnataka	0.60	277739
4 Maharashtra	3.29	73504
5 Meghalaya	11.11	6016
6 Odhisha	-	-
7 Rajasthan	-	-
8 Tamil Nadu	0.41	4245
9 Uttarakhand	-	-
10 A & N Islands	-	-
Total / All India	0.60	24759

- = Nil.

* = Act not enforced

= There is no indication of number of women employed in the establishments.

Note: The information in respect of other States/Union Territorie(s) not specified above may please be treated as 'Nil' except the States/U.T. of Arunachal Pradesh, Manipur and D.&N.Haveli which has not furnished the returns

Table - 3
Number of complaints received and prosecutions launched in Factoroes, Plantations and Others
(By States) during the year 2012

State/Union Territory	No. of complaints received	No. of complaints investigated	No. of prosecutions launched	No. of convictions obtained	Amount of fine levied (Rs.)
1	2	3	4	5	6
I FACTORIES					
1 Andhra Pradesh	-	-	-	-	-
2 Bihar	-	-	-	-	-
3 Chhattisgarh	-	-	-	-	-
4 Goa	-	-	-	-	-
5 Gujarat	-	-	-	-	-
6 Haryana	-	-	-	-	-
7 Himachal Pradesh	-	-	-	-	-
8 Jammu & Kashmir	-	-	-	-	-
9 Jharkhand	-	-	-	-	-
10 Karnataka	22	-	-	-	-
11 Kerala	-	-	-	-	-
12 Maharashtra	-	-	-	-	-
13 Madhya Pradesh	-	-	-	-	-
14 Meghalaya	-	-	-	-	-
15 Mizoram	*	*	*	*	*
16 Odhisha	-	-	-	-	-
17 Punjab	-	-	-	-	-
18 Rajasthan	-	-	-	-	-
19 Sikkim	*	*	*	*	*
20 Tamil Nadu	1	1	1	1	20000
21 Tripura	-	-	-	-	-
22 Uttar Pradesh	-	-	-	-	-
23 Uttarakhand	-	-	-	-	-
24 West Bengal	-	-	-	-	-
25 A & N Islands	-	-	-	-	-
26 Chandigarh	-	-	-	-	-
27 Daman & Diu #	-	-	-	-	-
28 NCT Delhi	-	-	-	-	-
29 Pudducherry	-	-	-	-	-
Total / All India	23	1	1	1	20000
II PLANTATIONS					
1 Assam	-	-	-	-	-
2 Himachal Pradesh	-	-	-	-	-
3 Karnataka	-	-	-	-	-
4 Kerala	-	-	-	-	-
5 Meghalaya	-	-	-	-	-
6 Odhisha	-	-	-	-	-
7 Tamil Nadu	-	-	-	-	-
8 Tripura	-	-	-	-	-
9 Uttarakhand	-	-	-	-	-
10 A & N Islands	-	-	-	-	-
Total / All India	-	-	-	-	-
III OTHER ESTABLISHMENTS					
1 Jammu & Kashmir	-	-	-	-	-
2 Jharkhand	-	-	-	-	-
3 Karnataka	96	-	-	-	-
4 Maharashtra	-	-	5	-	-
5 Meghalaya	-	-	-	-	-
6 Odhisha	-	-	-	-	-
7 Rajasthan	-	-	-	-	-
8 Tamil Nadu	3	4	-	1	10000
9 Uttarakhand	-	-	-	-	-
10 A & N Islands	-	-	-	-	-
Total / All India	99	4	5	1	10000

- = Nil

* - Act not enforced # = There is no indication of number of women employed in the establishments.

Table - 4
Maternity benefits paid under the Employees' State Insurance
Act, 1948 during the financial year 2011-2012

Sl. No.	State/Union Territory	No. of insured women as on 31.3.2012	Number of maternity benefit case (confinement) during the year	Amount paid during the year 2011-2012
1	2	3	4	5
1	Andhra Pradesh	249464	1805 (5.29)	43885857
2	Assam, Meghalaya, Tripura & Nagaland	12317	149 (0.44)	2255090
3	Bihar	5928	23 (0.07)	655282
4	Chhattisgarh	9650	30 (0.09)	620369
5	NCT Delhi	90831	386 (1.13)	11497677
6	Goa	22855	734 (2.15)	9476309
7	Gujarat	45299	501 (1.47)	8986093
8	Haryana	89204	795 (2.33)	20969969
9	Himachal Pradesh	16700	240 (0.70)	3406988
10	Jammu & Kashmir	5859	56 (0.16)	838652
11	Jharkhand	19637	60 (0.18)	1145455
12	Karnataka	554147	12390 (36.33)	91969110
13	Kerala	240897	5617 (16.47)	81568906
14	Madhya Pradesh	36298	222 (0.65)	3404063
15	Maharashtra	225690	3219 (9.44)	76720803
16	Odisha	15791	209 (0.61)	2982489
17	Punjab	91741	415 (1.22)	10722607
18	Rajasthan	49953	337 (0.99)	6795096
19	Tamil Nadu	688713	5449 (15.98)	94294402
20	Uttar Pradesh	75720	539 (1.58)	10515063
21	Uttarakhand	26688	113 (0.33)	2445826
22	West Bengal	69720	387 (1.13)	5541495
23	Chandigarh	8511	120 (0.35)	2473940
24	Pudducherry	28513	312 (0.91)	7261596
All India		2680126	34108 (100)	500433137

Note:- Figures in brackets in col. 4 are percentages of the All India

Source: The Employees' State Insurance Corporation, New Delhi