

THE MATERNITY BENEFIT ACT, 1961

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THE MATERNITY BENEFIT ACT, 1961

- Extends to the whole of India
- Provides benefits to working women for
- Maternity
- Miscarriage and
- Maternity related illness

Applicable to whom?

- Factory
- Railway
- Plantation
- Mines
- Shops
- Commercial establishments
- Government establishments
- equestrian, acrobatic and other performance organizations
- Government can extend it to other establishments
- Exceptions
- Establishments/ employees covered under ESI ACT 1948

Prohibition of employment of women during certain periods

- Six week immediately following the date of
- delivery or
- miscarriage.
- No arduous work affecting health of the women or foetus or which may cause miscarriage, during
- One month prior to the date of delivery
- Any days during above six weeks for which the woman does not avail leave of absence.

Right to payment of maternity benefit

➤ CONDITION

- Should have worked for the present employer at least for 80 days (including the days of lay off and holidays) during the past 1 year

➤ METHOD OF CALCULATION and amount

- average daily wages calculated based on three months wages.

Right to payment of maternity benefit

➤ PERIOD OF BENEFIT

➤ Confinment-12 weeks

➤ If the woman dies before 12 weeks-till her death

➤ If child survives- 12 weeks

➤ If child dies after the death of mother- till the date of death of the child.

➤ Miscarriage – Up to 6 six weeks

➤ Maternity related illness up to one month

Women ineligible under ESI ACT 1948

- Can avail the benefit under this act if they fulfill the conditions under this Act (sec.5A and 5B)

Notice of claim for maternity benefit

- Employee to make an application to the employer
- For payment
- **Undertaking not to work elsewhere** during the benefit period.
- Not making application does not disentitle her from the benefits

When to pay?

- Pre- confinement period (up to 6 weeks) in advance.
- Balance within 48 hours of the delivery time.
- Subject to medical proof

Whom to pay?

- To the woman employee concerned or
- To the person nominated by her
- If woman dies- to her nominee
- If no nominee- to her heirs

Payment of medical bonus.

- Rs.250
- From the employer
- If pre and post natal care is not provided by the employer

Nursing breaks

- After return from the maternity leave
- In addition to the regular break from work given
- Two more breaks of prescribed duration per day
- To nurse the child
- till the child attains 15 months of age.

Dismissal /removal unlawful

- During the period the employee is entitled to benefit under this Act or
- To deprive the woman of benefits under this Act
- During or on account of this absence
- Appeal within 60 days of dismissal

- **EXCEPTION**
- Dismissal for proved misconduct
- Benefits can also be denied

No deduction of wages in certain cases

- When easier/ different work is assigned to woman (under section 4)
- During pre natal period or
- During post natal period or
- For giving breaks to nurse the child (under sec.11)

Penalty for contravention of Act by employer

- Fails to pay the amount under this Act or
- Discharges/ dismisses the women prohibited under this Act
- **Imprisonment**- 3 months to one year
- **Fine** –Rs. 2000 to 5000
- Any other contravention
- Imprisonment- up to 1 year
- Fine- up to Rs.5000

Administration of the Act

- Appointment of inspectors
- Powers of the inspectors
- Power to direct the payments under this Act
- Power to entertain complaints under this Act
- To be treated as public servants