

REPORT ON THE WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2013

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 Rs. 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 Rs. 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 of 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 2013

4.1 In the factory sector, out of 39,473 factories covered by the Act, 27.02 % submitted annual returns (Table-1). The aggregate daily employment of women workers in these establishments was 2,93,494 of which only 1,440 (0.49 %) claimed maternity benefit during the year 2013. However 1,551 claims involving an amount of Rs. 9,28,31,329 including special bonus to the tune of Rs. 1,20,48,183 were accepted and settled.

4.2 In Plantation Sector out of 13,757 plantations 10.78 per cent submitted returns where in 1,85,115 women workers were employed daily. Of the aggregate daily employment of 1,85,115 women workers 26,083 (14.09 %) claimed maternity benefit during the year. A total number of 38,814 claims were accepted and paid either fully or partially out of which 1304 claims were from the current year. Total amount of maternity benefits paid was Rs. 33,31,88,761 including special bonus of Rs. 5,25,40,328.

4.3 In other establishments, out of 33,017 establishments only 26.31 % submitted returns, in which the aggregate daily employment of women workers was 1,32,478. Of the aggregate daily employment of 1,32,478 women workers 1,676(1.27 %) claimed maternity benefit. However 1,434 claims involving an amount of Rs. 80,49,389 including special bonus to the tune of Rs. 35,88,801 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 28.57% in Meghalaya followed by 16.34% in Andaman & Nicobar Islands and 10.80% in Odisha. In plantations, the highest percentage was in Assam i.e. 19.45%

followed by Andaman & Nicobar Islands 12.50% and Tripura 8.06%. So far as the other establishments are concerned the aforesaid percentage i.e. 22.04% relates to the state of Jammu & Kashmir only. The table also reveals that the highest average amount of maternity benefits paid per accepted claim was Rs. 3,57,386 in Uttar Pradesh in the factory sector and Rs. 14,49,696 in Kerala in the plantation sector. In case of other establishments an average amount of Rs. 94,200 and Rs. 72,110 were paid per accepted claim as maternity benefits to the women workers in Andaman Nicobar Islands and Andhra Pradesh 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 no complaints were received. In the plantation sector out of five complaints received in Tamil Nadu two convictions obtained and fine of Rs. 4200 were levied.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2012-13 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 Tamil Nadu 7,595 (24.11 %) followed by Karnataka 6,175 (19.60 %), Kerala 5,527(17.54%) and Maharashtra 3,436 (10.90%). The amount of maternity benefit paid was highest in Karnataka State (Rs. 11,84,16,689) followed by Kerala (Rs.11,18,04,752), Tamil Nadu (Rs. 10,38,05,197) and Maharashtra (Rs. 8,97,29,069) during 2012-13. In all 31,512 women workers claimed the maternity benefit and Rs. 63,54,58,880 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 73,311 and the total amount paid as maternity benefits under both these statutes comes to Rs. 1,06,95,28,359 during the year 2013.

5. Limitations of Statistics

The report is based on the information received from 24 States and 6 Union Territories whereas the Act extends to whole of India. The statistics from the States such as Himachal Pradesh, Jharkhand, Maharashtra, Manipur, West Bengal and National Capital Territory Delhi could not be compiled due to non submission of annual return for the year 2013 despite repeated reminders. 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.

TABLE - 1

State-wise maternity benefits paid in Factories, Plantations and Other establishments during the year 2013

State/ Union Territories	Number of establishments covered by the Maternity Benefit Act	Number of establishments submitting returns	Response Rate (%)	Aggregate 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	7
I FACTORIES						
1	Andhra Pradesh	11598	4124	35.56	53177	213 (0.40)
2	Arunachal Pradesh	-	-	-	-	-
3	Assam	-	-	-	-	-
4	Bihar	5	5	100.00	21	1 (4.76)
5	Chhattisgarh	3282	243	7.40	1398	9 (0.64)
6	Goa	125	124	99.20	1795	34 (1.89)
7	Gujarat	4237	2524	59.57	28825	127 (0.44)
8	Haryana	1216	1149	94.49	15620	468 (3.00)
9	Jammu & Kashmir	112	40	35.71	1317	45 (3.42)
10	Jharkhand	341	16	4.69	1974	-
11	Karnataka	1084	186	17.16	14440	314 (2.17)
12	Kerala	2608	1357	52.03	156525	22 (0.01)
13	Madhya Pradesh	7958	190	2.39	4194	3 (0.07)
14	Meghalaya	80	3	3.75	14	4 (28.57)
15	Mizoram	*	*	*	*	*
16	Nagaland	7	7	100.00	15	-
17	Odisha	518	3	0.58	250	27 (10.80)
18	Punjab	588	46	7.82	346	-
19	Rajasthan	2818	169	6.00	883	1 (0.11)
20	Sikkim	*	*	*	*	*
21	Tamil Nadu	19	16	84.21	1390	78 (5.61)
22	Tripura	472	110	23.31	2038	-
23	Uttar Pradesh	520	112	21.54	3036	12 (0.40)
24	Uttarakhand	1315	66	5.02	784	2 (0.26)
25	A & N Islands	8	7	87.50	153	25 (16.34)
26	Chandigarh	#	#	#	#	#
27	Dadra & N. Haveli	-	-	-	-	-
28	Daman & Diu	\$	\$	\$	\$	\$
29	Lakshadweep	-	-	-	-	-
30	Pudducherry	562	168	29.89	5299	55 (1.04)
All India/ Total		39473	10665	27.02	293494	1440 (0.49)
II PLANTATIONS						
1	Assam	790	658	83.29	129018	25088 (19.45)
2	Karnataka	11476	96	0.84	5226	32 (0.61)
3	Kerala	663	192	28.96	12304	157 (1.28)
4	Meghalaya	30	-	-	-	-
5	Tamil Nadu	679	458	67.45	31232	266 (0.85)
6	Tripura	106	66	62.26	6450	520 (8.06)
7	Uttarakhand	9	9	100.00	725	-
8	A & N Islands	4	4	100.00	160	20 (12.50)
All India/Total		13757	1483	10.78	185115	26083 (14.09)
III Other Establishments						
1	Andhra Pradesh	2919	8	0.27	1235	28 (2.27)
2	Jammu & Kashmir	179	61	34.08	245	54 (22.04)
3	Karnataka	9660	857	8.87	48601	969 (1.99)
4	Meghalaya	222	4	1.80	46	1 (2.17)
5	Nagaland	31	31	100.00	93	-
6	Rajasthan	11168	53	0.47	1246	-
7	Tamil Nadu	8833	7670	86.83	80970	619 (0.76)
8	A & N Islands	5	4	80.00	42	5 (11.90)
All India /Total		33017	8688	26.31	132478	1676 (1.27)

Note : - = Nil, Figures in brackets in col. 7 are percentages with reference to column 6,

* = Act not enforced, # = Covered under ESIC Act, 1948, \$ = No indication of women employed.

TABLE – 1 - Concl'd.

	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. 11) (in Rs)
		Total	From Current year Claims			
1	2	8	9	10	11	12
I	<u>FACTORIES</u>					
1	Andhra Pradesh	337	21	-	10197139	68028
2	Arunachal Pradesh	-	-	-	-	-
3	Assam	-	-	-	-	-
4	Bihar	1	-	-	26024	-
5	Chhattisgarh	9	9	9	1044590	1044590
6	Goa	34	-	19	1645620	39900
7	Gujarat	131	81	207561	6771989	781767
8	Haryana	468	468	61	36411070	-
9	Jammu & Kashmir	45	10	22	99000	99000
10	Jharkhand	-	-	-	-	-
11	Karnataka	314	114	200	17017481	5841231
12	Kerala	6	5	1	539999	18421
13	Madhya Pradesh	3	3	-	274231	12705
14	Meghalaya	4	4	-	98171	-
15	Mizoram	*	*	*	*	*
16	Nagaland	-	-	-	-	-
17	Odisha	27	27	-	3610615	3224
18	Punjab	-	-	-	-	-
19	Rajasthan	1	-	-	-	-
20	Sikkim	*	*	*	*	*
21	Tamil Nadu	78	78	1	7089081	131157
22	Tripura	-	-	-	-	-
23	Uttar Pradesh	11	11	201	3931244	2928160
24	Uttarakhand	2	2	-	445560	-
25	A & N Islands	25	25	135	1755000	1080000
26	Chandigarh	#	#	#	#	#
27	Dadra & N. Haveli	-	-	-	-	-
28	Daman & Diu	\$	\$	\$	\$	\$
29	Lakshadweep	-	-	-	-	-
30	Pudducherry	55	-	-	1874515	-
All India/ Total		1551	858	208210	92831329	12048183
II	<u>PLANTATIONS</u>					
1	Assam	37819	309	832	53820473	4160274
2	Karnataka	32	32	32	46239922	46239922
3	Kerala	157	157	-	227602283	-
4	Meghalaya	-	-	-	-	-
5	Tamil Nadu	266	266	-	2845951	-
6	Tripura	520	520	520	860132	860132
7	Uttarakhand	-	-	-	-	-
8	A & N Islands	20	20	160	1820000	1280000
All India/Total		38814	1304	1544	333188761	52540328
III	<u>OTHER ESTABLISHMENTS</u>					
1	Andhra Pradesh	28	-	-	2019088	-
2	Jammu & Kashmir	54	20	46	207000	207000
3	Karnataka	969	282	282	3013927	3013927
4	Meghalaya	1	1	-	1396	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	-	-	-	-	-
7	Tamil Nadu	377	373	23	2336978	31874
8	A & N Islands	5	5	42	471000	336000
All India /Total		1434	681	393	8049389	3588801

Note : - = Nil,

* = Act not enforced, # = Covered under ESIC Act, 1948, \$ = No indication of women employed.

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 2013

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	<u>FACTORIES</u>		
1	Andhra Pradesh	(0.40)	30259
2	Arunachal Pradesh	-	-
3	Assam	-	-
4	Bihar	(4.76)	26024
5	Chhattisgarh	(0.64)	116066
6	Goa	(1.89)	48401
7	Gujarat	(0.44)	51695
8	Haryana	(3.00)	77801
9	Jammu & Kashmir	(3.42)	2200
10	Jharkhand	(0.00)	-
11	Karnataka	(2.17)	54196
12	Kerala	(0.01)	90000
13	Madhya Pradesh	(0.07)	91410
14	Meghalaya	(28.57)	24543
15	Mizoram	*	*
16	Nagaland	(0.00)	-
17	Odisha	(10.80)	133726
18	Punjab	(0.00)	-
19	Rajasthan	(0.11)	-
20	Sikkim	*	*
21	Tamil Nadu	(5.61)	90886
22	Tripura	(0.00)	-
23	Uttar Pradesh	(0.40)	357386
24	Uttarakhand	(0.26)	222780
25	A & N Islands	(16.34)	70200
26	Chandigarh	#	#
27	Dadra & N. Haveli	-	-
28	Daman & Diu	\$	\$
29	Lakshadweep	-	-
30	Pudducherry	(1.04)	34082
All India/ Total		(0.49)	59853
II	<u>PLANTATIONS</u>		
1	Assam	(19.45)	1423
2	Karnataka	(0.61)	1444998
3	Kerala	(1.28)	1449696
4	Meghalaya	-	-
5	Tamil Nadu	(0.85)	10699
6	Tripura	(8.06)	1654
7	Uttarakhand	(0.00)	-
8	A & N Islands	(12.50)	91000
All India/Total		(14.09)	8584
III	<u>OTHER ESTABLISHMENTS</u>		
1	Andhra Pradesh	(2.27)	72110
2	Jammu & Kashmir	(22.04)	3833
3	Karnataka	(1.99)	3110
4	Meghalaya	(2.17)	1396
5	Nagaland	(0.00)	-
6	Rajasthan	(0.00)	-
7	Tamil Nadu	(0.76)	6199
8	A & N Islands	(11.90)	94200
All India /Total		(1.27)	5613

- = Nil. * = Act not enforced # = Covered under ESIC Act, 1948
\$ = No indication of women employed.

TABLE – 3

Number of complaints received and prosecutions launched (By States) during the year 2013

State/Union Territory	No. of complaints received	No. of complaints investigated	No. of prosecutions launched	No. of convictions obtained	Amount of fine levied (Rs.)
I	<u>FACTORIES</u>				
1	Andhra Pradesh	-	-	-	-
2	Arunachal Pradesh	-	-	-	-
3	Assam	-	-	-	-
4	Bihar	-	-	-	-
5	Chhattisgarh	-	-	-	-
6	Goa	-	-	-	-
7	Gujarat	-	-	-	-
8	Haryana	-	-	-	-
9	Jammu & Kashmir	-	-	-	-
10	Jharkhand	-	-	-	-
11	Karnataka	-	-	-	-
12	Kerala	-	-	-	-
13	Madhya Pradesh	-	-	-	-
14	Meghalaya	-	-	-	-
15	Mizoram	*	*	*	*
16	Nagaland	-	-	-	-
17	Odisha	-	-	-	-
18	Punjab	-	-	-	-
19	Rajasthan	-	-	-	-
20	Sikkim	*	*	*	*
21	Tamil Nadu	-	-	-	-
22	Tripura	-	-	-	-
23	Uttar Pradesh	-	-	-	-
24	Uttarakhand	-	-	-	-
25	A & N Islands	-	-	-	-
26	Chandigarh	#	#	#	#
27	Dadra & N. Haveli	-	-	-	-
28	Daman & Diu	\$	\$	\$	\$
29	Lakshadweep	-	-	-	-
30	Pudducherry	-	-	-	-
	All India/ Total	-	-	-	-
II	<u>PLANTATIONS</u>				
1	Assam	-	-	-	-
2	Karnataka	-	-	-	-
3	Kerala	-	-	-	-
4	Meghalaya	-	-	-	-
5	Tamil Nadu	5	-	2	4200
6	Tripura	-	-	-	-
7	Uttarakhand	-	-	-	-
8	A & N Islands	-	-	-	-
	Total	5	-	2	4200
III	<u>OTHER ESTABLISHMENTS</u>				
1	Andhra Pradesh	-	-	-	-
2	Jammu & Kashmir	-	-	-	-
3	Karnataka	-	-	-	-
4	Meghalaya	-	-	-	-
5	Nagaland	-	-	-	-
6	Rajasthan	-	-	-	-
7	Tamil Nadu	2	-	-	-
8	A & N Islands	-	-	-	-
	All India/ Total	2	-	-	-

- = Nil * = Act not enforced # = Covered under ESIC Act, 1948
\$ = No indication of women employed.

TABLE-4

Maternity benefits paid under the Employees' State Insurance Act, 1948 during the financial year 2012-2013

	State/Union Territory	No. of insured women as on 31.3.2013	Number of maternity benefit case (confinement) during the year 2012-2013	Amount paid during the year 2012-2013
1	2	3	4	5
1	Andhra Pradesh	257035	2186(6.94)	62630267
2	Assam, Meghalaya, Tripura, Nagaland & Sikkim	12898	171(0.54)	2983128
3	Bihar	7080	48(0.15)	1049864
4	Chhattisgarh	14904	14(0.04)	1100313
5	NCT Delhi	84748	542(1.72)	14989509
6	Goa	19850	400(1.27)	11243326
7	Gujarat	54014	581(1.84)	12190560
8	Haryana	89878	1000(3.17)	28514980
9	Himachal Pradesh	18598	220(0.70)	4855944
10	Jammu & Kashmir	6487	73(0.23)	1277484
11	Jharkhand	18928	118(0.37)	2564654
12	Karnataka	532176	6175(19.60)	118416689
13	Kerala	307620	5527(17.54)	111804752
14	Madhya Pradesh	41004	283(0.90)	5813993
15	Maharashtra	217513	3436(10.90)	89729069
16	Odisha	23107	201(0.64)	3285489
17	Punjab	94053	637(2.02)	15205335
18	Rajasthan	52703	415(1.32)	8614650
19	Tamil Nadu	657644	7595(24.11)	103805197
20	Uttar Pradesh	80294	476(1.51)	9804150
21	Uttarakhand	27713	157(0.50)	5457231
22	West Bengal	69841	546(1.73)	8724821
23	Chandigarh	9034	119(0.38)	2674186
24	Pudducherry	24667	592(1.88)	8723289
	All India/ Total	2721789	31512(100.00)	635458880

Source: The Employees' State Insurance Corporation New Delhi

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