**Knowledge Base: Maternity Benefit Act, India (2024 Update)**

**1. Overview** The Maternity Benefit Act, 1961, governs the employment of women in establishments before and after childbirth and provides maternity benefits. The Act applies to establishments employing 10 or more persons.

**2. Applicability** - Applicable to factories, mines, plantations, and establishments (including government establishments) where 10 or more employees are working. - Applies to both private and public sector companies.

**3. Maternity Leave Duration** - 26 weeks of paid leave for the first two children. - 12 weeks of paid leave for the third child onwards.

**4. Eligibility Criteria** - The woman must have worked in the establishment for at least 80 days in the 12 months preceding the expected delivery date.

**5. Payment of Maternity Benefit** - Paid at the rate of the average daily wage for the period of actual absence. - Wages include basic pay, dearness allowance, and other cash allowances.

**6. Additional Benefits and Rights** - No dismissal or discharge during maternity leave. - No change in employment terms during the maternity leave period. - Employer must not assign arduous tasks or work involving long hours during the 10 weeks before and after delivery.

**7. Crèche Facility** - Mandatory for establishments with 50 or more employees. - Crèche should be within a prescribed distance. - Four visits allowed by the woman to the crèche in a day, including rest intervals.

**8. Work from Home Provision** - Employers may allow work-from-home post-maternity leave depending on the nature of work and mutual agreement.

**9. Penalties for Non-Compliance** - Employers violating the Act may face imprisonment up to 1 year and/or a fine up to Rs. 5,000. While the monetary fine is currently low, employers often respond to legal notices due to the reputational risk, potential litigation, and media or employee backlash associated with non-compliance.

**10. Filing a Legal Complaint** - Our platform helps you consult and strategy at a lower cost than traditional legal channels. This can be the first step to assert your rights if maternity benefits are denied. - If your employer still does not comply after receiving the legal notice, we also provide further legal assistance, including support in pursuing legal action, for eligible cases subject to verification of facts, supporting documents, and legal merit.

**11. Employer Obligations** - Display notice in the workplace about the rights under the Maternity Benefit Act. - Maintain records and registers of women employees and their maternity status.

**12. Clarifications** - Paid leave is separate from earned or sick leave. - Maternity leave cannot be denied once eligibility is met.

**Note:** This knowledge base is prepared as per the latest provisions of the Maternity Benefit (Amendment) Act, 2017 and related Indian labour laws applicable as of 2024. For creating a legal notice, our platform provides fast and affordable assistance tailored to your situation. We also offer further legal help in unresolved cases after proper assessment, including support for taking the matter forward legally.