

* Chapter 19 *

* Unit III :- Maternity Benefit, Act, 1961. *

- Maternity Benefits are aimed to protect the dignity of motherhood by providing for the full and healthy maintenance of women and her child when she is not working.

- The Maternity Benefit, Act, 1961 is applicable to mines, factories, circus, industry, shops and establishments employing 10 or more persons.

* Employment of or work by women prohibited during certain periods :-

Section 4 :- It states that no employer shall employ a women in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy.

It also specifies that no women shall work in any establishment after 6 weeks of date day of her delivery, miscarriage or medical termination.

* Right to payment of maternity benefits -

- Every woman shall be entitled to get and her employer is liable to pay the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence.

- This is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day.
- The average daily wage means the average of woman's wages payable to her for the days on which she has worked during the period of three months immediately preceding the date from her absence.
- The minimum rate of wage fixed under the Minimum Wages Act, 1948 or ten rupees, whichever is highest.
- A woman who legally adopts a child below the age of three months shall be entitled to get maternity benefit for a period of 12 months from the date the child is handed over to her.

* Notice of Claim for maternity benefit

Section 6 :- As per this section any women employed in an establishment and entitled to get maternity benefit may give notice in writing in prescribed form to her employer.

- Notice should state that her maternity benefit and any other amount to which

She may be entitled to get under this act, may be paid to her or her nominee and she will not work in establishment during the period.

- In case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than 6 or 8 weeks from the date of her expected delivery.
- On receipt of the notice, the employer shall permit such woman to absent herself from the establishment during the period for which she receives the maternity benefit.
- The amount of maternity benefit for the period shall be paid in advance by the employer to women, after production of such proof.
- The amount due for subsequent period shall be paid by employer to women within 48 hours.

* Total period of leave is 26 weeks out of which maximum 8 week shall precede the date of her expected delivery. This 26 week benefit is available for only child.

* Nursing breaks :-

- Every women delivered of a child who returns to duty shall be entitled to get interval for rest.
- And women shall be allowed in the course of her daily work two breaks of the prescribed duration for nursing the child until the child attains the age of 15 months.

* Creche facility :-

- Every establishment having 50 or more employees shall have the facility of creche within such distance as may be prescribed, either separately or along with common facilities.
- The employer shall allow 4 visits a day to the creche by the women, which shall also include the interval for rest allowed to her.

* Abstract of Act and Rules there under to be exhibited :-

Section 19 - Abstract of the provisions of this act & rules made under in language or languages of locality shall be exhibited in conspicuous place by the employer in every part of establishment in which women is employed.

* Registers :-

Section 20 = Under this section every employee shall prepare and maintain registers, records & muster-rolls in prescribed manner.

* Penalty for Contravention of Act by employer

Section 21 :- It specifies that if any employer fails to pay any amount of maternity benefit to a women entitle to get under this Act or discharge or dismisses her during or on account of her absence, shall be liable or punishable with -

1) Imprisonment which shall not be less than 3 months but can be extend to 1 year.

&

2) Fine which shall not be less than Rs. 2,000/- but may extend to Rs. 5,000/-