

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

STARRED QUESTION NO:167
ANSWERED ON:09.03.2015
AMENDMENT TO MATERNITY BENEFITS ACT
Pal Shri Jagdambika

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the key provisions of the Maternity Benefits Act, 1961;
- (b) whether the Government has any proposal to bring amendments to the Act;
- (c) if so, the details thereof and the reasons therefor; and
- (d) the time by which the proposed amendments are likely to be implemented along with the extent to which the same would be beneficial for working women in the country?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO.167 FOR 09.03.2015 BY SHRI JAGDAMBIKA PAL REGARDING AMENDMENT TO MATERNITY BENEFITS ACT.

(a): The main provisions of the Act are:

- i) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery or her miscarriage. Also, no woman shall work in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.
- ii) Every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for the six weeks immediately following that day.
- iii) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected delivery.
- iv) 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.
- v) No deduction from the normal and usual daily wages of a woman entitled to maternity benefit shall be made by reason only of –
 - (i) the nature of work assigned to her by virtue of the provisions of the Act; or
 - (ii) breaks for nursing the child allowed to her under the provisions of the Act.
- vi) If a woman works in any establishment after she has been permitted by her employer to absent herself for any period, during such authorised absence, she shall forfeit her claim to the maternity benefit for such period.

(b): No, Madam.

(c) & (d): Does not arise in view of facts mentioned at (b) above.