

## **REPORT ON THE WORKING OF THE MATERNITY BENEFIT ACT, 1961 FOR THE YEAR 2010**

### **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, 1988 which came into force from 10<sup>th</sup> January, 1989. 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 has been reduced from 160 days to 80 days of actual work in the preceding twelve months and the rate of medical bonus payable to women employees has been enhanced from Rs. 250 to Rs. 2500 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 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 2010**

4.1 In the factory sector, out of 35,293 factories /establishments covered by the Act, 37.58 % submitted annual returns (Table-1). The average daily employment of women workers in these establishments was 5,05,962 of which only 2115 (0.42 %) claimed maternity benefit during the year 2010. However, 1476 claims involving an amount of Rs. 11,43,67,246 including special bonus to the tune of Rs. 5,12,02,449 were accepted and settled.

4.2 In Plantation Sector out of 2,154 plantations 67.27 per cent submitted returns where in 10,61,441 women workers were employed daily. Of the average daily employment of 10,61,441 women workers 32552 (3.07 %) claimed maternity benefit during the year. However, 32,071 claims involving an amount of Rs. 5,73,20,225 including special bonus to the tune of Rs. 20,60,846 were accepted and settled.

4.3 In other establishments, out of 40,562 establishments only 10.93 % submitted returns, in which the average daily employment of women workers was 2,17,969. Of the average daily employment of 2,17,969 women workers, 2,781(1.28 %) claimed maternity benefit. However, only 860 claims involving an amount of Rs. 83,49,380 including special bonus to the tune of Rs. 21,08,910 were accepted and paid.

4.4 The number of claims made per 100 women workers employed in factories, plantations and other establishments 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 45.45% in Meghalaya, followed by 3.62% in Jammu & Kashmir and 2.41% in Goa. In plantations, the highest percentage was in Tripura i.e. 4.79% followed by Tamil Nadu 4.21% and Assam 3.08%. So far as the other establishments are concerned the aforesaid percentage i.e. 13.95% relates to the state of Himachal Pradesh only. The table also reveals that the highest average amount of maternity benefits paid was Rs. 2,28,667 in Uttar Pradesh in the factory sector and Rs. 14,364 in Kerala in the plantation sector. In case of other establishments an average amount of Rs. 2,48,260 was paid as maternity benefits to the women workers in Tamil Nadu.

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, 1 prosecution was launched in Odisha. In the plantation sector, 2 complaints were received and investigated in Kerala and 30 prosecutions were launched in Tamil Nadu. In case of other establishments, 8 cases were investigated in Tamil Nadu and 8 prosecutions were launched and 5 convictions obtained with fine of Rs. 2500.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2009-10 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 5968 (25.16 %) followed by Tamil Nadu 5370 (22.64 %), Kerala 3760 (15.85 %) and Maharashtra 3298 (13.90%). The amount of maternity benefit paid was highest in Tamil Nadu State (Rs.7,75,18,099) followed by Karnataka (Rs. 7,70,74,717), Maharashtra (Rs. 6,12,74,097) and Kerala (Rs. 5,20,48,496) during 2009-10. In all, 23,721 women workers claimed the maternity benefit and Rs. 35,91,60,578 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 57,560 and the total amount paid as maternity benefits under both these statutes comes to Rs. 53,91,97,429 during the year, 2010.

**5. Limitations of statistics:**

The report is based on the information received from 20 States and 3 Union Territories whereas the Act extends to whole of India. There are States/UT's such as Arunachal Pradesh, Gujarat, Madhya Pradesh, Manipur, Uttarakhand, Union territories of Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, and NCT Delhi which have not submitted the annual returns for the year, 2010. In view of this, the report may not be truly representative in nature. Similarly, all-India figures in the report may not be truly comparable over the years as the responding States/UTs vary from year to year.

**Table-1**

State-wise maternity benefits paid in Factories, Plantations and Other Establishments during the year 2010

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	
<b>I FACTORIES</b>						
1	Andhra Pradesh	13051	4665	35.74	62682	217 (0.35)
2	Assam	-	-	-	-	- -
3	Bihar	11	8	72.73	28	- -
4	Chhattisgarh	2855	176	6.16	1475	4 (0.27)
5	Goa	71	70	98.59	872	21 (2.41)
6	Haryana	620	608	98.06	17379	331 (1.90)
7	Himachal Pradesh	1371	559	40.77	3692	13 (0.35)
8	Jammu & Kashmir	334	156	46.71	1078	39 (3.62)
9	Jharkhand	315	314	99.68	5444	24 (0.44)
10	Karnataka	8226	5461	66.39	184236	894 (0.49)
11	Kerala	2977	702	23.58	216698	486 (0.22)
12	Meghalaya	97	6	6.19	11	5 (45.45)
13	Odisha	662	22	3.32	958	12 (1.25)
14	Punjab	578	51	8.82	523	2 (0.38)
15	Rajasthan	2721	13	0.48	267	5 (1.87)
16	Tamil Nadu	-	-	-	-	- -
17	Tripura	486	160	32.92	3506	- -
18	Uttar Pradesh	502	107	21.31	2636	42 (1.59)
19	Chandigarh	-	-	-	-	- -
20	Mizoram	-	-	-	-	- -
21	Nagaland	-	-	-	-	- -
22	Lakshadweep	-	-	-	-	- -
23	Puducherry	416	186	44.71	4477	20 (0.45)
<b>Total</b>		<b>35293</b>	<b>13264</b>	<b>37.58</b>	<b>505962</b>	<b>2115 (0.42)</b>
<b>II PLANTATIONS</b>						
1	Assam	757	535	70.67	1009923	31058 (3.08)
2	Himachal Pradesh	17	14	82.35	147	- -
3	Karnataka	6	6	-	6	- -
4	Kerala	672	434	64.58	28233	480 (1.70)
5	Tamil Nadu	596	400	67.11	16278	686 (4.21)
6	Tripura	106	60	56.60	6854	328 (4.79)
<b>Total</b>		<b>2154</b>	<b>1449</b>	<b>67.27</b>	<b>1061441</b>	<b>32552 (3.07)</b>
<b>III OTHER ESTABLISHMENTS</b>						
1	Himachal Pradesh	@	1	-	43	6 (13.95)
2	Karnataka	18891	242	1.28	17048	255 (1.50)
3	Rajasthan	16584	18	0.11	6547	- -
4	Tamil Nadu	5087	4171	81.99	194331	2520 (1.30)
<b>Total</b>		<b>40562</b>	<b>4432</b>	<b>10.93</b>	<b>217969</b>	<b>2781 (1.28)</b>

Note - = Nil.

Figures in brackets in col. 6 are percentages with reference to column 5.

@ Figure not available mentioned in the Annual Return of HP

**Table-1**

State-wise maternity benefits paid in Factories, Plantations and Other Establishments during the year 2010

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
<b>I FACTORIES</b>					
1 Andhra Pradesh	164	156	5	14585071	14281
2 Assam	-	-	-	-	-
3 Bihar	-	-	-	19058	-
4 Chhattisgarh	4	4	2	527261	-
5 Goa	21	-	6	676298	-
6 Haryana	331	331	247	45311234	78098
7 Himachal Pradesh	13	-	11	521113	27500
8 Jammu & Kashmir	-	-	-	221000	221000
9 Jharkhand	24	-	-	573718	-
10 Karnataka	871	835	836	44967115	46623645
11 Kerala	5	2	2	372058	21088
12 Meghalaya	5	5	5	70520	33310
13 Odisha	7	-	-	539181	-
14 Punjab	2	2	-	12820	-
15 Rajasthan	5	-	-	-	-
16 Tamil Nadu	-	-	-	-	-
17 Tripura	-	-	-	-	-
18 Uttar Pradesh	24	16	228	5488000	4183527
19 Chandigarh	-	-	-	-	-
20 Mizoram	-	-	-	-	-
21 Nagaland	-	-	-	-	-
22 Lakshadweep	-	-	-	-	-
23 Puducherry	-	-	-	482799	-
<b>Total</b>	<b>1476</b>	<b>1351</b>	<b>1342</b>	<b>114367246</b>	<b>51202449</b>
<b>II PLANTATIONS</b>					
1 Assam	31058	3405	879	47913241	1107927
2 Himachal Pradesh	-	-	-	-	-
3 Karnataka	-	-	-	-	-
4 Kerala	480	480	-	6894618	-
5 Tamil Nadu	205	128	29	1559447	-
6 Tripura	328	328	328	952919	952919
<b>Total</b>	<b>32071</b>	<b>4341</b>	<b>1236</b>	<b>57320225</b>	<b>2060846</b>
<b>III OTHER ESTABLISHMENTS</b>					
1 Himachal Pradesh	6	-	3	56922	7500
2 Karnataka	255	255	255	596410	596410
3 Rajasthan	-	-	-	-	-
4 Tamil Nadu	31	-	602	7696048	1505000
<b>Total</b>	<b>292</b>	<b>255</b>	<b>860</b>	<b>8349380</b>	<b>2108910</b>

Note - = Nil.

**Table-2**

Percentage of claims made and the average amount of maternity benefits paid in Factories, Plantations and Others (By States) during the year 2010

	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
<b>I</b>	<b>FACTORIES</b>		
1	Andhra Pradesh	0.35	88933
2	Assam	-	-
3	Bihar	-	-
4	Chhattisgarh	0.27	131815
5	Goa	2.41	32205
6	Haryana	1.90	136892
7	Himachal Pradesh	0.35	40086
8	Jammu & Kashmir	3.62	-
9	Jharkhand	0.44	23905
10	Karnataka	0.49	51627
11	Kerala	0.22	74412
12	Meghalaya	45.45	14104
13	Odisha	1.25	77026
14	Punjab	0.38	6410
15	Rajasthan	1.87	-
16	Tamil Nadu	-	-
17	Tripura	-	-
18	Uttar Pradesh	1.59	228667
19	Chandigarh	-	-
20	Mizoram	-	-
21	Nagaland	-	-
22	Lakshadweep	-	-
23	Puducherry	0.45	-
	<b>Total</b>	<b>0.42</b>	<b>77485</b>
<b>II</b>	<b>PLANTATIONS</b>		
1	Assam	3.08	1543
2	Himachal Pradesh	-	-
3	Karnataka	-	-
4	Kerala	1.70	14364
5	Tamil Nadu	4.21	7607
6	Tripura	4.79	2905
	<b>Total</b>	<b>3.07</b>	<b>1787</b>
<b>III</b>	<b>Other Establishments</b>		
1	Himachal Pradesh	13.95	9487
2	Karnataka	1.50	2339
3	Rajasthan	-	-
4	Tamil Nadu	1.30	248260
	<b>Total</b>	<b>1.28</b>	<b>28594</b>

- = Nil.

**Table - 3**

Number of complaints received and prosecutions launched (By States) during the year 2010

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
<b>I FACTORIES</b>					
1 Andhra Pradesh	-	-	-	-	-
2 Assam	-	-	-	-	-
3 Bihar	-	-	-	-	-
4 Chhattisgarh	-	-	-	-	-
5 Goa	-	-	-	-	-
6 Haryana	-	-	-	-	-
7 Himachal Pradesh	-	-	-	-	-
8 Jammu & Kashmir	-	-	-	-	-
9 Jharkhand	-	-	-	-	-
10 Karnataka	-	-	-	-	-
11 Kerala	-	-	-	-	-
12 Meghalaya	-	-	-	-	-
13 Odisha	-	-	1	-	-
14 Punjab	-	-	-	-	-
15 Rajasthan	-	-	-	-	-
16 Tamil Nadu	-	-	-	-	-
17 Tripura	-	-	-	-	-
18 Uttar Pradesh	-	-	-	-	-
19 Chandigarh	-	-	-	-	-
20 Mizoram	-	-	-	-	-
21 Nagaland	-	-	-	-	-
22 Lakshadweep	-	-	-	-	-
23 Puducherry	-	-	-	-	-
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>II PLANTATIONS</b>					
1 Assam	-	-	-	-	-
2 Himachal Pradesh	-	-	-	-	-
3 Karnataka	-	-	-	-	-
4 Kerala	2	2	-	-	-
5 Tamil Nadu	-	-	30	-	-
6 Tripura	-	-	-	-	-
<b>Total</b>	<b>2</b>	<b>2</b>	<b>30</b>	<b>0</b>	<b>0</b>
<b>III OTHER ESTABLISHMENTS</b>					
1 Himachal Pradesh	-	-	-	-	-
2 Karnataka	-	-	-	-	-
3 Odisha	-	-	1	-	-
4 Rajasthan	-	-	-	-	-
5 Tamil Nadu	8	8	8	5	2500
<b>Total</b>	<b>8</b>	<b>8</b>	<b>9</b>	<b>5</b>	<b>2500</b>

- = Nil



**Table - 4**  
**Maternity benefits paid under the Employees' State Insurance**  
**Act, 1948 during the financial year 2009-2010**

Sl. No.	State/Union Territory	No. of insured women as on 31.3.2010	Number of maternity benefit case (confinement) during the year 2009-2010	Amount paid during the year 2009-2010
1	2	3	4	5
1	Andhra Pradesh	172200	1160 (4.89)	24766813
2	Assam, Meghalaya & Tripura	6000	68 (0.29)	1099665
3	Bihar	3800	22 (0.09)	339200
4	Chhattisgarh	3750	11 (0.05)	144578
5	Delhi	70400	403 (1.70)	8746971
6	Goa	23500	362 (1.53)	6315280
7	Gujarat	66000	462 (1.95)	6919486
8	Haryana	29800	485 (2.04)	7716431
9	Himachal Pradesh	31850	202 (0.85)	2543267
10	Jammu & Kashmir	16500	44 (0.19)	543602
11	Jharkhand	15050	62 (0.26)	799697
12	Karnataka	466300	5968 (25.16)	77074717
13	Kerala	229950	3760 (15.85)	52048496
14	Madhya Pradesh	22050	133 (0.56)	2104732
15	Maharashtra	301600	3298 (13.90)	61274097
16	Odisha	16950	150 (0.63)	1578168
17	Punjab	107450	262 (1.10)	4260103
18	Rajasthan	41300	277 (1.17)	4056366
19	Tamil Nadu	499800	5370 (22.64)	77518099
20	Uttar Pradesh	38350	514 (2.17)	7812562
21	Uttarakhand	4000	36 (0.15)	548270
22	West Bengal	51750	233 (0.98)	3681754
23	Chandigarh	20400	99 (0.42)	1918827
24	Puducherry	21500	340 (1.43)	5349397
<b>All India</b>		<b>2260250</b>	<b>23721 (100)</b>	<b>359160578</b>

Source: The Employees' State Insurance Corporation New Delhi

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