

REPORT ON WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2016

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 2016

4.1 In the factory sector, out of 47,054 factories covered by the Act, 25.05% submitted annual returns (Table-1). The aggregate daily employment of women workers in these establishments was 3,89,320 of which only 3,111 (0.80 %) claimed maternity benefit during the year 2016. However 2,906 claims involving an amount of Rs. 15,77,03,749 including special bonus to the tune of Rs. 80,26,276 were accepted and settled.

4.2 In Plantation Sector out of 3,698 Plantations 43.19 per cent submitted returns where in 3,35,528 women workers were employed daily. Of the aggregate daily employment of 3,35,528 women workers 27,089 (8.07 %) claimed maternity benefit during the year. A total number of 25,089 claims were accepted and paid either fully or partially out of which 4,972 claims were from the current year. Total amount of maternity benefits paid was Rs. 7,83,64,909 including special bonus of Rs. 15,89,403.

4.3 In other establishments, out of 31,518 establishments only 31.68 % submitted returns, in which the aggregate daily employment of women workers was 1,99,169. Of the aggregate daily employment of 1,99,169 women workers 1,368(0.69%) claimed maternity benefits. However 596 claims involving an amount of Rs. 1,56,74,343 including special bonus to the tune of Rs. 47,96,822 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 20.57% in Andaman & Nicobar Islands followed by 5.40% in Odisha. In plantations, the highest percentage was in Andaman & Nicobar Islands 12.16% followed by Assam i.e. 9.65%. So far as the other establishments are concerned the highest percentage i.e. 15.58% relates to the UT of Andaman & Nicobar Islands only. The table also reveals that the highest average amount of maternity benefits paid per accepted claim was Rs. 2,13,077 in Odisha in the factory sector and Rs. 92,778 in Andaman & Nicobar Islands in the Plantation sector. In case of Other Establishments an average amount of Rs. 86,168 was paid per accepted claim as maternity benefits to the women workers in Goa.

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 Factories 6 conviction obtained in Himachal Pradesh and amount of fine levied was Rs. 7000, while in Other Establishments Tamil Nadu fined Rs. 18,000 for one conviction obtained.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 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 (21.72%), Tamil Nadu 5,031(15.94%), Andhra Pradesh 2,922 (9.26%) and Maharashtra 2,741(8.69). 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 2016. 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 60,155 and the total amount paid as maternity benefits under both these statutes comes to Rs. 1,14,53,05,430 during the year 2016.

5. Limitations of Statistics

The report is based on the information received from 21 States and 6 Union Territories whereas the Act extends to whole of India. The statistics from the States/UT such as Arunachal Pradesh, Chhattisgarh, Maharashtra, Manipur, Sikkim, West Bengal and National Capital Territory of Delhi could not be compiled due to non submission of annual return for the year 2016 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 2016

1	2	3	4	5	6	7
I FACTORIES						
1	Andhra Pradesh	9947	3365	33.83	79946	435(0.54)
2	Bihar	22	22	100.00	25	-
3	Goa	113	113	100.00	2413	68(2.82)
4	Gujarat	4891	3236	66.16	45053	161(0.36)
5	Haryana	1838	1559	84.82	51947	1428(2.75)
6	Himachal Pradesh	1500	580	38.67	7249	78(1.08)
7	Jammu & Kashmir	137	74	54.01	1391	38(2.73)
8	Jharkhand	359	36	10.03	1422	-
9	Karnataka	1051	401	38.15	29524	471(1.60)
10	Kerala	1816	564	31.06	111788	82(0.07)
11	Madhya Pradesh	8438	204	2.42	5691	12(0.21)
12	Meghalaya	-	-	-	-	-
13	Mizoram	-	-	-	-	-
14	Nagaland	12	12	100.00	10	-
15	Odisha	669	16	2.39	833	45(5.40)
16	Punjab	589	40	6.79	347	1(0.29)
17	Rajasthan	7680	276	3.59	28348	-
18	Telangana	3832	873	22.78	14549	186(1.28)
19	Tripura	119	119	100.00	2672	-
20	Uttar Pradesh	423	97	22.93	1565	19(1.21)
21	Uttarakhand	3486	70	2.01	543	5(0.92)
22	A & Nicobar Islands	8	7	87.50	141	29(20.57)
23	Chandigarh #	-	-	-	-	-
24	Dadar & Nagar Haveli	-	-	-	-	-
25	Daman & Diu \$	-	-	-	-	-
26	Lakhsadweep	-	-	-	-	-
27	Puducherry	124	124	100.00	3863	53(1.37)
All India/ Total		47054	11788	25.05	389320	3111(0.80)
II MINES (Rajasthan)		91	-	-	-	-
III PLANTATIONS						
1	Assam	802	600	74.81	269559	26002(9.65)
2	Himachal Pradesh	14	-	-	-	-
3	Karnataka	1325	73	5.51	4786	13(0.27)
4	Kerala	727	217	29.85	18904	436(2.31)
5	Meghalaya	-	-	-	-	-
6	Tamil Nadu	714	608	85.15	32608	185(0.57)
7	Tripura	107	95	88.79	9523	435(4.57)
8	Uttarakhand	5	-	-	-	-
9	A & Nicobar Islands	4	4	100.00	148	18(12.16)
All India/Total		3698	1597	43.19	335528	27089(8.07)
IV OTHER ESTABLISHMENTS						
1	Goa	121	121	100.00	1113	16(1.44)
2	Jammu & Kashmir	289	140	48.44	407	37(9.09)
3	Karnataka	4945	810	16.38	47579	1050(2.21)
4	Meghalaya	101	1	0.99	-	-
5	Nagaland	56	56	100.00	45	-
6	Rajasthan	15109	191	1.26	19417	1(0.01)
7	Tamil Nadu	10776	8657	80.34	130531	252(0.19)
8	Uttarakhand	110	-	-	-	-
9	A & Nicobar Islands	11	10	90.91	77	12(15.58)
All India/Total		31518	9986	31.68	199169	1368(0.69)

Note : - = 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.

	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	435	435	3	23510940	21724
2	Bihar	-	-	-	-	-
3	Goa	67	-	21	2654844	24500
4	Gujarat	161	161	161	5101868	563500
5	Haryana	1428	1428	86	36836735	1951351
6	Himachal Pradesh	78	78	24	4683007	75311
7	Jammu & Kashmir	38	10	-	112500	-
8	Jharkhand	-	-	-	-	-
9	Karnataka	300	294	180	35312303	3207886
10	Kerala	68	30	18	4770262	159138
11	Madhya Pradesh	10	10	4	1406564	27634
12	Meghalaya	-	-	-	-	-
13	Mizoram	-	-	-	-	-
14	Nagaland	-	-	-	-	-
15	Odisha	32	24	-	6818477	-
16	Punjab	-	-	-	-	-
17	Rajasthan	-	-	-	-	-
18	Telangana	186	186	35	29837290	53724
19	Tripura	-	-	-	-	-
20	Uttar Pradesh	16	16	32	2122730	850632
21	Uttarakhand	5	4	3	851118	2876
22	A & Nicobar Islands	29	29	136	1871000	1088000
23	Chandigarh #	-	-	-	-	-
24	Dadar & Nagar Haveli	-	-	-	-	-
25	Daman & Diu \$	-	-	-	-	-
26	Lakhsadweep	-	-	-	-	-
27	Puducherry	53	-	-	1814111	-
	All India/ Total	2906	2705	703	157703749	8026276
II	<u>MINES (Rajasthan)</u>	-	-	-	-	-
III	<u>PLANTATIONS</u>					
1	Assam	24283	4732	872	70065226	384573
2	Himachal Pradesh	-	-	-	-	-
3	Karnataka	13	13	13	274564	20830
4	Kerala	155	-	-	2419248	-
5	Meghalaya	-	-	-	-	-
6	Tamil Nadu	185	185	-	2070285	-
7	Tripura	435	24	-	1865586	-
8	Uttarakhand	-	-	-	-	-
9	A & Nicobar Islands	18	18	148	1670000	1184000
	All India/Total	25089	4972	1033	78364909	1589403
IV	<u>OTHER ESTABLISHMENTS</u>					
1	Goa	16	-	6	1378695	21000
2	Jammu & Kashmir	37	10	-	180000	-
3	Karnataka	279	279	380	10561861	4000372
4	Meghalaya	-	-	-	-	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	-	-	-	-	-
7	Tamil Nadu	252	252	15	2613787	159450
8	Uttarakhand	-	-	-	-	-
9	A & Nicobar Islands	12	12	77	940000	616000
	All India/Total	596	553	478	15674343	4796822

Note : - = 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 2016

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	(0.54)	54048
2	Bihar	-	-
3	Goa	(2.82)	39625
4	Gujarat	(0.36)	31689
5	Haryana	(2.75)	25796
6	Himachal Pradesh	(1.08)	60039
7	Jammu & Kashmir	(2.73)	2961
8	Jharkhand	-	-
9	Karnataka	(1.60)	117708
10	Kerala	(0.07)	70151
11	Madhya Pradesh	(0.21)	140656
12	Meghalaya	-	-
13	Mizoram	-	-
14	Nagaland	-	-
15	Odisha	(5.40)	213077
16	Punjab	(0.29)	-
17	Rajasthan	-	-
18	Telangana	(1.28)	160416
19	Tripura	-	-
20	Uttar Pradesh	(1.21)	132671
21	Uttarakhand	(0.92)	170224
22	A & Nicobar Islands	(20.57)	64517
23	Chandigarh #	-	-
24	Dadar & Nagar Haveli	-	-
25	Daman & Diu \$	-	-
26	Lakhsadweep	-	-
27	Puducherry	(1.37)	34229
	All India/Total	(0.80)	54268
II	<u>MINES (Rajasthan)</u>	-	-
III	<u>PLANTATIONS</u>		
1	Assam	(9.65)	2885
2	Himachal Pradesh	-	-
3	Karnataka	(0.27)	21120
4	Kerala	(2.31)	15608
5	Meghalaya	-	-
6	Tamil Nadu	(0.57)	11191
7	Tripura	(4.57)	4289
8	Uttarakhand	-	-
9	A & Nicobar Islands	(12.16)	92778
	All India/Total	(8.07)	3123
IV	<u>OTHER ESTABLISHMENTS</u>		
1	Goa	(1.44)	86168
2	Jammu & Kashmir	(9.09)	4865
3	Karnataka	(2.21)	37856
4	Meghalaya	-	-
5	Nagaland	-	-
6	Rajasthan	(0.01)	-
7	Tamil Nadu	(0.19)	10372
8	Uttarakhand	-	-
9	A & Nicobar Islands	(15.58)	78333
	All India /Total	(0.69)	26299

- = 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 2016

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 FACTORIES						
1	Andhra Pradesh	-	-	-	-	-
2	Bihar	-	-	-	-	-
3	Goa	-	-	-	-	-
4	Gujarat	-	-	-	-	-
5	Haryana	-	-	-	-	-
6	Himachal Pradesh	-	633	2	6	7000
7	Jammu & Kashmir	-	-	-	-	-
8	Jharkhand	-	-	-	-	-
9	Karnataka	-	-	-	-	-
10	Kerala	-	-	-	-	-
11	Madhya Pradesh	-	-	-	-	-
12	Meghalaya	-	-	-	-	-
13	Mizoram	-	-	-	-	-
14	Nagaland	-	-	-	-	-
15	Odisha	-	-	-	-	-
16	Punjab	-	-	-	-	-
17	Rajasthan	-	-	-	-	-
18	Telangana	-	-	-	-	-
19	Tripura	-	-	-	-	-
20	Uttar Pradesh	-	-	-	-	-
21	Uttarakhand	-	-	-	-	-
22	A & Nicobar Islands	-	-	-	-	-
23	Chandigarh #	-	-	-	-	-
24	Dadar & Nagar Haveli	-	-	-	-	-
25	Daman & Diu \$	-	-	-	-	-
26	Lakhsadweep	-	-	-	-	-
27	Puducherry	-	-	-	-	-
All India/ Total		-	633	2	6	7000
II MINES (Rajasthan)						
		-	-	-	-	-
III PLANTATIONS						
1	Assam	-	-	-	-	-
2	Himachal Pradesh	-	3	-	-	-
3	Karnataka	-	-	-	-	-
4	Kerala	-	-	-	-	-
5	Meghalaya	-	-	-	-	-
6	Tamil Nadu	-	-	-	-	-
7	Tripura	-	-	-	-	-
8	Uttarakhand	-	-	-	-	-
9	A. & Nicobar Islands	-	-	-	-	-
All India/ Total		-	3	-	-	-
IV OTHER ESTABLISHMENTS						
1	Goa	-	-	-	-	-
2	Jammu & Kashmir	-	-	-	-	-
3	Karnataka	-	-	-	-	-
4	Meghalaya	-	-	-	-	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	-	-	-	-	-
7	Tamil Nadu	-	-	-	1	18000
8	Uttarakhand	-	-	-	-	-
9	A. & Nicobar Islands	-	-	-	-	-
All India/ Total		-	-	-	1	18000

- = 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 2016

Sl. No.	State/Union Territory	Number of insured women as on 2016	Number of maternity benefit case (confinement) during the year 2016	Amount paid during the year 2016
1	2	3	4	5
1	Andhra Pradesh	361000	2922 (9.26)	85362297
2	Assam	20641	241 (0.76)	4444072
3	Bihar	10734	59 (0.19)	2802732
4	Chhattisgarh	23048	111 (0.35)	2384812
5	Goa	30135	408 (1.29)	11486783
6	Gujarat	71099	540 (1.71)	13894504
7	Haryana	132191	1082 (3.43)	30325742
8	Himachal Pradesh	24906	267 (0.85)	5497693
9	Jammu & Kashmir	9141	71 (0.22)	1324737
10	Jharkhand	27263	162 (0.51)	3827259
11	Karnataka	743530	6887 (21.82)	165136069
12	Kerala	419011	6854 (21.72)	200845193
13	Madhya Pradesh	56525	588 (1.86)	8496000
14	Maharashtra	283651	2741 (8.69)	88473995
15	Odisha	31905	259 (0.82)	5579822
16	Punjab	122893	601 (1.90)	20227846
17	Rajasthan	68987	582 (1.84)	13531151
18	Tamil Nadu	949137	5031 (15.94)	160102022
19	Uttar Pradesh	113191	441 (1.40)	16023919
20	Uttarakhand	39324	0 (0.00)	6523653
21	West Bengal	95664	588 (1.86)	15140565
22	Delhi NCT	107253	517 (1.64)	16681918
23	Chandigarh	10940	156 (0.49)	4551805
24	Puducherry	34658	456 (1.45)	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

* Annual report for the year 2015 may be seen on Labour Bureau website and published in December, 2017 issue of the Indian Labour Journal (pages 1261-1271).