

REPORT ON WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2015

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 Act was last amended by the Maternity Benefit (Amendment) Act, 2017 which came into force from 1st April, 2017. The amended Act provides Maternity leave entitlement to an entitled women employee has been increased from 12 weeks to 26 weeks. Further, the Act previously allowed pregnant women to avail benefit for only 6 weeks prior to the date of expected delivery, which now has been increased to 8 weeks.

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 2015

4.1 In the factory sector, out of 44,950 factories covered by the Act, 31.85 % submitted annual returns (Table-1). The aggregate daily employment of women workers in these establishments was 3,84,683 of which only 4,611 (1.20 %) claimed maternity benefit during the year 2015. However 3,781 claims involving an amount of Rs. 32,28,17,218 including special bonus to the tune of Rs. 1,54,83,755 were accepted and settled.

4.2 In Plantation Sector out of 3,408 Plantations 45.95 per cent submitted returns where in 2,92,325 women workers were employed daily. Of the aggregate daily employment of 2,92,325 women workers 31,757 (10.86 %) claimed maternity benefit during the year. A total number of 17,482 claims were accepted and paid either fully or partially out of which 14,592 claims were from the current year. Total amount of maternity benefits paid was Rs. 7,58,69,066 including special bonus of Rs. 4,53,768.

4.3 In other establishments, out of 39,861 establishments only 26.78 % submitted returns, in which the aggregate daily employment of women workers was 2,92,251. Of the aggregate daily employment of 2,92,251 women workers 4,755(1.63%) claimed maternity benefits. However 2,997 claims involving an amount of Rs. 28,68,27,385 including special bonus to the tune of Rs. 98,72,831 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 20.95% in Andaman & Nicobar Islands followed by 11.89% in Karnataka and 5.61% in Maharashtra. In plantations, the highest percentage was in Assam i.e. 13.18% followed by Andaman & Nicobar Islands 12.93% and Tripura 4.80%. So far as the other establishments are concerned the aforesaid percentage i.e. 36.29% relates to the state of Maharashtra only. The table also reveals that the highest average amount of maternity benefits paid per accepted claim was Rs. 1,92,496 in Uttarakhand in the factory sector and Rs. 32,000 in Andaman & Nicobar Islands in the plantation sector. In case of other establishments an average amount of Rs. 1,97,637 was paid per accepted claim as maternity benefits to the women workers in Karnataka.

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. Only in other establishments in Tamil Nadu state 6 complaints received, convictions obtained and fined for Rs. 20,000.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2015-16 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 6,887 (21.82 %) followed by Kerala 6,854 (21.71%), Tamil Nadu 5,031(15.94%) and Andhra Pradesh/Telangana 2,992 (9.26%). The amount of maternity benefits paid was highest in Kerala State (Rs. 20,08,45,193) followed by Karnataka (Rs.16,51,36,069), Tamil Nadu (Rs. 16,01,02,022) and Maharashtra (Rs. 8,84,73,995) during 2015-16. In all 31,564 women workers claimed the maternity benefit and Rs. 89,35,62,429 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 55,824 and the total amount paid as maternity benefits under both these statutes comes to Rs. 1,57,90,76,098 during the year 2015.

5. Limitations of Statistics

The report is based on the information received from 23 States and 6 Union Territories whereas the Act extends to whole of India. The statistics from the States/UT such as Arunachal Pradesh, Madhya Pradesh, Manipur, Sikkim and National Capital Territory of Delhi could not be compiled due to non submission of annual return for the year 2015 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.

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TABLE – 1

State-wise maternity benefits paid in Factories, Plantations and Other Establishments during the year 2015

State/ Union Territory	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	10016	3711	37.05	71087	398 (0.56)
2	Bihar	15	15	100.00	24	1 (4.17)
3	Chhattisgarh	3660	164	4.48	1064	20 (1.88)
4	Goa	87	87	100.00	2050	55 (2.68)
5	Gujarat	4932	3001	60.85	43963	128 (0.29)
6	Haryana	1403	1338	95.37	32713	1176 (3.59)
7	Himachal Pradesh	1481	605	40.85	7339	52 (0.71)
8	Jammu & Kashmir	187	139	74.33	1421	44 (3.10)
9	Jharkhand	416	18	4.33	3054	0
10	Karnataka	1792	758	42.30	3128	372 (11.89)
11	Kerala	3244	1208	37.24	153251	76 (0.05)
12	Maharashtra	5178	1705	32.93	32363	1816 (5.61)
13	Meghalaya	0	0	0	0	0
14	Mizoram	0	0	0	0	0
15	Nagaland	12	12	100.00	10	0
16	Odisha	667	16	2.40	1024	45 (4.39)
17	Punjab	588	44	7.48	342	0
18	Rajasthan	4718	220	4.66	8465	0
19	Telangana	2345	847	36.12	15252	278 (1.82)
20	Tripura	88	88	100.00	1606	0
21	Uttar Pradesh	444	98	22.07	1778	33 (1.86)
22	Uttarakhand	3477	86	2.47	978	8 (0.82)
23	West Bengal	68	25	36.76	468	15 (3.21)
24	A & N Islands	8	8	100.00	148	31 (20.95)
25	Chandigarh #	0	0	0	0	0
26	Dadar & Nagar Haveli	0	0	0	0	0
27	Daman & Diu \$	0	0	0	0	0
28	Lakshadweep \$	0	0	0	0	0
29	Puducherry	124	124	100.00	3155	63 (2.00)
All India/ Total		44950	14317	31.85	384683	4611 (1.20)
II MINES (Rajasthan)		91	0	0	0	0
III PLANTATIONS						
1	Assam	800	600	75.00	234394	30884 (13.18)
2	Himachal Pradesh	17	0	0	0	0
3	Karnataka	1097	44	4.01	1288	17 (1.32)
4	Kerala	657	204	31.05	14083	126 (0.89)
5	Maharashtra	5	0	0	42	0
6	Meghalaya	0	0	0	0	0
7	Odisha	2	1	50.00	0	0
8	Tamil Nadu	717	609	84.94	31234	176 (0.56)
9	Tripura	104	104	100.00	11137	535 (4.80)
10	Uttarakhand	5	0	0	0	0
11	A & N Islands	4	4	100.00	147	19 (12.93)
All India/Total		3408	1566	45.95	292325	31757 (10.86)
IV OTHER ESTABLISHMENTS						
1	Goa	123	123	100.00	810	29 (3.58)
2	Jammu & Kashmir	318	103	32.39	536	48 (8.96)
3	Karnataka	8757	449	5.13	44146	1363 (3.09)
4	Maharashtra	2926	1153	39.41	8374	3039 (36.29)
5	Meghalaya	89	0	0	0	0
6	Nagaland	53	53	100.00	42	0
7	Rajasthan	14830	175	1.18	17246	0
8	Tamil Nadu	12644	8610	68.10	221024	267 (0.12)
9	Uttarakhand	110	0	0	0	0
10	A & N Islands	11	9	81.82	73	9 (12.33)
All India /Total		39861	10675	26.78	292251	4755 (1.63)

Note : 0 = Nil, Figures in brackets under col. 7 are percentages with reference to column 6,

= Covered under ESIC Act, 1948, \$ = No women employed under the Act.

TABLE – 1 - Concl'd.

1	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	398	398	3	21177247	27632
2	Bihar	0	0	0	0	0
3	Chhattisgarh	20	20	0	2999259	0
4	Goa	49	1	32	4669565	43500
5	Gujarat	128	128	84	7758171	294000
6	Haryana	1176	1176	1173	24682191	8349603
7	Himachal Pradesh	52	52	30	2904965	100000
8	Jammu & Kashmir	44	15	0	132000	0
9	Jharkhand	0	0	0	0	0
10	Karnataka	346	346	228	32756942	668731
11	Kerala	56	21	15	2686792	24282
12	Maharashtra	1062	1057	609	178454334	5054970
13	Meghalaya	0	0	0	0	0
14	Mizoram	0	0	0	0	0
15	Nagaland	0	0	0	0	0
16	Odisha	33	25	0	5031200	0
17	Punjab	0	0	0	0	0
18	Rajasthan	0	0	0	0	0
19	Telangana	278	278	15	33955604	31552
20	Tripura	0	0	0	0	0
21	Uttar Pradesh	29	29	129	1652665	334857
22	Uttarakhand	7	7	0	1347471	0
23	West Bengal	9	5	0	747548	0
24	A & N Islands	31	31	31	992000	248000
25	Chandigarh #	0	0	0	0	0
26	Dadar & Nagar Haveli	0	0	0	0	0
27	Daman & Diu \$	0	0	0	0	0
28	Lakshadweep \$	0	0	0	0	0
29	Puducherry	63	0	63	869264	306628
	All India/ Total	3781	3589	2412	322817218	15483755
II	<u>MINES (Rajasthan)</u>	0	0	0	0	0
III	<u>PLANTATIONS</u>					
1	Assam	16609	14275	837	67844094	242268
2	Himachal Pradesh	0	0	0	0	0
3	Karnataka	17	17	17	436240	59500
4	Kerala	126	0	0	2025909	0
5	Maharashtra	0	0	0	0	0
6	Meghalaya	0	0	0	0	0
7	Odisha	0	0	0	0	0
8	Tamil Nadu	176	176	0	3752939	0
9	Tripura	535	105	0	1201884	0
10	Uttarakhand	0	0	0	0	0
11	A & N Islands	19	19	19	608000	152000
	All India/Total	17482	14592	873	75869066	453768
IV	<u>OTHER ESTABLISHMENTS</u>					
1	Goa	27	0	12	1320099	3500
2	Jammu & Kashmir	48	20	6	450000	23400
3	Karnataka	785	785	579	155145127	6744167
4	Maharashtra	1861	818	506	127547874	3034264
5	Meghalaya	0	0	0	0	0
6	Nagaland	0	0	0	0	0
7	Rajasthan	0	0	0	0	0
8	Tamil Nadu	267	267	0	2094285	0
9	Uttarakhand	0	0	0	0	0
10	A & N Islands	9	9	9	270000	67500
	All India /Total	2997	1899	1112	286827385	9872831

Note : 0 = Nil, # = 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 2015

State/Union Territory	Claims made and Benefits paid	
	Percentage 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	0.56	53209.16
2 Bihar	0	0
3 Chhattisgarh	1.88	149962.95
4 Goa	2.68	95297.24
5 Gujarat	0.29	60610.71
6 Haryana	3.59	20988.26
7 Himachal Pradesh	0.71	55864.71
8 Jammu & Kashmir	3.10	3000.00
9 Jharkhand	0	0
10 Karnataka	11.89	94673.24
11 Kerala	0.05	47978.43
12 Maharashtra	5.61	168036.10
13 Meghalaya	0	0
14 Mizoram	0	0
15 Nagaland	0	0
16 Odisha	4.39	152460.61
17 Punjab	0	0
18 Rajasthan	0	0
19 Telangana	1.82	122142.46
20 Tripura	0	0
21 Uttar Pradesh	1.86	56988.45
22 Uttarakhand	0.82	192495.86
23 West Bengal	3.21	83060.89
24 A & N Islands	20.95	32000.00
25 Chandigarh #	0	0
26 Dadar & Nagar Haveli	0	0
27 Daman & Diu \$	0	0
28 Lakshadweep \$	0	0
29 Puducherry	2.00	13797.84
All India/Total	1.20	85378.79
II		
<u>MINES (Rajasthan)</u>	0	0
III		
<u>PLANTATIONS</u>		
1 Assam	13.18	4084.78
2 Himachal Pradesh	0	0
3 Karnataka	1.32	25661.18
4 Kerala	0.89	16078.64
5 Maharashtra	0	0
6 Meghalaya	0	0
7 Odisha	0	0
8 Tamil Nadu	0.56	21323.52
9 Tripura	4.80	2246.51
10 Uttarakhand	0	0
11 A & N Islands	12.93	32000.00
All India/Total	10.86	4339.84
IV		
<u>OTHER ESTABLISHMENTS</u>		
1 Goa	3.58	48892.56
2 Jammu & Kashmir	8.96	9375.00
3 Karnataka	3.09	197637.10
4 Maharashtra	36.29	68537.28
5 Meghalaya	0	0
6 Nagaland	0	0
7 Rajasthan	0	0
8 Tamil Nadu	0.12	7843.76
9 Uttarakhand	0	0
10 A & N Islands	12.33	30000.00
All India /Total	1.63	95704.83

0 = Nil, # = Covered under ESIC Act, 1948
\$ = No indication of women employed.

TABLE – 3

Number of complaints received and prosecutions launched (By States) during the year 2015

State/Union Territory		No. of complaints received	No. of complaints investigated	No. of prosecutions launched	No. of convictions obtained	Amount of fine levied (in Rs.)
1	2	3	4	5	6	7
I	<u>FACTORIES</u>					
1	Andhra Pradesh	0	0	0	0	0
2	Bihar	0	0	0	0	0
3	Chhattisgarh	0	0	0	0	0
4	Goa	0	0	0	0	0
5	Gujarat	0	0	0	0	0
6	Haryana	0	0	0	0	0
7	Himachal Pradesh	0	0	0	0	0
8	Jammu & Kashmir	0	0	0	0	0
9	Jharkhand	0	0	0	0	0
10	Karnataka	0	0	0	0	0
11	Kerala	0	0	0	0	0
12	Maharashtra	0	0	1	0	0
13	Meghalaya	0	0	0	0	0
14	Mizoram	0	0	0	0	0
15	Nagaland	0	0	0	0	0
16	Odisha	0	0	0	0	0
17	Punjab	0	0	0	0	0
18	Rajasthan	0	0	0	0	0
19	Telangana	0	0	0	0	0
20	Tripura	0	0	0	0	0
21	Uttar Pradesh	0	0	0	0	0
22	Uttarakhand	0	0	0	0	0
23	West Bengal	0	0	0	0	0
24	A & N Islands	0	0	0	0	0
25	Chandigarh #	0	0	0	0	0
26	Dadar & Nagar Haveli	0	0	0	0	0
27	Daman & Diu \$	0	0	0	0	0
28	Lakshadweep \$	0	0	0	0	0
29	Puducherry	0	0	0	0	0
All India/ Total		0	0	1	0	0
II	<u>MINES (Rajasthan)</u>	0	0	0	0	0
III	<u>PLANTATIONS</u>					
1	Assam	0	0	0	0	0
2	Himachal Pradesh	0	0	0	0	0
3	Karnataka	0	0	0	0	0
4	Kerala	0	0	0	0	0
5	Maharashtra	0	0	0	0	0
6	Meghalaya	0	0	0	0	0
7	Odisha	0	0	0	0	0
8	Tamil Nadu	0	0	0	0	0
9	Tripura	0	0	0	0	0
10	Uttarakhand	0	0	0	0	0
11	A & N Islands	0	0	0	0	0
All India/ Total		0	0	0	0	0
IV	<u>OTHER ESTABLISHMENTS</u>					
1	Goa	0	0	0	0	0
2	Jammu & Kashmir	0	0	0	0	0
3	Karnataka	0	0	0	0	0
4	Maharashtra	0	0	0	0	0
5	Meghalaya	0	0	0	0	0
6	Nagaland	0	0	0	0	0
7	Rajasthan	0	0	0	0	0
8	Tamil Nadu	6	3	8	5	20000
9	Uttarakhand	0	0	0	0	0
10	A & N Islands	0	0	0	0	0
All India/ Total		6	3	8	5	20000

0 = Nil # = 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 2015-2016

Sl. No.	State/Union Territory	No. of insured women as on 31.3.2016	Number of maternity benefit case (confinement) during the year 2015-2016		Amount paid during the year 2015-2016
1	2	3	4		5
1	Andhra Pradesh and Telangana	361000	2922	(9.26)	85362297
2	Assam, Meghalaya, Tripura, Nagaland & Sikkim	20641	241	(0.76)	4444072
3	Bihar	10734	59	(0.19)	2802732
4	Chhattisgarh	23048	111	(0.35)	2384812
5	NCT Delhi	107253	517	(1.64)	16681918
6	Goa	30135	408	(1.29)	11486783
7	Gujarat	71099	540	(1.71)	13894504
8	Haryana	132191	1082	(3.43)	30325742
9	Himachal Pradesh	24906	267	(0.85)	5497693
10	Jammu & Kashmir	9141	71	(0.22)	1324737
11	Jharkhand	27263	162	(0.51)	3827259
12	Karnataka	743530	6887	(21.82)	165136069
13	Kerala	419011	6854	(21.71)	200845193
14	Madhya Pradesh	56525	588	(1.86)	8496000
15	Maharashtra	283651	2741	(8.68)	88473995
16	Odisha	31905	259	(0.82)	5579822
17	Punjab	122893	601	(1.90)	20227846
18	Rajasthan	68987	582	(1.84)	13531151
19	Tamil Nadu	949137	5031	(15.94)	160102022
20	Uttar Pradesh	113191	441	(1.40)	16023919
21	Uttarakhand	39324	0	(0.00)	6523653
22	West Bengal	95664	588	(1.86)	15140565
23	Chandigarh	10940	156	(0.49)	4551805
24	Puducherry	34658	456	(1.44)	10897840
All India/ Total		3786827	31564	(100.00)	893562429

Source: The Employees' State Insurance Corporation New Delhi

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

* Report for the year 2014 may be seen on Labour Bureau website and published in April, 2017 issue of the Indian Labour Journal (pages 343-353).