

REPORT ON WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2017

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 2017

4.1 In the factory sector, out of 77,786 factories covered by the Act, (33.11%) submitted annual returns (Table-I, part-I). The aggregate number of women workers employed daily in these establishments was 7,03,653 of which only 5,012 (0.71 %) claimed maternity benefit during the year 2017. In total 4,770 claims involving an amount of Rs. 18,31,11,961 including special bonus to the tune of Rs. 98,49,487 were accepted and settled.

4.2 In Plantation Sector out of 3,980 Plantations (33.64%) submitted returns where in 1,89,243 women workers were employed daily (Table-I, part III). Of the aggregate daily employment of 1,89,243 women workers 40,688 (21.50 %) claimed maternity benefit during the year. A total number of 13,217 claims were accepted and paid either fully or partially out of which 2,019 claims were from the current year. Total amount of maternity benefits paid was Rs. 5,12,63,052 including special bonus of Rs. 19,46,609.

4.3 In other establishments, out of 60,805 establishments only (21.73 %) submitted returns, in which the aggregate daily employment of women workers were 1,61,209 (Table-I, part IV). Of the aggregate daily employment of 1,61,209 women workers 567(0.35%) claimed maternity benefits. However 560 claims involving an amount of Rs. 1,06,83,173 including special bonus to the tune of Rs. 31,70,200 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 II. 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 UT of Andaman & Nicobar Islands followed by 19.56% in Karnataka and 17.93% in Telangana. In plantations, the highest percentage was in Assam 29.36% followed by Karnataka i.e. 13.12%. So far as the other establishments are concerned the highest percentage i.e. 100 % relates to Karnataka only. The table also reveals that the highest average amount of maternity benefits paid per accepted claim was Rs. 2,15,798 in Goa in the factory sector and Rs. 1,04,333 in UT of Andaman & Nicobar Islands in the Plantation sector. In case of Other Establishments an average amount of Rs. 2,24,483 was paid per accepted claim as maternity benefits to the women workers in Goa recorded highest.

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 III. In Factories 3 convictions obtained in Himachal Pradesh and an amount of fine levied was Rs. 5000, while in Other Establishments Tamil Nadu fined Rs. 4,500 for two convictions obtained.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2017 are presented in Table IV. 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 6,280 (20.02 %) followed by Kerala 6,274 (20%), Tamil Nadu 5,665 (18.06%), Andhra Pradesh 3,094 (9.86%) and Maharashtra 2,396(7.64). The amount of maternity benefits paid was highest in Kerala State (Rs. 19,43,84,746) followed by Karnataka (Rs.16,56,10,003), Tamil Nadu (Rs. 16,55,98,914) and Andhra Pradesh (Rs. 8,78,33,239) during 2017. In all 31,365 women workers claimed the maternity benefit and Rs. 90,71,92,851 were 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 49,912 and the total amount paid as maternity benefits under both these statutes comes to Rs. 1,15,22,51,037 during the year 2017.

5. Limitations of Statistics

The report is based on the information received from 20 States and 2 Union Territories whereas the Act extends to whole of India. The States of Arunachal Pradesh, Mizoram and UT's of Lakshadweep, Dadra & Nagar Haveli and Daman & Diu submitted nil reports under the Act. The statistics from the States/UT such as Madhya Pradesh, Maharashtra, Manipur, Punjab, Sikkim, West Bengal, National Capital Territory of Delhi and UT of Pudducherry could not be compiled due to non submission of annual return for the year 2017 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 – I

State-wise maternity benefits paid in Factories, Plantations and Other Establishments during the year 2017

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	9989	3558	35.62	70309	235
2	Bihar	5865	167	2.85	108	3
3	Chhatisgarh	4146	200	4.82	1902	17
4	Goa	84	83	98.81	2410	45
5	Gujarat	5729	3757	65.58	52918	175
6	Haryana	2345	1399	59.66	39282	943
7	Himachal Pradesh	1560	423	27.12	6197	66
8	Jammu & Kashmir	139	76	54.68	1408	33
9	Jharkhand	324	28	8.64	1574	33
10	Karnataka	1399	672	48.03	3277	641
11	Kerala	2848	754	26.47	96571	141
12	Meghalaya	28	1	3.57	2	-
13	Nagaland	12	12	100.00	10	-
14	Odisha	674	21	3.12	853	28
15	Rajasthan	7883	353	4.48	30706	-
16	Tamilnadu	20791	13432	64.60	377126	80
17	Telangana	8150	552	6.77	13649	2447
18	Tripura	95	95	100.00	1696	-
19	Uttar Pradesh	513	101	19.69	2195	47
20	Uttarakhand	5204	62	1.19	1312	47
21	Andman,Nicobar Islands	8	8	100.00	148	31
22	Chandigarh #	-	-	-	-	-
All India/ Total		77786	25754	33.11	703653	5012
II MINES \$		-	-	-	-	-
III PLANTATIONS						
1	Assam	1896	527	27.80	133622	39227
2	Himachal Pradesh	14	-	-	-	-
3	Karnataka	863	99	11.47	3772	495
4	Kerala	534	176	32.96	17302	148
5	Meghalaya	1	-	-	-	-
6	Odisha	2	-	-	-	-
7	Tamilnadu	602	484	80.40	29181	205
8	Telangana	1	-	-	-	-
9	Tripura	58	44	75.86	5212	598
10	Uttarakhand	5	5	100.00	9	-
11	Andman,Nicobar Islands	4	4	100.00	145	15
All India/Total		3980	1339	33.64	189243	40688
IV OTHER ESTABLISHMENTS						
1	Goa	135	135	100.00	1102	19
2	Jammu & Kashmir	314	55	17.52	240	40
3	Karnataka	3942	1517	38.48	249	249
4	Meghalaya	65	-	-	-	-
5	Nagaland	56	56	100.00	45	-
6	Rajasthan	15599	183	1.17	22064	-
7	Tamilnadu	12869	11213	87.13	135910	234
8	Telangana	27660	-	-	-	-
9	Uttarakhand	152	42	27.63	1513	15
10	Andman,Nicobar Islands	13	11	84.62	86	10
All India /Total		60805	13212	21.73	161209	567

Note :

- = Nil,

= Covered under ESIC Act 1948,

\$ = Not reported.

TABLE – I - Concl'd.

1	2	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			
8	9	10	11	12		
I FACTORIES						
1	Andhra Pradesh	228	228	3	22581853	15351
2	Bihar	1	-	-	85430	-
3	Chhatisgarh	17	17	-	2888456	-
4	Goa	33	33	21	7121339	65000
5	Gujarat	175	175	175	9654378	612500
6	Haryana	943	943	52	19799410	1159461
7	Himachal Pradesh	66	66	66	5012209	118629
8	Jammu & Kashmir	33	10	-	351000	-
9	Jharkhand	33	33	-	804668	-
10	Karnataka	459	453	362	36808573	3204248
11	Kerala	135	58	26	8046785	173298
12	Meghalaya	-	-	-	-	-
13	Nagaland	-	-	-	-	-
14	Odisha	9	1	-	1056158	-
15	Rajasthan	-	-	-	-	-
16	Tamilnadu	71	66	70	4930459	1453952
17	Telangana	2437	2437	158	51657105	169858
18	Tripura	-	-	-	-	-
19	Uttar Pradesh	53	53	62	7650894	1816446
20	Uttarakhand	46	45	2	2770244	4744
21	Andman,Nicobar Islands	31	31	132	1893000	1056000
22	Chandigarh #	-	-	-	-	-
All India / Total		4770	4649	1129	183111961	9849487
II MINES \$						
		-	-	-	-	-
III PLANTATIONS						
1	Assam	12213	1682	345	37128902	224093
2	Himachal Pradesh	-	-	-	-	-
3	Karnataka	38	38	38	950154	361000
4	Kerala	148	-	-	5637590	-
5	Meghalaya	-	-	-	-	-
6	Odisha	-	-	-	-	-
7	Tamilnadu	205	205	-	5314512	-
8	Telangana	-	-	-	-	-
9	Tripura	598	79	50	666894	201516
10	Uttarakhand	-	-	-	-	-
11	Andman,Nicobar Islands	15	15	145	1565000	1160000
All India /Total		13217	2019	578	51263052	1946609
IV OTHER ESTABLISHMENTS						
1	Goa	12	12	15	2693795	42000
2	Jammu & Kashmir	40	10	-	452475	-
3	Karnataka	249	249	249	4731238	2440200
4	Meghalaya	-	-	-	-	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	-	-	-	-	-
7	Tamilnadu	234	234	-	1458376	-
8	Telangana	-	-	-	-	-
9	Uttarakhand	15	15	-	389289	-
10	Andman,Nicobar Islands	10	10	86	958000	688000
All India /Total		560	530	350	10683173	3170200

Note:

- = Nil,

= Covered under ESIC Act 1948,

\$ = Not reported.

TABLE – II

Percentage of claims made and the average amount of maternity benefits
paid in Factories, Plantations and Other Establishments (By States) during the year 2017

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	0.33	99043
2	Bihar	2.78	85430
3	Chhatisgarh	0.89	169909
4	Goa	1.87	215798
5	Gujarat	0.33	55168
6	Haryana	2.40	20996
7	Himachal Pradesh	1.07	75943
8	Jammu & Kashmir	2.34	10636
9	Jharkhand	2.10	24384
10	Karnataka	19.56	80193
11	Kerala	0.15	59606
12	Meghalaya	-	-
13	Nagaland	-	-
14	Odisha	3.28	117351
15	Rajasthan	-	-
16	Tamilnadu	0.02	69443
17	Telangana	17.93	21197
18	Tripura	-	-
19	Uttar Pradesh	2.14	144356
20	Uttarakhand	3.58	60223
21	Andman,Nicobar Islands	20.95	61065
22	Chandigarh #	-	-
	All India/Total	0.71	38388
II	<u>MINES \$</u>	-	-
III	<u>PLANTATIONS</u>		
1	Assam	29.36	3040
2	Himachal Pradesh	-	-
3	Karnataka	13.12	25004
4	Kerala	0.86	38092
5	Meghalaya	-	-
6	Odisha	-	-
7	Tamilnadu	0.70	25924
8	Telangana	-	-
9	Tripura	11.47	1115
10	Uttarakhand	-	-
11	Andman,Nicobar Islands	10.34	104333
	All India/Total	21.50	3879
IV	<u>OTHER ESTABLISHMENTS</u>		
1	Goa	1.72	224483
2	Jammu & Kashmir	16.67	11312
3	Karnataka	100.00	19001
4	Meghalaya	-	-
5	Nagaland	-	-
6	Rajasthan	-	-
7	Tamilnadu	0.17	6232
8	Telangana	-	-
9	Uttarakhand	0.99	25953
10	Andman,Nicobar Islands	11.63	95800
	All India /Total	0.35	19077

Note:

- = Nil,

= Covered under ESIC Act 1948,

\$ = Not reported.

TABLE – III

Number of complaints received and prosecutions launched (By States) during the year 2017

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	Chhatisgarh	-	-	-	-	-
4	Goa	-	-	-	-	-
5	Gujarat	-	-	-	-	-
6	Haryana	-	-	-	-	-
7	Himachal Pradesh	-	600	6	3	5000
8	Jammu & Kashmir	-	-	-	-	-
9	Jharkhand	-	-	-	-	-
10	Karnataka	-	-	-	-	-
11	Kerala	-	-	-	-	-
12	Meghalaya	-	-	-	-	-
13	Nagaland	-	-	-	-	-
14	Odisha	-	-	-	-	-
15	Rajasthan	-	-	-	-	-
16	Tamilnadu	-	-	-	-	-
17	Telangana	-	-	-	-	-
18	Tripura	-	-	-	-	-
19	Uttar Pradesh	-	-	-	-	-
20	Uttarakhand	-	-	-	-	-
21	Andman,Nicobar Islands	-	-	-	-	-
22	Chandigarh #	-	-	-	-	-
All India/ Total		-	600	6	3	5000
II MINES \$						
		-	-	-	-	-
III PLANTATIONS						
1	Assam	-	-	1	-	-
2	Himachal Pradesh	-	3	-	-	-
3	Karnataka	-	-	-	-	-
4	Kerala	-	-	-	-	-
5	Meghalaya	-	-	-	-	-
6	Odisha	-	-	-	-	-
7	Tamilnadu	-	-	-	-	-
8	Telangana	-	-	-	-	-
9	Tripura	-	-	-	-	-
10	Uttarakhand	-	-	-	-	-
11	Andman,Nicobar Islands	-	-	-	-	-
All India/ Total		-	3	1	-	-
IV OTHER ESTABLISHMENTS						
1	Goa	-	-	-	-	-
2	Jammu & Kashmir	-	-	-	-	-
3	Karnataka	-	-	-	-	-
4	Meghalaya	-	-	-	-	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	-	-	-	-	-
7	Tamilnadu	51	-	3	2	4500
8	Telangana	-	-	-	-	-
9	Uttarakhand	-	-	-	-	-
10	Andman,Nicobar Islands	-	-	-	-	-
All India/ Total		51	-	3	2	4500

Note:

- = Nil

= Covered under ESIC Act 1948,

\$ = Not reported.

TABLE-IV

Maternity benefits paid under the Employees' State Insurance Act, 1948 during the financial year 2017

State/Union Territory		Number of insured women as on 2017	Number of maternity benefit case (confinement) during the year 2017	Amount paid during the year 2017
1	2	3	4	5
1	Andhra Pradesh	389880	3094 (9.86)	87833239
2	Assam	22292	278 (0.89)	6821149
3	Bihar	11593	76 (0.24)	2304340
4	Chhattisgarh	24892	85 (0.27)	2402421
5	Goa	32546	377 (1.20)	12836287
6	Gujarat	76787	543 (1.73)	15342644
7	Haryana	142765	1176 (3.75)	34194765
8	Himachal Pradesh	26898	319 (1.02)	6495221
9	Jammu & Kashmir	9872	83 (0.26)	1668882
10	Jharkhand	29444	183 (0.58)	4376933
11	Karnataka	803012	6280 (20.02)	165610003
12	Kerala	452533	6274 (20.00)	194384746
13	Madhya Pradesh	61047	584 (1.86)	10103644
14	Maharashtra	306343	2396 (7.64)	84344563
15	Odisha	34457	289 (0.92)	6451799
16	Punjab	132725	803 (2.56)	21488977
17	Rajasthan	74506	582 (1.86)	12813065
18	Tamil Nadu	1025068	5665 (18.06)	165598914
19	Uttar Pradesh	122246	394 (1.26)	16594757
20	Uttarakhand	42470	240 (0.77)	7449012
21	West Bengal	103318	605 (1.93)	15896258
22	Delhi NCT	115834	494 (1.58)	17620463
23	Chandigarh	11815	125 (0.40)	3726395
24	Puducherry	37431	420 (1.34)	10834374
All India/ Total		4089774	31365 (100.00)	907192851

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 2016 may be seen on Labour Bureau website.