



मातृत्व हितलाभ अधिनियम, 1961 की
कार्यप्रणाली पर रिपोर्ट

REPORT ON WORKING OF THE
MATERNITY BENEFIT ACT, 1961

वर्ष- 2022

Year- 2022

भारत सरकार

Government of India

श्रम एवं रोजगार मंत्रालय

Ministry of Labour & Employment

श्रम ब्यूरो

Labour Bureau

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 organization 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 2022

4.1 In the factory sector, out of 97,307 factories covered by the Act, 29,603 (30.42%) submitted annual returns (Table-I, part-I). The aggregate number of women workers employed daily in these establishments was 9,11,208 of which only 3,211 (0.35 %) claimed maternity benefit during the year 2022. In total 3,168 claims involving an amount of Rs. 28,08,64,206 including special bonus to the tune of Rs. 1,14,63,298 were accepted and settled.

4.2 In Plantation Sector 1,197 (45.46%) out of 2,633 Plantations submitted returns where in 2,54,419 women workers were employed daily (Table-I, part III). Of the aggregate daily employment of 2,54,419 women workers 7,512 (2.95%) claimed maternity benefit during the year. A total number of 5,066 claims were accepted and paid either fully or partially out of which 4,109 claims were from the current year. Total amount of maternity benefits paid was Rs. 10,21,20,553.9 including special bonus of Rs. 67,18,697.25.

4.3 In other establishments, out of 1,24,622 establishments only 15,568 (12.49%) submitted returns, in which the aggregate daily employment of women workers were 2,86,030 (Table-I, part IV). Of the aggregate daily employment of 2,86,030 women workers 542 (0.19%) claimed maternity benefits. However 514 claims involving an amount of Rs.6,92,12,428 including special bonus to the tune of Rs. 21,92,233 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 6.76% in UT of Andaman & Nicobar Islands followed by 4.67% in Bihar, 4.07% in Goa, and 3.81% in Haryana. In plantations, the highest percentage was in UT of Andaman and Nicobar, 9.09%, followed by Assam, 3.43,% and Tripura i.e. 1.20%. So far as the other establishments are concerned the highest percentage i.e. 12.63% relates to UT of Jammu & Kashmir followed by 10.12% relates to UT of Andaman & Nicobar Islands, 4.85% relates to UT of Chandigarh and 2.43% in Goa. The table also reveals that the highest average amount of maternity benefits paid per accepted claim was Rs. 2,74,217 in Odisha in the factory sector and Rs. 44,947 in Kerala, in the Plantation sector. In case of Other Establishments an average amount of Rs. 2,02,073 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, total 2 Prosecutions were launched and 11 convictions were obtained, only in the state Himachal Pradesh, and an amount of fine levied was Rs. 33,450. In Plantation Sector, 4 complaints were investigated in the State Himachal Pradesh and in other establishments, 2 complaints were received and 1 was investigated in Delhi NCT.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2022 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 Tamil Nadu 7,844 (17.20%) followed by Kerala 7,458 (16.35%), Karnataka 7,246 (15.89%), Maharashtra 4,150 (9.10%) and Andhra Pradesh 3,053 (6.69%). The amount of maternity benefits paid was highest in Tamil Nadu State (Rs. 68,12,04,520) followed by Karnataka (Rs. 61,72,87,498), Kerala (Rs. 59,91,97,209), Maharashtra (Rs. 41,66,39,551) and Telangana (Rs. 190144246) during 2022. In all 45,610 women workers claimed the maternity benefit and Rs. 3,73,77,20,293 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 54,363 and the total amount paid as maternity benefits under both these statutes comes to Rs. 4,18,99,51,335 during the year 2022.

5. Limitations of Statistics

The report is based on the information received from 19 States and 6 Union Territories whereas the Act extends to whole of India. The States of, Arunachal Pradesh and Manipur submitted nil reports under the Act. The statistics from the States/UT such as, Punjab, Uttar Pradesh, UT of Leh Ladakh, Lakshadweep and West Bengal could not be compiled due to non- submission of annual return for the year 2022 despite repeated reminders, while the return received from the States/ Department of Karnataka, Maharashtra and CLC (C) doesn't fulfill our statistical requirement. 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 2022

	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	<u>FACTORIES</u>					
1	Andhra Pradesh	11378	2996	26.33	61503	39
2	Bihar	6929	13	0.19	107	5
3	Chhattisgarh	5847	816	13.96	3402	18
4	Goa	106	105	99.06	4944	201
5	Gujarat	11271	5325	47.25	63753	282
6	Haryana	4654	954	20.50	37131	1415
7	Himachal Pradesh	1889	1307	69.19	12121	22
8	Jharkhand	302	10	3.31	3492	64
9	Kerala	7472	1120	14.99	76357	265
10	Madhya Pradesh	7769	168	2.16	11643	48
11	Meghalaya	36	-	-	-	-
12	Mizoram	6	1	16.67	2	-
13	Odisha	445	60	13.48	1103	5
14	Rajasthan	8210	407	4.96	47769	-
15	Tamil Nadu	21361	14888	69.70	548419	255
16	Telangana	7311	570	7.80	14863	308
17	Uttarakhand	1252	297	23.72	7171	154
18	Andman & Nicobar Islands	8	8	100	148	10
19	Chandigarh #	414	30	7.25	222	1
20	Dadar & Nagar Haweli and Daman & Diu	130	130	100	8580	-
21	Jammu & Kashmir	305	231	75.74	1501	50
22	NCT Delhi	25	25	100	501	16
23	Puducherry	187	142	75.94	6476	53
	All India/ Total	97307	29603	30.42	911208	3211
II	<u>MINES</u>					
1	Andhra Pradesh	15	-	-	-	-
2	Goa	4	4	100	59	6
3	Rajasthan	109	-	-	-	-
	All India/ Total	128	4	3.13	59	6
III	<u>PLANTATIONS</u>					
1	Andhra Pradesh	6	-	-	-	-
2	Assam	1313	493	37.55	206680	7092
3	Himachal Pradesh	-	-	-	-	-
4	Kerala	596	202	33.89	19954	158
5	Odisha	3	3	100	87	-
6	Rajasthan	69	-	-	-	-
7	Tamil Nadu	588	451	76.70	20559	208
8	Telangana	-	-	-	-	-
9	Tripura	46	41	89.13	4414	53
10	Uttarakhand	11	6	54.55	2714	-
11	Andman,Nicobar Islands	1	1	100	11	1
	All India/Total	2633	1197	45.46	254419	7512
IV	<u>OTHER ESTABLISHMENTS</u>					
1	Andhra Pradesh	20570	19	0.09	-	-
2	Bihar	-	-	-	-	-
3	Goa	26	26	100	701	17
4	Jammu & Kashmir	1265	238	18.81	681	86
5	Meghalaya	70	13	18.57	10	-
6	Mizoram	16	16	100	5	-
7	Nagaland	4172	377	9.04	237	-
8	Odisha	299	289	96.66	11081	10
9	Rajasthan	14848	365	2.46	36760	7
10	Tamilnadu	18003	12841	71.33	222260	97
11	Telangana	30085	1068	(3.55)	8186	189
12	Tripura	19	13	68.42	-	-
13	Andman,Nicobar Islands	17	17	100	168	17
14	NCT of Delhi	270	237	87.78	5095	78
15	Chandigarh #	34962	49	0.14	846	41
	All India /Total	124622	15568	12.49	286030	542
	All India/Grand Total	224690	46372	20.64	1451716	11271

Note: - = Nil, # = Covered under ESIC Act 1948

TABLE - I - 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	FACTORIES					
1	Andhra Pradesh	39	19	31	6215376	1045292
2	Bihar	5	5	1	1129500	8052
3	Chhattisgarh	18	18	18	3204732	3178254
4	Goa	192	191	120	28046515	466422
5	Gujarat	282	245	196	20764096	3147099
6	Haryana	1415	1415	31	105471551	914261
7	Himachal Pradesh	22	22	7	3340061	24500
8	Jharkhand	64	64	-	-	-
9	Kerala	243	131	47	15799581	1024065
10	Madhya Pradesh	48	43	12	3364535	84556
11	Meghalaya	-	-	-	-	-
12	Mizoram	-	-	-	-	-
13	Odisha	5	5	-	1371087	-
14	Rajasthan	-	-	-	-	-
15	Tamilnadu	255	253	37	30565724	248385
16	Telangana	308	308	288	53317326	1074413
17	Uttarakhand	153	1	10	1389965	44368
18	Andman,Nicobar Islands	10	10	10	414460	11200
19	Chandigarh #	1	1	-	135590	-
20	Dadar & Nagar Haweli and Daman & Diu	-	-	-	-	-
21	Jammu & Kashmir	46	26	40	1085398	163220
22	NCT Delhi	9	4	5	1763030	29211
23	Puducherry	53	53	-	3485679	-
	All India / Total	3168	2814	853	280864206	11463298
II	MINES					
1	Andhra Pradesh	0	0	0	0	0
2	Goa	5	5	0	33854	0
3	Rajasthan	0	0	0	0	0
	All India / Total	5	5	0	33854	0
III	PLANTATIONS					
1	Andhra Pradesh					
2	Assam	4646	3740	304	88214704.99	6663876.25
3	Himachal Pradesh	-	-	-	-	-
4	Kerala	158	158.00	2.00	7101603.93	9,380.00
5	Odisha	0	0	0	0	0
6	Rajasthan	0	0	0	0	0
7	Tamil Nadu	208.00	208.00	-	6,364,264.00	-
8	Telangana	-	-	-	-	-
9	Tripura	53	2	19	398535	44321
10	Uttarakhand	-	-	-	-	-
11	Andman,Nicobar Islands	1	1	1	41446	1120
	All India/Total	5066	4109	326	102120553.9	6718697.25
IV	OTHER ESTABLISHMENTS					
1	Andhra Pradesh	-	-	-	-	-
2	Bihar	-	-	-	-	-
3	Goa	16.00	16.00	5.00	3,233,174.00	32,500.00
4	Jammu & Kashmir	59.00	14.00	14.00	196,000.00	16,326.00
5	Meghalaya	-	-	-	-	-
6	Mizoram	-	-	-	-	-
7	Nagaland	-	-	-	-	-
8	Odisha	10.00	10.00	-	781,348.00	-
9	Rajasthan	7.00	7.00	7.00	483,809.00	483,809.00
10	Tamil Nadu	97.00	97.00	-	8,985,985.00	-
11	Telangana	189.00	189.00	-	37,728,143	-
12	Tripura	-	-	-	-	-
13	Andman,Nicobar Islands	17	17	17	704582	19040
14	NCT of Delhi	78	78	1	10560997	1640558
15	Chandigarh #	41	41	0	6538390	-
	All India /Total	514	469	44	69212428	2192233
	All India/Grand Total	8753	7397	1223	452231041.9	20374228.25

Note: - = Nil, ^=As reported by the state, all the cases were in their own hospital, # = Covered under ESIC Act 1948

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 2022

1	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.)
2	3	4	5
I	<u>FACTORIES</u>		
1	Andhra Pradesh	0.06	159369
2	Bihar	4.67	225900
3	Chhatisgarh	0.53	178041
4	Goa	4.07	146076
5	Gujarat	0.44	73632
6	Haryana	3.81	74538
7	Himachal Pradesh	0.18	151821
8	Jharkhand^	1.83	-
9	Kerala	0.35	65019
10	Madhya Pradesh	0.41	70094
11	Meghalaya	-	-
12	Mizoram	-	-
13	Odisha	0.45	274217
14	Rajasthan	-	-
15	Tamil Nadu	0.05	119866
16	Telangana	2.07	173108
17	Uttarakhand	2.15	9085
18	Andman,Nicobar Islands	6.76	41446
19	Chandigarh#	0.45	135590
20	Dadar & Nagar Haweli and Daman & Diu	-	-
21	Jammu & Kashmir	3.33	23596
22	NCT Delhi	3.19	195892
23	Puducherry	0.82	65768
	All India/Total	0.35	88657
II	<u>MINES</u>		
1	Andhra Pradesh	-	-
2	Goa	10.17	6771
3	Rajasthan	-	-
	All India/Total	10.17	6771
III	<u>PLANTATIONS</u>		
1	Andhra Pradesh	-	-
2	Assam	3.43	18987
3	Himachal Pradesh	-	-
4	Kerala	0.79	44947
5	Odisha	-	-
6	Rajasthan	-	-
7	Tamil Nadu	1.01	30597
8	Telangana	-	-
9	Tripura	1.20	7520
10	Uttarakhand	-	-
11	Andman,Nicobar Islands	9.09	41446
	All India/Total	2.95	20158
IV	<u>OTHER ESTABLISHMENTS</u>		
1	Andhra Pradesh	-	-
2	Bihar	-	-
3	Goa	2.43	202073
4	Jammu & Kashmir	12.63	3322
5	Meghalaya	-	-
6	Mizoram	-	-
7	Nagaland	-	-
8	Odisha	0.09	78135
9	Rajasthan	0.02	69116
10	Tamilnadu	0.04	92639
11	Telangana	2.31	199620
12	Tripura	-	-
13	Andman,Nicobar Islands	10.12	41446
14	NCT of Delhi	1.53	135397
15	Chandigarh#	4.85	159473
	All India /Total	0.19	134655

Note: - = Nil, ^= As reported by the state, all the cases were in their own hospital, # = Covered under ESIC Act 1948

TABLE - III
Number of complaints received and prosecutions launched (By States) during the year 2022

	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	-	-	-	-	-
2	Bihar	-	-	-	-	-
3	Chhattisgarh	-	-	-	-	-
4	Goa	-	-	-	-	-
5	Gujarat	-	-	-	-	-
6	Haryana	-	-	-	-	-
7	Himachal Pradesh	-	730	2	11	33450
8	Jharkhand	-	-	-	-	-
9	Kerala	-	-	-	-	-
10	Madhya Pradesh	-	-	-	-	-
11	Meghalaya	-	-	-	-	-
12	Mizoram	-	-	-	-	-
13	Odisha	-	-	-	-	-
14	Rajasthan	-	-	-	-	-
15	Tamil Nadu	-	-	-	-	-
16	Telangana	-	-	-	-	-
17	Uttarakhand	-	-	-	-	-
18	Andman,Nicobar Islands	-	-	-	-	-
19	Chandigarh #	-	-	-	-	-
20	Dadar & Nagar Haweli and Daman & Diu	-	-	-	-	-
21	Jammu & Kashmir	-	-	-	-	-
22	NCT Delhi	-	-	-	-	-
23	Puducherry	-	-	-	-	-
	All India/ Total	-	730	2	11	33450
II	<u>MINES</u>					
1	Andhra Pradesh	-	-	-	-	-
2	Goa	-	-	-	-	-
3	Rajasthan	-	-	-	-	-
	All India/ Total	-	-	-	-	-
III	<u>PLANTATIONS</u>					
1	Andhra Pradesh	-	-	-	-	-
2	Assam	-	-	-	-	-
3	Himachal Pradesh	-	4	-	-	-
4	Kerala	-	-	-	-	-
5	Odisha	-	-	-	-	-
6	Rajasthan	-	-	-	-	-
7	Tamilnadu	-	-	-	-	-
8	Telangana	-	-	-	-	-
9	Tripura	-	-	-	-	-
10	Uttarakhand	-	-	-	-	-
11	Andman,Nicobar Islands	-	-	-	-	-
	All India/ Total	-	4	-	-	-
IV	<u>OTHER ESTABLISHMENTS</u>					
1	Andhra Pradesh	-	-	-	-	-
2	Bihar	-	-	-	-	-
3	Goa	-	-	-	-	-
4	Jammu & Kashmir	-	-	12	6	16000
5	Meghalaya	-	-	-	-	-
6	Mizoram	-	-	-	-	-
7	Nagaland	-	-	-	-	-
8	Odisha	-	-	-	-	-
9	Rajasthan	-	-	-	-	-
10	Tamilnadu	-	-	-	-	-
11	Telangana	-	-	-	-	-
12	Tripura	-	-	-	-	-
13	Andman,Nicobar Islands	-	-	-	-	-
14	Delhi NCT	2	1	-	-	-
15	Chandigarh #	-	-	-	-	-
	All India/ Total	2	1	12	6	16000

Note: - = Nil.

TABLE-IV
Maternity benefits paid under the Employees' State Insurance Act, 1948
during the financial year 2022

	State/Union Territory	Number of insured women as on 2022	Number of maternity benefit case (confinement) during the year 2022		Amount paid during the year 2022
1	2	3	4		5
1	Andhra Pradesh	309372	3053	(6.69)	165369863
2	North East	59921	502	(1.10)	36196470
3	Bihar	30236	109	(0.24)	8265956
4	Chandigarh	21185	248	(0.54)	19204229
5	Chhattisgarh	54023	309	(0.68)	22741092
6	Delhi NCT	140196	1140	(2.50)	118844470
7	Goa	34917	592	(1.30)	39177285
8	Gujarat	173094	1045	(2.29)	99485825
9	Haryana	269998	1082	(2.37)	98830306
10	Himachal Pradesh	52968	567	(1.24)	34398098
11	Jammu & Kashmir	17117	129	(0.28)	8341509
12	Jharkhand	51017	239	(0.52)	20289077
13	Karnataka	884309	7246	(15.89)	617287498
14	Kerala	421714	7458	(16.35)	599197209
15	Madhya Pradesh	141607	663	(1.45)	49040981
16	Maharashtra	570951	4150	(9.10)	416639551
17	Odisha	80139	757	(1.66)	48906070
18	Puducherry	36332	612	(1.34)	47231232
19	Punjab	215316	1873	(4.11)	128699647
20	Rajasthan	153986	897	(1.97)	64701730
21	Tamil Nadu	1210713	7844	(17.20)	681204520
22	Telangana	379314	2412	(5.29)	190144246
23	Uttar Pradesh	267391	1170	(2.57)	95640112
24	Uttarakhand	90262	594	(1.30)	53891320
25	West Bengal	203356	919	(2.01)	73991997
	All India/ Total	5869434	45610	(100.00)	3737720293

Source: The Employees' State Insurance Corporation New Delhi

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