



मातृत्व हितलाभ अधिनियम, 1961

Maternity Benefit Act, 1961

Report for the year 2019

भारत सरकार
Government of India
श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
श्रम ब्यूरो
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REPORT ON WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2019

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 2019

4.1 In the factory sector, out of 75,902 factories covered by the Act, (39.90%) submitted annual returns (Table-I, part-I). The aggregate number of women workers employed daily in these establishments was 8,78,581 of which only 3,987 (0.45 %) claimed maternity benefit during the year 2019. In total 3,685 claims involving an amount of Rs. 56,09,91,011 including special bonus to the tune of Rs. 1,39,48,840 were accepted and settled.

4.2 In Plantation Sector 1,339 (40.87%) out of 3,276 Plantations submitted returns where in 2,56,090 women workers were employed daily (Table-I, part III). Of the aggregate daily employment of 2,56,090 women workers 11,971 (4.67%) claimed maternity benefit during the year. A total number of 11,859 claims were accepted and paid either fully or partially out of which 1561 claims were from the current year. Total amount of maternity benefits paid was Rs. 11,33,38,961 including special bonus of Rs. 19,40,767.

4.3 In other establishments, out of 70,358 establishments only 17,353 (24.67%) submitted returns, in which the aggregate daily employment of women workers were 1,04,133 (Table-I, part IV). Of the aggregate daily employment of 1,04,133 women workers 1280(1.23%) claimed maternity benefits. However 827 claims involving an amount of Rs.4,55,15,084 including special bonus to the tune of Rs. 30,42,331 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 13.91% in UT of Andaman & Nicobar Islands followed by 6.75% in Jharkhand and 6.06% in Uttrakhand. In plantations, the highest percentage was again in UT of Andaman and Nicobar 11.43% followed by Assam 5.66% and Karnataka i.e. 2.52%. So far as the other establishments are concerned the highest percentage i.e. 100% relates to Bihar only. The table also reveals that the highest average amount of maternity benefits paid per accepted claim was Rs. 7,19,089 in Rajasthan in the factory sector and Rs. 1,37,780 in UT of Andaman & Nicobar Islands in the Plantation sector. In case of Other Establishments an

average amount of Rs. 3,85,757 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, 11 Prosecutions launched 11 and convictions obtained in Himachal Pradesh and an amount of fine levied was Rs. 54,500, while in Other Establishments, total 1 prosecution launched, while no conviction reported.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2019 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 10,843 (20.57%) followed by Karnataka 9,400 (17.83%), Tamil Nadu 8,939 (16.96%), Maharashtra 5,496 (10.43%) and Telangana 3,312(6.28) and Andhra Pradesh 2,649(5.03). The amount of maternity benefits paid was highest in Kerala State (Rs.80,06,61,809) followed by Karnataka (Rs.64,86,46,409), Tamil Nadu (Rs.61,97,04,113), Maharashtra (Rs.39,55,32,535) and Telangana (Rs. 21,46,53,529) during 2019. In all 52,716 women workers claimed the maternity benefit and Rs. 3,69,08,02,069 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 69,087 and the total amount paid as maternity benefits under both these statutes comes to Rs. 4,41,06,47,125 during the year 2019.

5. Limitations of Statistics

The report is based on the information received from 22 States and 4 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 Maharashtra, Manipur, Sikkim, and could not be compiled due to non submission of annual return for the year 2019 despite repeated reminders, while the return received from the State of Madhya Pradesh, 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 2019

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	9970	3708	37.19	72439	209
2	Bihar	6175	11	0.18	89	4
3	Chhatisgarh	4790	178	3.72	1931	6
4	Goa	161	159	98.76	5909	137
5	Gujarat	6627	6214	93.77	50742	323
6	Haryana	3121	785	25.15	38933	1372
7	Himachal Pradesh	1739	695	39.97	10312	63
8	Jammu & Kashmir	211	165	78.20	1407	82
9	Jharkhand	324	11	3.40	1689	114
10	Karnataka	1946	786	40.39	57480	646
11	Kerala	4262	2075	48.69	153185	275
12	Meghalaya	46	1	2.17	2	-
13	Mizoram	4	2	50.00	0	-
14	Nagaland	12	12	100.00	10	-
15	Odisha	445	15	3.37	748	18
16	Punjab	612	29	4.74	371	0
17	Rajasthan	8418	334	3.97	34858	2
18	Tamilnadu	20032	14379	71.78	425947	102
19	Telangana	2402	384	15.99	10819	436
20	Uttar Pradesh	475	72	15.16	2268	78
21	Uttarakhand	3818	12	0.31	231	14
22	West Bengal	123	98	79.67	2711	9
23	Andman,Nicobar Islands	8	8	100.00	151	21
24	Chandigarh #	-	-	-	-	-
25	NCT Delhi	25	23	92.00	530	5
26	Puducherry	156	132	84.62	5819	71
All India/ Total		75902	30288	39.90	878581	3987
II MINES						
1	Rajasthan	352	-	-	-	-
III PLANTATIONS						
1	Assam	861	572	66.43	204322	11556
2	Himachal Pradesh	10	-	-	-	-
3	Karnataka	1203	123	10.22	2977	75
4	Kerala	535	154	28.79	19393	66
5	Tamilnadu	599	435	72.62	25143	190
6	Tripura	59	46	77.97	4100	72
7	Uttarakhand	5	5	100	50	-
8	Andman,Nicobar Islands	4	4	100	105	12
All India/Total		3276	1339	40.87	256090	11971
IV OTHER ESTABLISHMENTS						
1	Andhra Pradesh	10407	214	2.06	62	-
2	Bihar	6	6	100	2	2
3	Goa	35	35	100	859	46
4	Jammu & Kashmir	917	256	27.92	1001	2
5	Karnataka	4622	333	7.20	14904	546
6	Meghalaya	240	4	1.67	1	-
7	Mizoram	4	4	100	-	-
8	Nagaland	56	56	100	45	-
9	Odisha	240	9	3.75	401	-
10	Rajasthan	17018	265	1.56	32137	2
11	Tamilnadu	19562	15663	80.07	46123	504
12	Telangana	16684	131	0.79	1998	1
13	Uttarakhand	238	54	22.69	996	6
14	Andman,Nicobar Islands	14	12	85.71	121	15
15	NCT of Delhi	315	315	100	5483	156
All India /Total		70358	17357	24.67	104133	1280
All India/Grand Total		149888	48984	32.68	1238804	17238

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

TABLE – I - Concl.

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			
1	2	8	9	10	11	12
I FACTORIES						
1	Andhra Pradesh	209	202	27	12169183	317792
2	Bihar	4	4	2	923748	2303
3	Chhatisgarh	6	6	0	85827	0
4	Goa	118	118	3	12582931	27633
5	Gujarat	323	323	323	17804991	1268764
6	Haryana	1372	1372	45	349183676	3295561
7	Himachal Pradesh	63	63	27	6872912	188682
8	Jammu & Kashmir	82	47	24	336000	67200
9	Jharkhand	114	114	-	-	-
10	Karnataka	382	380	330	30639977	3482919
11	Kerala	254	66	21	17105632	125008
12	Meghalaya	-	-	-	-	-
13	Mizoram	-	-	-	-	-
14	Nagaland	-	-	-	-	-
15	Odisha	18	15	-	5280906	-
16	Punjab	-	-	-	-	-
17	Rajasthan	1	1	-	719089	-
18	Tamilnadu	97	92	93	10088812	2434955
19	Telangana	449	436	400	78926019	1405089
20	Uttar Pradesh	74	71	73	8380617	1274073
21	Uttarakhand	14	11	8	2599780	33531
22	West Bengal	9	-	-	2576841	-
23	Andman & Nicobar Islands	20	20	-	2181036	-
24	Chandigarh #	-	-	-	-	-
25	NCT Delhi	5	4	4	400243	25330
26	Puducherry	71	-	-	2132791	-
All India / Total		3685	3345	1380	560991011	13948840
II MINES						
1	Rajasthan	-	-	-	-	-
III PLANTATIONS						
1	Assam	11489	1322	656	99730126	1508461
2	Himachal Pradesh	-	-	-	-	-
3	Karnataka	30	30	30	271350	195900
4	Kerala	66	-	4	3332092	140607
5	Tamilnadu	190	148	-	7898762	-
6	Tripura	72	49	23	453265	95799
7	Uttarakhand	-	-	-	-	-
8	Andman,Nicobar Islands	12	12	-	1653366	-
All India /Total		11859	1561	713	113338961	1940767

IV OTHER ESTABLISHMENTS -						
1	Andhra Pradesh	-	-	-	-	-
2	Bihar	2	-	-	-	-
3	Goa	39	39	-	15044515	-
4	Jammu & Kashmir	29	12	-	2383162	-
5	Karnataka	154	134	154	9513658	2928716
6	Meghalaya	-	-	-	-	-
7	Mizoram	-	-	-	-	-
8	Nagaland	-	-	-	-	-
9	Odisha	-	-	-	-	-
10	Rajasthan	1	1	-	73716	-
11	Tamilnadu	432	224	-	1285096	-
12	Telangana	1	1	-	18000	-
13	Uttarakhand	6	6	-	343464	-
14	Andman,Nicobar Islands	15	15	-	1946516	-
15	NCT of Delhi	148	148	10	14906957	113615
All India /Total		827	580	164	45515084	3042331
All India/Grand Total		16371	5486	2257	719845056	18931938

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 2019

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 FACTORIES		
1 Andhra Pradesh	0.29	58226
2 Bihar	4.49	230937
3 Chhatisgarh	0.31	14305
4 Goa	2.32	106635
5 Gujarat	0.64	55124
6 Haryana	3.52	254507
7 Himachal Pradesh	0.61	109094
8 Jammu & Kashmir	5.83	4098
9 Jharkhand	6.75	-
10 Karnataka	1.12	80209
11 Kerala	0.18	67345
12 Meghalaya	-	-
13 Mizoram	-	-
14 Nagaland	-	-
15 Odisha	2.41	293384
16 Punjab	-	-
17 Rajasthan	0.01	719089
18 Tamilnadu	0.02	104008
19 Telangana	4.03	175782
20 Uttar Pradesh	3.44	113252
21 Uttarakhand	6.06	185699
22 West Bengal	0.33	286316
23 Andman,Nicobar Islands	13.91	109052
24 Chandigarh #	-	-
25 NCT Delhi	0.94	80049
26 Puducherry	1.22	30039
All India/Total	0.45	152237
II MINES		
1 Rajasthan	-	-
III PLANTATIONS		
1 Assam	5.66	8680
2 Himachal Pradesh	-	-
3 Karnataka	2.52	9045
4 Kerala	0.34	50486
5 Tamil Nadu	0.76	41572
6 Tripura	1.76	6295
7 Uttarakhand	-	-
8 Andman,Nicobar Islands	11.43	137781
All India/Total	4.67	9557

IV OTHER ESTABLISHMENTS

1	Andhra Pradesh	-	-
2	Bihar	100.00	-
3	Goa	5.36	385757
4	Jammu & Kashmir	0.20	82178
5	Karnataka	3.66	61777
6	Meghalaya	-	-
7	Mizoram	-	-
8	Nagaland	-	-
9	Odisha	-	-
10	Rajasthan	0.01	73716
11	Tamilnadu	1.09	2975
12	Telangana	0.05	18000
13	Uttarakhand	0.60	57244
14	Andman,Nicobar Islands	12.40	129768
15	NCT of Delhi	2.85	100723
All India /Total		1.23	55036

Note:

- = Nil,

= Covered under ESIC Act 1948,

TABLE – III

Number of complaints received and prosecutions launched (By States) during the year 2019

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	Chhatisgarh	-	-	-	-	-
4	Goa	-	-	-	-	-
5	Gujarat	-	-	-	-	-
6	Haryana	-	-	-	-	-
7	Himachal Pradesh	-	-	11	11	54500
8	Jammu & Kashmir	-	-	-	-	-
9	Jharkhand	-	-	-	-	-
10	Karnataka	-	-	-	-	-
11	Kerala	-	-	-	-	-
12	Meghalaya	-	-	-	-	-
13	Mizoram	-	-	-	-	-
14	Nagaland	-	-	-	-	-
15	Odisha	-	-	-	-	-
16	Punjab	-	-	-	-	-
17	Rajasthan	-	-	-	-	-
18	Tamilnadu	-	-	-	-	-
19	Telangana	-	-	-	-	-
20	Tripura	-	-	-	-	-
21	Uttar Pradesh	-	-	-	-	-
22	Uttarakhand	-	-	-	-	-
23	Andman,Nicobar Islands	-	-	-	-	-
24	Chandigarh #	-	-	-	-	-
25	NCT Delhi	-	-	-	-	-
26	Puducherry	-	-	-	-	-
All India/ Total		-	-	11	11	54500
II	<u>MINES \$</u>					
	Rajasthan	-	-	-	-	-
III	<u>PLANTATIONS</u>					
1	Assam	-	-	-	-	-
2	Himachal Pradesh	12	-	-	-	-
3	Karnataka	-	-	-	-	-
4	Kerala	-	-	-	-	-
5	Tamilnadu	-	-	-	-	-
6	Tripura	-	-	-	-	-
7	Uttarakhand	-	-	-	-	-
8	Andman,Nicobar Islands	-	-	-	-	-
All India/ Total		12	-	-	-	-
IV	<u>OTHER ESTABLISHMENTS</u>					
1	Andhra Pradesh	-	-	-	-	-
2	Bihar	1	1	1	-	-
3	Goa	-	-	-	-	-
4	Jammu & Kashmir	-	-	-	-	-
5	Karnataka	-	-	-	-	-
6	Meghalaya	-	-	-	-	-
7	Mizoram	-	-	-	-	-
8	Nagaland	-	-	-	-	-
9	Odisha	-	-	-	-	-
10	Rajasthan	1	1	-	-	-
11	Tamilnadu	2	2	-	-	-
12	Telangana	1	1	-	-	-
13	Uttarakhand	-	-	-	-	-
14	Andman,Nicobar Islands	-	-	-	-	-
15	Delhi NCT	5	5	-	-	-
All India/ Total		10	10	1	-	-

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

TABLE-IV

Maternity benefits paid under the Employees' State Insurance Act, 1948 during the financial year 2019

State/Union Territory		Number of insured women as on 2019	Number of maternity benefit case (confinement) during the year 2019		Amount paid during the year 2019
1	2	3	4		5
1	Andhra Pradesh	270087	2649	(5.03)	177954124
2	Assam	42918	426	(0.81)	23342862
3	Bihar	20844	122	(0.23)	8313927
4	Chhattisgarh	43389	236	(0.45)	18125384
5	Goa	30988	560	(1.06)	49088120
6	Gujarat	141111	1106	(2.10)	72952151
7	Haryana	195135	1379	(2.62)	92868665
8	Himachal Pradesh	36204	411	(0.78)	19227189
9	Jammu & Kashmir	12413	119	(0.23)	5631020
10	Jharkhand	41852	211	(0.40)	12913192
11	Karnataka	834366	9400	(17.83)	648646409
12	Kerala	382542	10843	(20.57)	800661809
13	Madhya Pradesh	116934	776	(1.47)	41065016
14	Maharashtra	557919	5496	(10.43)	395532535
15	Odisha	58995	539	(1.02)	30948898
16	Punjab	146491	1428	(2.71)	85454956
17	Rajasthan	128237	959	(1.82)	59289199
18	Tamil Nadu	1059535	8939	(16.96)	619704113
19	Telangana	354986	3312	(6.28)	214653529
20	Uttar Pradesh	203725	720	(1.37)	65470600
21	Uttarakhand	69397	449	(0.85)	30779446
22	West Bengal	172392	781	(1.48)	57984171
23	Delhi NCT	146776	1010	(1.92)	99051217
24	Chandigarh	21052	244	(0.46)	18861355
25	Puducherry	31886	601	(1.14)	42282182
All India/ Total		5120174	52716	(100.00)	3690802069

Source: The Employees' State Insurance Corporation New Delhi

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