



मातृत्व हितलाभ अधिनियम १९६१

MATERNITY BENEFIT ACT 1961

REPORT FOR THE YEAR 2018

भारत सरकार
GOVERNMENT OF INDIA
श्रम एवं रोजगार मंत्रालय
MINISTRY OF LABOUR AND EMPLOYMENT
श्रम ब्यूरो
LABOUR BUREAU
शिमला
SHIMLA

REPORT ON WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2018

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, 2018 which came into force from 1st April, 2018. 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 2018

4.1 In the factory sector, out of 78,337 factories covered by the Act, (36.38%) submitted annual returns (Table-I, part-I). The aggregate number of women workers employed daily in these establishments was 8,49,784 of which only 3,635 (0.43 %) claimed maternity benefit during the year 2018. In total 3,323 claims involving an amount of Rs. 27,44,81,276 including special bonus to the tune of Rs. 76,36,642 were accepted and settled.

4.2 In Plantation Sector 1472 (50.50%) out of 2,915 Plantations submitted returns where in 2,31,867 women workers were employed daily (Table-I, part III). Of the aggregate daily employment of 2,31,867 women workers 11,112 (4.80 %) claimed maternity benefit during the year. A total number of 9,963 claims were accepted and paid either fully or partially out of which 294 claims were from the current year. Total amount of maternity benefits paid was Rs. 25,77,27,729 including special bonus of Rs. 18,80,742.

4.3 In other establishments, out of 69,996 establishments only 14342, (20.49 %) submitted returns, in which the aggregate daily employment of women workers were 2,45,421 (Table-I, part IV). Of the aggregate daily employment of 2,45,421 women workers 1041(0.42%) claimed maternity benefits. However 382 claims involving an amount of Rs.1,42,52,824 including special bonus to the tune of Rs. 35,46,021 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 17.65% in UT of Andaman & Nicobar Islands followed by 3.75% in Jharkhand and 3.43% in Haryana. In plantations, the highest percentage was in Assam 5.90% followed by Karnataka i.e. 5.29%. So far as the other establishments are concerned the highest percentage i.e. 14.46 % relates to Andaman & Nicobar Islands only. The table also reveals that the highest average amount of maternity benefits (including bonus) paid per accepted claim was Rs. 3,39,974 in Chhattisgarh in the factory sector and Rs. 88,895 in UT of Andaman & Nicobar Islands in the Plantation sector. In case of Other Establishments an average amount of Rs. 1,78,600 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 4 convictions obtained and 5 Prosecutions launched in Himachal Pradesh and an amount of fine levied was Rs. 11000, while in Other Establishments Tamil Nadu fined Rs. 2,000 for one convictions obtained and 1 Prosecution launched.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2018 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 Kerala 7,583 (21.64 %) followed by Karnataka 7,032 (20.07%), Tamil Nadu 6,734 (19.22%), Maharashtra 2,665 (7.61%) and Telangana 2,186(6.24) and Andhra Pradesh 1,641(4.68). The amount of maternity benefits paid was highest in Kerala State (Rs. 45,03,99,887) followed by Tamil Nadu (Rs.34,21,40,206), Karnataka (Rs. 32,11,43,725), Maharashtra (Rs. 16,22,94,333) and Telangana (Rs. 10,19,09,228) during 2018. In all 35,041 women workers claimed the maternity benefit and Rs. 1,82,02,22,774 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 48,709 and the total amount paid as maternity benefits under both these statutes comes to Rs. 2,36,66,84,603 during the year 2018.

5. Limitations of Statistics

The report is based on the information received from 23 States and 2 Union Territories whereas the Act extends to whole of India. The States of, Mizoram and UT's of Lakshadweep, Dadra & Nagar Haveli and Daman & Diu submitted nil reports under the Act. The Union Territories of Chandigarh submitted nil report as all the factories employing in women workers are covered under Employees State Insurance Act-1948. The statistics from the States/UT such as Arunachal Pradesh, Madhya Pradesh, Maharashtra, Manipur, Sikkim, and National Capital Territory of Delhi could not be compiled due to non submission of annual return for the year 2018 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 2018

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	9202	4282	46.53	85348	198
2	Bihar	6012	141	2.35	263	0
3	Chhatisgarh	4504	183	4.06	1727	13
4	Goa	57	57	100.00	1154	31
5	Gujarat	6153	4877	79.26	51669	277
6	Haryana	2669	1295	48.52	37097	1274
7	Himachal Pradesh	1628	701	43.06	9167	100
8	Jammu & Kashmir	241	182	75.52	1498	42
9	Jharkhand	324	22	6.79	1573	59
10	Karnataka	1885	757	40.16	43996	704
11	Kerala	4461	1378	30.89	109998	275
12	Meghalaya	37	1	2.70	2	-
13	Nagaland	12	12	100.00	10	-
14	Odisha	677	24	3.55	2486	39
15	Punjab	603	33	5.47	375	-
16	Rajasthan	8296	330	3.98	33684	1
17	Tamilnadu	20322	13408	65.98	445247	92
18	Telangana	6777	465	6.86	12576	354
19	Uttar Pradesh	393	73	18.58	2248	58
20	Uttarakhand	3835	67	1.75	1920	34
21	West Bengal	67	55	82.09	675	12
22	Andman,Nicobar Islands	8	8	100.00	153	27
23	Chandigarh #	-	-	-	-	-
24	Puducherry	174	151	86.78	6918	45
All India/ Total		78337	28502	36.38	849784	3635
II MINES \$						
1	Rajasthan	352	-	-	-	-
III PLANTATIONS						
1	Assam	990	610	61.62	178814	10546
2	Himachal Pradesh	9	-	-	-	-
3	Karnataka	706	84	11.90	2042	108
4	Kerala	534	253	47.38	13843	143
5	Odisha	2	-	-	-	-
6	Tamilnadu	602	472	78.41	32555	216
7	Telangana	1	1	100.00	-	-
8	Tripura	62	43	69.35	4410	80
9	Uttarakhand	5	5	100.00	56	-
10	Andman,Nicobar Islands	4	4	100.00	147	19
All India/Total		2915	1472	50.50	231867	11112
IV OTHER ESTABLISHMENTS						
1	Goa	75	75	100.00	428	7
2	Jammu & Kashmir	315	115	36.51	587	51
3	Karnataka	4441	266	5.99	14038	673
4	Meghalaya	232	-	-	-	-
5	Nagaland	56	56	100.00	45	-
6	Rajasthan	15730	218	1.39	25469	1
7	Tamilnadu	16910	12892	76.24	197295	268
8	Telangana	32030	666	2.08	6200	1
9	Uttarakhand	194	42	21.65	1276	28
10	Andman,Nicobar Islands	13	12	92.31	83	12
All India /Total		69996	14342	20.49	245421	1041
All India/Grand Total		151600	44316	29.23	1327072	15788

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	198	196	29	24993904	228572
2	Bihar	-	-	-	-	-
3	Chhatisgarh	7	7	4	2379816	-
4	Goa	31	4	10	3962951	84857
5	Gujarat	277	277	277	13635456	968578
6	Haryana	1274	1274	52	60839871	656503
7	Himachal Pradesh	100	100	24	8464892	227557
8	Jammu & Kashmir	37	12	-	132000	-
9	Jharkhand	59	59	-	-	-
10	Karnataka	436	411	297	60075743	2942752
11	Kerala	268	102	22	12063544	294164
12	Meghalaya	-	-	-	-	-
13	Nagaland	-	-	-	-	-
14	Odisha	21	13	-	5671583	-
15	Punjab	-	-	-	-	-
16	Rajasthan	-	-	-	-	-
17	Tamilnadu	91	85	82	7539419	652511
18	Telangana	350	326	90	58535484	95908
19	Uttar Pradesh	56	56	52	7478416	381115
20	Uttarakhand	34	34	1	3256649	6907
21	West Bengal	12	7	6	2052554	57218
22	Andman,Nicobar Islands	27	27	130	1769000	1040000
23	Chandigarh #	-	-	-	-	-
24	Puducherry	45	-	-	1629994	-
All India / Total		3323	2990	1076	274481276	7636642
II MINES						
1	Rajasthan	-	-	-	-	-
III PLANTATIONS						
1	Assam	9451	-	388	242747163	295512
2	Himachal Pradesh	-	-	-	-	-
3	Karnataka	54	54	54	488350	352350
4	Kerala	143	-	-	5682485	-
5	Odisha	-	-	-	-	-
6	Tamilnadu	216	184	-	6685596	-
7	Telangana	-	-	-	-	-
8	Tripura	80	37	21	435135	56880
9	Uttarakhand	-	-	-	-	-
10	Andman,Nicobar Islands	19	19	147	1689000	1176000
All India /Total		9963	294	610	257727729	1880742
IV OTHER ESTABLISHMENTS						
1	Goa	7	-	2	1250198	7000
2	Jammu & Kashmir	51	19	51	426021	210021
3	Karnataka	149	139	290	9552376	2665000
4	Meghalaya	-	-	-	-	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	1	1	-	-	-
7	Tamilnadu	133	133	-	1535123	-
8	Telangana	1	1	-	25000	-
9	Uttarakhand	28	28	-	476106	-
10	Andman,Nicobar Islands	12	12	83	988000	664000
All India /Total		382	333	426	14252824	3546021
All India/Grand Total		13668	3617	2112	546461829	13063405

Note:

- = Nil,

= 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 2018

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	0.23	126232
2	Bihar	-	-
3	Chhatisgarh	0.75	339974
4	Goa	2.69	127837
5	Gujarat	0.54	49225
6	Haryana	3.43	47755
7	Himachal Pradesh	1.09	84649
8	Jammu & Kashmir	2.80	3568
9	Jharkhand	3.75	-
10	Karnataka	1.60	137788
11	Kerala	0.25	45013
12	Meghalaya	-	-
13	Nagaland	-	-
14	Odisha	1.57	270075
15	Punjab	-	-
16	Rajasthan	-	-
17	Tamilnadu	0.02	82851
18	Telangana	2.81	167244
19	Uttar Pradesh	2.58	133543
20	Uttarakhand	1.77	95784
21	West Bengal	1.78	171046
22	Andman,Nicobar Islands	17.65	65519
23	Chandigarh #	-	-
24	Puducherry	0.65	36222
	All India/Total	0.43	82600
II	<u>MINES</u>	-	-
1.	Rajasthan	-	-
III	<u>PLANTATIONS</u>		
1	Assam	5.90	25685
2	Himachal Pradesh	-	-
3	Karnataka	5.29	9044
4	Kerala	1.03	39738
5	Meghalaya	-	-
6	Odisha	-	-
7	Tamilnadu	0.66	30952
8	Telangana	-	-
9	Tripura	1.81	5439
10	Uttarakhand	-	-
11	Andman,Nicobar Islands	12.93	88895
	All India/Total	4.79	25868
IV	<u>OTHER ESTABLISHMENTS</u>		
1	Goa	1.64	178600
2	Jammu & Kashmir	8.69	8353
3	Karnataka	4.79	64110
4	Meghalaya	-	-
5	Nagaland	-	-
6	Rajasthan	-	-
7	Tamilnadu	0.14	11542
8	Telangana	0.02	-
9	Uttarakhand	2.19	17004
10	Andman,Nicobar Islands	14.46	82333
	All India /Total	0.42	37311

Note:

- = Nil,

= Covered under ESIC Act 1948,

TABLE – III

Number of complaints received and prosecutions launched (By States) during the year 2018

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	-	-	5	4	11000
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		-	-	5	4	11000
II MINES \$						
		-	-	-	-	-
III PLANTATIONS						
1	Assam	-	-	-	-	-
2	Himachal Pradesh	-	-	-	-	-
3	Karnataka	-	-	-	-	-
4	Kerala	-	-	-	-	-
5	Meghalaya	-	-	-	-	-
6	Odisha	-	-	-	-	-
7	Tamilnadu	-	-	-	-	-
8	Telangana	-	-	-	-	-
9	Tripura	-	-	-	-	-
10	Uttarakhand	-	-	-	-	-
11	Andman,Nicobar Islands	-	-	-	-	-
All India/ Total		-	-	-	-	-
IV OTHER ESTABLISHMENTS						
1	Goa	-	-	-	-	-
2	Jammu & Kashmir	-	-	-	-	-
3	Karnataka	-	-	-	-	-
4	Meghalaya	-	-	-	-	-
5	Nagaland	-	-	-	-	-
6	Rajasthan	1	1	-	-	-
7	Tamilnadu	-	-	1	1	2000
8	Telangana	1	1	-	-	-
9	Uttarakhand	-	-	-	-	-
10	Andman,Nicobar Islands	-	-	-	-	-
All India/ Total		2	2	1	1	2000

Note:

- = Nil

= Covered under ESIC Act 1948,

TABLE-IV

Maternity benefits paid under the Employees' State Insurance Act, 1948 during the financial year 2018

State/Union Territory		Number of insured women as on 2018	Number of maternity benefit case (confinement) during the year 2018	Amount paid during the year 2018
1	2	3	4	5
1	Andhra Pradesh	233299	1641 (4.68)	86702894
2	Assam	37935	201 (0.57)	7727864
3	Bihar	16404	49 (0.14)	4092966
4	Chhattisgarh	41317	144 (0.41)	7506973
5	Goa	29580	438 (1.25)	29204941
6	Gujarat	105394	698 (1.99)	34470092
7	Haryana	168545	1001 (2.86)	49743018
8	Himachal Pradesh	33256	261 (0.74)	8844885
9	Jammu & Kashmir	12212	69 (0.20)	2673601
10	Jharkhand	34139	144 (0.41)	5727850
11	Karnataka	789001	7032 (20.07)	321143725
12	Kerala	379879	7583 (21.64)	450399887
13	Madhya Pradesh	100215	414 (1.18)	20258701
14	Maharashtra	436651	2665 (7.61)	162294333
15	Odisha	51156	222 (0.63)	9689805
16	Punjab	128558	815 (2.33)	35315016
17	Rajasthan	114999	549 (1.57)	23042900
18	Tamil Nadu	968797	6734 (19.22)	342140206
19	Telangana	305728	2186 (6.24)	101909228
20	Uttar Pradesh	163948	500 (1.43)	19542606
21	Uttarakhand	62279	218 (0.62)	15080433
22	West Bengal	146272	535 (1.53)	27250092
23	Delhi NCT	134184	441 (1.26)	24524975
24	Chandigarh	16179	103 (0.29)	5502364
25	Puducherry	32102	398 (1.14)	25433419
All India/ Total		4542029	35041 (100.00)	1820222774

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 2017 may be seen on Labour Bureau website.

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