

THE MATERNITY BENEFIT ACT, 1961

- This Act is to protect and empower women as workers. To prevent unfair employment practices and exploitation of women in the labour market, and to safeguard the health and well-being of the mother and child it was essential to provide maternity protection to working women. The Act apply to whole of India. It applied to all establishment - factories, mines, manufacturing, and shops, etc., where a minimum of ten or more workers are working. The Act is amended in 1995 in which miscarriage replaced by MTP (permissible under the provision of the MTP Act 1971 (Sec 3 and 4).
- The State Government can, with the approval of the Central Government, declare that all or any of the provisions of the Act apply to any of the establishments. According to this Act, every women is entitled to payment of maternity benefit at the rate of the average daily wage for a period of six weeks up to and including the day of her delivery and for six weeks immediately following that day, i.e. a total of 12 weeks. Pregnant woman must exempt from any work which involved in long hours of standing.
- If no prenatal confinement and postnatal care provided for by the employer free of charge, every women entitled to maternity benefit under this Act is also entitled to a bonus of Rs. 250. In case of miscarriage or MTP on production of proof a woman is entitled to leave with wages for a period of six weeks immediately following the day of her miscarriage or MTP. She should be qualified for this benefit if she has completed 160 days of 12 months of job immediately preceding the date of her expected delivery.
- There is provision of leave with wages for tubectomy operation for a period of 2 weeks (Sec. 9A). Every woman who returns to duty after her delivery should, in addition to the interval of rest allowed, be allowed in the course of her daily work two breaks of prescribed duration for nursing the child until it attains the age of 15 months.
- If any employer contravenes the provisions of this Act or the rules he/ she is punishable with imprisonment from three months up to one year or/ and with fine from Rs. 2000 to Rs. 5000 or with both.