

REPORT ON WORKING OF THE MATERNITY BENEFIT ACT, 1961 DURING THE YEAR 2014

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 maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks up to and including the day of her delivery and six weeks immediately following that day. The Act was last amended by the Maternity Benefit (Amendment) Act, 2008 which came into force from 15th April, 2008. The amended Act provides, inter-alia, for extension of its provisions to Shops and other Commercial Establishments employing 10 or more persons. The qualifying period of service for the entitlement of maternity benefit under the Act is at least 80 days of actual work in the twelve months immediately preceding the expected date of delivery and the rate of medical bonus payable to women employees is Rs. 3500/- if the employer does not provide pre-natal confinement and post-natal care free of charge. The average daily wage of a woman worker for this purpose is to be calculated on the basis of wage earned by her for the days on which she worked during the period of three calendar months immediately preceding the date of her absence on account of maternity and the rate of maternity benefit would be fixed at the average daily wages for three calendar months or minimum wages fixed or revised under the Minimum Wages Act, 1948 or Rs. 10 per day, whichever is higher.

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 2014

4.1 In the factory sector, out of 56,109 factories covered by the Act, 29.12 % submitted annual returns (Table-1). The aggregate daily employment of women workers in these establishments was 4,45,002 of which only 4,110 (0.92 %) claimed maternity benefit during the year 2014. However 3,905 claims involving an amount of Rs. 30,40,28,010 including special bonus to the tune of Rs. 85,55,411 were accepted and settled.

4.2 In Plantation Sector out of 3,498 Plantations 41.22 per cent submitted returns where in 1,15,647 women workers were employed daily. Of the aggregate daily employment of 1,15,647 women workers 27,806 (24.04 %) claimed maternity benefit during the year. A total number of 26,761 claims were accepted and paid either fully or partially out of which 736 claims were from the current year. Total amount of maternity benefits paid was Rs. 8,02,97,377 including special bonus of Rs. 73,86,666.

4.3 In other establishments, out of 89,535 establishments only 10.92 % submitted returns, in which the aggregate daily employment of women workers was 2,38,493. Of the aggregate daily employment of 2,38,493 women workers 3,119(1.31%) claimed maternity benefit. However 2,116 claims involving an amount of Rs. 22,20,07,460 including special bonus to the tune of Rs. 24,90,439 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 20.65% in Andaman & Nicobar Islands followed by 9.38% in Maharashtra and 6.01% in Odisha. In plantations, the highest percentage was in Assam i.e. 43.75% followed by Andaman & Nicobar Islands 13.50% and Tripura 5.58%. So far as the other

establishments are concerned the aforesaid percentage i.e. 15.63% 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. 2,76,581 in Odisha in the factory sector and Rs. 3,53,575 in Karnataka in the plantation sector. In case of other establishments an average amount of Rs. 1,66,965 and Rs. 1,51,724 were paid per accepted claim as maternity benefits to the women workers in Karnataka and Goa respectively.

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 the factory sector 708 complaints were investigated and 1 conviction obtained in Himachal Pradesh. In the plantation sector 11 complaints received convictions obtained and fine of Rs. 15100 were levied in Tamil Nadu. In other establishments in Tamil Nadu state 4 complaints received, convictions obtained and fined for Rs. 19,400.

4.6 The statistics pertaining to maternity benefits paid under the Employees' State Insurance Act, 1948 during the year 2013-14 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 Kerala 7,808 (24.20 %) followed by Karnataka 5,528 (17.13%), Tamil Nadu 5,035(15.61%) and Maharashtra 4,016 (12.45%). The amount of maternity benefits paid was highest in Kerala State (Rs. 14,48,66,895) followed by Karnataka (Rs.13,36,41,372), Tamil Nadu (Rs. 13,22,84,501) and Maharashtra (Rs. 9,23,16,242) during 2013-14. In all 32,264 women workers claimed the maternity benefit and Rs. 73,62,78,881 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 65,046 and the total amount paid as maternity benefits under both these statutes comes to Rs. 1,34,26,11,728 during the year 2014.

5. Limitations of Statistics

The report is based on the information received from 24 States and 6 Union Territories whereas the Act extends to whole of India. The statistics from the States/UT such as Arunachal Pradesh, Madhya Pradesh, Manipur, Uttarakhand and Dadra Nagar Haveli could not be compiled due to non submission of annual return for the year 2014 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.

TABLE – 1

State-wise maternity benefits paid in Factories, Plantations and Other Establishments during the year 2014						
State/ Union Territories	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	11708	4479	38.26	54849	303 (0.55)
2	Bihar	7	7	100.00	21	1 (4.76)
3	Chhattisgarh	3496	175	5.01	1218	9 (0.74)
4	Goa	125	124	99.20	1663	50 (3.01)
5	Gujarat	7822	2541	32.49	36126	96 (0.27)
6	Haryana	1329	1304	98.12	36883	959 (2.60)
7	Himachal Pradesh	1459	583	39.96	8224	36 (0.44)
8	Jammu & Kashmir	193	133	68.91	1601	21 (1.31)
9	Jharkhand	344	16	4.65	7154	1 (0.01)
10	Karnataka	1820	668	36.70	27266	873 (3.20)
12	Kerala	2839	1528	53.82	214394	27 (0.01)
12	Maharashtra	3988	1286	32.25	13215	1240 (9.38)
13	Meghalaya	80	1	1.25	2	-
14	Mizoram	*	*	*	*	*
15	Nagaland	7	7	100.00	15	-
16	Odisha	667	6	0.90	416	25 (6.01)
17	Punjab	590	44	7.46	342	-
18	Rajasthan	4468	201	4.50	6682	-
19	Sikkim *	*	*	*	*	*
20	Tamil Nadu	19	14	73.68	993	36 (3.63)
21	Telangana	4704	1118	23.77	18979	267 (1.41)
22	Tripura	315	129	40.95	2875	-
23	Uttar Pradesh	528	110	20.83	1895	16 (0.84)
24	West Bengal	60	43	71.67	1168	13 (1.11)
25	A & N Islands	8	8	100.00	155	32 (20.65)
26	Chandigarh #	1	1	100.00	30	-
27	Daman & Diu \$	-	-	-	-	-
28	NCT Delhi	8978	1647	18.34	4362	52 (1.19)
29	Lakshadweep \$	-	-	-	-	-
30	Pudducherry	554	165	29.78	4474	53 (1.18)
All India/ Total		56109	16338	29.12	445002	4110 (0.92)
II MINES (Rajasthan)		89	-	-	-	-
III PLANTATIONS						
1	Assam	790	618	78.23	61917	27087 (43.75)
2	Himachal Pradesh	17	-	-	-	-
3	Karnataka	1285	116	9.03	4874	59 (1.21)
4	Kerala	663	138	20.81	12132	115 (0.95)
5	Meghalaya	30	-	-	-	-
6	Odisha	2	-	-	-	-
7	Tamil Nadu	597	500	83.75	30831	203 (0.66)
8	Telangana	1	-	-	-	-
9	Tripura	109	66	60.55	5730	320 (5.58)
10	A & N Islands	4	4	-	163	22 (13.50)
All India/Total		3498	1442	41.22	115647	27806 (24.04)
IV Other Establishments						
1	Andhra Pradesh	9394	8	0.09	1235	28 (2.27)
2	Goa	47	47	100.00	213	1 (0.47)
3	Jammu & Kashmir	294	102	34.69	393	5 (1.27)
4	Karnataka	9489	664	7.00	59314	1385 (2.34)
5	Maharashtra	953	655	68.73	15656	838 (5.35)
6	Meghalaya	222	-	-	-	-
7	Nagaland	-	-	-	-	-
8	Rajasthan	14401	167	1.16	16779	-
9	Tamil Nadu	9119	7754	85.03	135852	515 (0.38)
10	Telangana	45607	377	0.83	8987	337 (3.75)
11	A & N Islands	9	6	66.67	64	10 (15.63)
All India/Total		89535	9780	10.92	238493	3119 (1.31)

Note : - = Nil, Figures in brackets in col. 7 are percentages with reference to column 6,* = Act not enforced,
= Covered under ESIC Act, 1948, \$ = No indication of women employed.

TABLE – 1 - Concl'd.

1	2	No. of claims accepted and paid either fully or partially		10	11	12
		8	9			
I						
FACTORIES						
		Total	From Current year Claims	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)
1	Andhra Pradesh	303	303	14	12902588	57536
2	Bihar	1	-	-	188629	-
3	Chhattisgarh	9	9	-	652990	-
4	Goa	50	3	23	3841834	69868
5	Gujarat	114	71	86	3164551	295219
6	Haryana	959	959	58	15805026	487480
7	Himachal Pradesh	36	36	46	1403464	171500
8	Jammu & Kashmir	24	5	-	25000	-
9	Jharkhand	-	-	-	-	-
10	Karnataka	554	554	455	93374051	824238
11	Kerala	26	11	5	1512132	13815
12	Maharashtra	1217	1121	209	118846855	1954316
13	Meghalaya	-	-	-	-	-
14	Mizoram	*	*	*	*	*
15	Nagaland	-	-	-	-	-
16	Odisha	25	-	-	6914529	-
17	Punjab	-	-	-	-	-
18	Rajasthan	-	-	-	-	-
19	Sikkim	*	*	*	*	*
20	Tamil Nadu	36	36	34	3481670	109768
21	Telangana	267	259	11	32024440	149144
22	Tripura	-	-	-	-	-
23	Uttar Pradesh	143	13	130	4970341	3313922
24	West Bengal	7	2	-	385095	-
25	A & N Islands	32	32	138	1968000	1104000
26	Chandigarh #	-	-	-	-	-
27	Daman & Diu \$	-	-	-	-	-
28	NCT Delhi	49	46	9	651203	4605
29	Lakshadweep \$	-	-	-	-	-
30	Pudducherry	53	-	-	1915612	-
All India/ Total		3905	3460	1218	304028010	8555411
II MINES (Rajasthan)						
		-	-	-	-	-
III PLANTATIONS						
1	Assam	26042	285	935	52590790	5963584
2	Himachal Pradesh	-	-	-	-	-
3	Karnataka	59	59	59	20860943	119082
4	Kerala	115	115	-	1628966	-
5	Meghalaya	-	-	-	-	-
6	Odisha	-	-	-	-	-
7	Tamil Nadu	203	203	-	2749798	-
8	Telangana	-	-	-	-	-
9	Tripura	320	52	-	568880	-
10	A & N Islands	22	22	163	1898000	1304000
All India/Total		26761	736	1157	80297377	7386666
IV OTHER ESTABLISHMENTS						
1	Andhra Pradesh	28	28	-	2019088	-
2	Goa	1	-	-	151724	-
3	Jammu & Kashmir	-	-	-	-	-
4	Karnataka	327	327	305	54597629	540410
5	Maharashtra	1123	609	2520	158002744	1438029
6	Meghalaya	-	-	-	-	-
7	Nagaland	-	-	-	-	-
8	Rajasthan	-	-	-	-	-
9	Tamil Nadu	290	272	3	4762083	-
10	Telangana	337	-	-	1692192	-
11	A & N Islands	10	10	64	782000	512000
All India /Total		2116	1246	2892	222007460	2490439

Note : - = Nil, * = Act not enforced, # = 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 2014

State/Union Territory	Claims made and Benefits paid		
	No. 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	0.55	42583
2	Bihar	4.76	188629
3	Chhattisgarh	0.74	72554
4	Goa	3.01	76837
5	Gujarat	0.27	27759
6	Haryana	2.60	16481
7	Himachal Pradesh	0.44	38985
8	Jammu & Kashmir	1.31	1042
9	Jharkhand	0.01	-
10	Karnataka	3.20	168545
11	Kerala	0.01	58159
12	Maharashtra	9.38	97656
13	Meghalaya	-	-
14	Mizoram	*	*
15	Nagaland	-	-
16	Odisha	6.01	276581
17	Punjab	-	-
18	Rajasthan	-	-
19	Sikkim	*	*
20	Tamil Nadu	3.63	96713
21	Telangana	1.41	119942
22	Tripura	-	-
23	Uttar Pradesh	0.84	34758
24	West Bengal	1.11	55014
25	A & N Islands	20.65	61500
26	Chandigarh #	-	-
27	Daman & Diu \$	-	-
28	NCT Delhi	1.19	13290
29	Lakshadweep \$	-	-
30	Puducherry	1.18	36144
	All India	0.92	77856
II	MINES (Rajasthan)	-	-
III	PLANTATIONS		
1	Assam	43.75	2019
2	Himachal Pradesh	-	-
3	Karnataka	1.21	353575
4	Kerala	0.95	14165
5	Meghalaya	-	-
6	Odisha	-	-
7	Tamil Nadu	0.66	13546
8	Telangana	-	-
9	Tripura	5.58	1778
10	A & N Islands	13.50	86273
	All India	24.04	3001
III	OTHER ESTABLISHMENTS		
1	Andhra Pradesh	2.27	72110
2	Goa	0.47	151724
3	Jammu & Kashmir	1.27	-
4	Karnataka	2.34	166965
5	Maharashtra	5.35	140697
6	Meghalaya	-	-
7	Nagaland	-	-
8	Rajasthan	-	-
9	Tamil Nadu	0.38	16421
10	Telangana	3.75	5021
11	A & N Islands	15.63	78200
	All India	1.31	104918

- = Nil. * = Act not enforced # = Covered under ESIC Act, 1948

\$ = No indication of women employed.

TABLE – 3

Number of complaints received and prosecutions launched (By States) during the year 2014

State/Union Territory	No. of complaints received	No. of complaints investigated	No. of prosecutions launched	No. of convictions obtained	Amount of fine levied (Rs.)	
1	2	3	4	5	6	7
I FACTORIES						
1 Andhra Pradesh	-	-	-	-	-	-
2 Bihar	-	-	-	-	-	-
3 Chhattisgarh	-	-	-	-	-	-
4 Goa	-	-	-	-	-	-
5 Gujarat	-	-	-	-	-	-
6 Haryana	-	-	-	-	-	-
7 Himachal Pradesh	-	708	2	1	200	-
8 Jammu & Kashmir	-	-	-	-	-	-
9 Jharkhand	-	-	-	-	-	-
10 Karnataka	-	-	-	-	-	-
11 Kerala	-	-	-	-	-	-
12 Maharashtra	-	-	-	-	-	-
13 Meghalaya	-	-	-	-	-	-
14 Mizoram	*	*	*	*	*	*
15 Nagaland	-	-	-	-	-	-
16 Odisha	-	-	-	-	-	-
17 Punjab	-	-	-	-	-	-
18 Rajasthan	-	-	-	-	-	-
19 Sikkim	*	*	*	*	*	*
20 Tamil Nadu	-	-	-	-	-	-
21 Telangana	-	-	-	-	-	-
22 Tripura	-	-	-	-	-	-
23 Uttar Pradesh	-	-	-	-	-	-
24 West Bengal	-	-	-	-	-	-
25 A & N Islands	-	-	-	-	-	-
26 Chandigarh #	-	-	-	-	-	-
27 Daman & Diu \$	-	-	-	-	-	-
28 NCT Delhi	-	-	-	-	-	-
29 Lakshadweep \$	-	-	-	-	-	-
30 Puducherry	-	-	-	-	-	-
All India/ Total	-	708	2	1	200	
II MINES (Rajasthan)						
-	-	-	-	-	-	-
III PLANTATIONS						
1 Assam	-	-	-	-	-	-
2 Himachal Pradesh	-	-	-	-	-	-
3 Karnataka	-	-	-	-	-	-
4 Kerala	-	-	-	-	-	-
5 Meghalaya	-	-	-	-	-	-
6 Odisha	-	-	-	-	-	-
7 Tamil Nadu	11	-	-	11	15100	-
8 Telangana	-	-	-	-	-	-
9 Tripura	-	-	-	-	-	-
10 A & N Islands	-	-	-	-	-	-
Total	11	-	-	11	15100	
IV OTHER ESTABLISHMENTS						
1 Andhra Pradesh	-	-	-	-	-	-
2 Goa	-	-	-	-	-	-
3 Jammu & Kashmir	-	-	-	-	-	-
4 Karnataka	-	-	-	-	-	-
5 Maharashtra	2	2	3	-	-	-
6 Meghalaya	-	-	-	-	-	-
7 Nagaland	-	-	-	-	-	-
8 Rajasthan	-	-	-	-	-	-
9 Tamil Nadu	4	-	4	4	19400	-
10 Telangana	-	-	-	-	-	-
11 A & N Islands	-	-	-	-	-	-
All India/ Total	6	2	7	4	19400	

- = Nil * = Act not enforced # = 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 2013-2014

	State/Union Territory	No. of insured women as on 31.3.2014	Number of maternity benefit case (confinement) during the year 2013-2014	Amount paid during the year 2013-2014
1	2	3	4	5
1	Andhra Pradesh	278589	2435 (7.55)	71825672
2	Assam, Meghalaya, Tripura, Nagaland & Sikkim	15929	184 (0.57)	2406846
3	Bihar	8283	61 (0.19)	2501960
4	Chhattisgarh	17786	63 (0.20)	1822457
5	NCT Delhi	82769	609 (1.89)	17454822
6	Goa	23256	357 (1.11)	10980988
7	Gujarat	54868	552 (1.71)	12906174
8	Haryana	102014	1250 (3.87)	33162062
9	Himachal Pradesh	19220	240 (0.74)	3249561
10	Jammu & Kashmir	7054	92 (0.29)	1477459
11	Jharkhand	21039	122 (0.38)	2671933
12	Karnataka	573792	5528 (17.13)	133641372
13	Kerala	323356	7808 (24.20)	144866895
14	Madhya Pradesh	43621	591 (1.83)	6425716
15	Maharashtra	218897	4016 (12.45)	92316242
16	Odisha	24622	232 (0.72)	3954283
17	Punjab	94838	780 (2.42)	16647988
18	Rajasthan	53238	382 (1.18)	7707086
19	Tamil Nadu	732461	5035 (15.61)	132284501
20	Uttar Pradesh	87351	552 (1.71)	12289869
21	Uttarakhand	30347	208 (0.64)	3078190
22	West Bengal	73826	567 (1.76)	10851258
23	Chandigarh	8443	137 (0.42)	3758621
24	Pudducherry	26746	463 (1.44)	7996926
All India/ Total		2922345	32264 (100.00)	736278881

Source: The Employees' State Insurance Corporation New Delhi
Note. Figures in brackets in col. 4 are percentages the all-India