

FOURTEENTH REPORT
STANDING COMMITTEE ON
LABOUR & WELFARE
(1995-96)

(TENTH LOK SABHA)

THE MATERNITY BENEFIT (AMENDMENT)
BILL, 1995



Presented to Lok Sabha on _____

Laid in Rajya Sabha on _____

LOK SABHA SECRETARIAT
NEW DELHI

May, 1995/Vaisakha, 1917 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON
LABOUR AND WELFARE
(1995-96)

Shrimati Chandra Prabha Urs – *Chairperson*

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1. Shri S.N. Mishra – *Additional Secretary*
2. Shri G.C. Malhotra – *Joint Secretary*
3. Shri Satish Loomba – *Deputy Secretary*
4. Shri R.S. Misra – *Assistant Director*

INTRODUCTION

I, the Chairperson of the Standing Committee on Labour and Welfare (1995-96) having been authorised by the Committee to submit the Report on their behalf, present this Fourteenth Report on the Maternity Benefit (Amednment) Bill, 1995 of the Ministry of Labour.

2. The Bill was introduced in Rajya Sabha on 2 May, 1995. It was referred to the Committee by Hon'ble Speaker, Lok Sabha under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and Report.

3. The Committee considered the Bill clause by clause at their sitting held on 19 May, 1995 and approved the Maternity Benefit (Amednment) Bill, 1995 without any comments.

4. The Committee wish to express their thanks to the officers of the Ministry of Labour for placing before them the detailed written notes on the subject and for furnishing the information the Committee desired in connection with the examination of the Bill.

NEW DELHI ;
19 May, 1995

29 Vaisakha , 1917 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee on Labour and Welfare.

REPORT

The Ministry of Labour informed the Committee that the Maternity Benefit Act, 1961, regulates employment of women in certain establishments for a certain period before and after child birth and provides for maternity and other benefits. The Act applies to factories, mines, the circus industry, plantations and shops or establishments employing 10 or more persons except the employees who are covered under the ESI Act, 1948.

2. It has been further stated by the Ministry that in order to motivate and also facilitate women employees to undertake family welfare measures, the Ministry of Health and Family Welfare had made certain recommendations for amendment of the Act. Keeping in view the recommendations made by Ministry of Health and Family Welfare, the Maternity Benefit (Amendment) Bill, 1995 was introduced in Rajya Sabha on 2 May, 1995. The Bill seeks to achieve the following objectives:-

(i) Leave for Medical Termination of pregnancy (M.T.P.) (Clause 4 of the Bill)

At present under Section 9 of the Act, in the case of miscarriage, a woman worker is entitled to leave with wages for a period of six weeks, but there is no provision for such leave in the case of Medical Termination of Pregnancy (MTP) in the said Clause 4 of the Bill, accordingly, seeks to amend Section 9 of the parent Act so as to provide for grant of six weeks' leave with wages in the case of M.T.P. This benefit is already available to the insured women workers covered under the ESI Scheme.

(ii) Leave for Tubectomy Operation (Clause 5 of the Bill)

Under the ESI Scheme, an insured woman worker is entitled to two weeks' leave if she undergoes a tubectomy operation. Under the Maternity Benefit Act, there is no such provision. Clause 5 of the Bill seeks to insert a new provision in the M.B. Act so as to provide for grant of leave with wages for a period of two weeks' to a woman who undergoes a tubectomy operation.

- (iii) Leave for illness arising out of pregnancy etc. (Clause 6 of the Bill).

Under Section 10 of the Act, a woman worker suffering from illness arising out of pregnancy, delivery, miscarriage etc., is entitled to additional leave with wages upto one month. In some cases, MTP or tubectomy could also cause illness. Clause 6 of the Bill accordingly seeks to amend Section 10 so as to cover under it the cases of illness arising out of M.T.P. or tubectomy, as has been provided for the workers covered under the ESI Scheme.

3. The Ministry of Labour have, therefore, proposed the following amendments in the Maternity Benefit, Act, 1961.

In section 3 of the Maternity Benefit Act, 1961 (hereinafter referred to as the principal Act), after clause (1), the following clause shall be inserted, namely:—

‘(ha) “medical termination of a pregnancy” means the termination of pregnancy permissible under the provisions of the Medical Termination of Pregnancy Act, 1971’.

In section 4 of the principal Act—

(a) in sub-section (1), for the words “or her miscarriage” the words, “miscarriage or medical termination of pregnancy” shall be substituted.

(b) in Sub-Section (2), for the words “or her miscarriage,” the words, “miscarriage or medical termination of pregnancy” shall be substituted:

For section 9 of the principal Act, the following section shall be substituted, namely:—

“9. In case of miscarriage or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit, for period of six weeks immediately following the day of her miscarriage or, as the case may be, her medical termination of pregnancy.”

After section 9 of the principal Act, the following section shall be inserted namely:—

“9. In case of tubectomy operation, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of her tubectomy operation.”

In section 10 of the principal Act, for the words “or miscarriage”, the words “miscarriage, medical termination of pregnancy or tubectomy operation” shall be substituted.

4. The Committee note that in pursuance of the recommendations made by the Ministry of Health and Family Welfare to motivate and facilitate women employees to undertake family welfare measures, the Ministry of Labour has brought the Maternity Benefit (Amendment) Bill, 1995 before the Parliament. The Ministry has proposed certain amendments in the Maternity Benefit Act, 1961, mainly to seek the objects *viz.* (i) Grant of six weeks leave with wages to women employees in the case of medical termination of pregnancy; (ii) Grant of two weeks leave with wages to the women employees who undergo tubectomy operation; and (iii) grant of leave with wages for a maximum period of one month in the case of illness arising out of medical termination of pregnancy or tubectomy. The Committee approve the proposed amendments in the Maternity Benefit Act, 1961 and support the Bill without any comments.

NEW DELHI ;
19 May, 1995
29 Vaisakha 1917 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee on Labour and Welfare.

ANNEXURE

MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE ON LABOUR AND WELFARE HELD ON 19.5.1995

The Committee sat from 9.30 hrs. to 11.00 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Smt. Chandra Prabha Urs — *Chairperson*

MEMBERS

LOK SABHA

2. Shri Bheru Lal Meena
3. Shri K. Pradhani
4. Shri B. Akbar Pasha
5. Shri Dattatraya Bandaru
6. Prof. Rasa Singh Rawat
7. Shri Ram Narain Berwa
8. Shri Mahendra Baitha
9. Shri Ajoy Mukhopadhyay
10. Shri Rup Chand Murmu
11. Shri Yaima Singh Yumnam

RAJYA SABHA

12. Shri Kanak Mal Katara
13. Shri Muthu Mani
14. Shri Jibon Roy

SECRETARIAT

1. Shri G.C.Malhotra — *Joint Secretary*
2. Shri Satish Loomba — *Deputy Secretary*
3. Shri R.S. Misra — *Assistant Director*

REPRESENTATIVES OF THE MINISTRY OF LABOUR

1. Shri S. Gopalan — *Secretary*
2. Smt. Shashi Jain — *Joint Secretary*

REPRESENTATIVES FROM THE MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

1. Shri K.N. Chaturvedi — *Additional Legislative Counsel.*

Clause by Clause consideration of the Maternity Benefit (Amendment) Bill, 1995.

2. At the outset, the Chairperson welcomed the Members and representatives of the Ministry of Labour and Ministry of Law, Justice & Company Affairs (Legislative Department) and invited their attention to the Maternity Benefit (Amendment) Bill, 1995 referred to the Committee under Rule 331 E(b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report.

3. The Secretary, Ministry of Labour explained the salient features of the Bill and the circumstances necessitating the proposed amendments in the Maternity Benefit Act, 1961. The Committee then took up the Bill for clause by clause consideration. The Committee adopted the Bill as introduced in Rajya Sabha without any comments.

4. The Chairperson thanked the officials of the Ministry of Labour and Ministry of Law, Justice & Company Affairs (Legislative Department) for the assistance rendered by them to the Committee.

5. The Committee then authorised the Chairperson to finalise the Report and present the same to the Parliament.

The Committee then adjourned.