

MATERNITY BENEFITS IN INDIA

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Women are considered to be an inseparable part of our society. They do not only manage their own personal lives, but are also made to fit into different categories of the society's responsibility i.e. the role of a daughter, wife, daughter-in-law, and most importantly, a mother.

Whilst being a mother, she not only has to take care of her baby inside her womb, but also take the responsibility of her child in such a manner that he/she grows up to be a sensible human being and an asset to the nation. To possess the aforementioned qualities, a baby needs to be well nourished and nurtured by its mother. So, it is of utmost importance for women to get benefits before and after pregnancy while they are at work.

Julia Kristeva defines pregnancy as the slow, difficult and

delightful apprenticeship in attentiveness, gentleness and forgetting oneself. She adds that to traverse through the path of guiltless maternity, one has to succeed without masochism and without destruction of one's affective, intellectual and professional personality.

In order to encourage women to participate in various fields of work and increase women employment in India, a special provision has been made to achieve this objective by way of introducing Maternity Benefits Act, 1961 with its amending provisions in 2017. After the recent amendment, extension of maternity leave from 12 weeks to 26 weeks has changed the position of India to top 10 countries in the world. The flexible maternity leave system in some of the organisations also allows women to work from home during the said period and crèche facil-

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ities can be availed of as well.

As per Section 2 of the Act, it is applicable to all those women employed in factories, mines including all shops or commercial establishments. The extended period is applicable to women in case of their first and second child. Women

who are expecting a child after already having two children, the duration of paid leave shall be of 12 weeks (i.e. six weeks pre and six weeks post delivery). The act now extends to adoptive mothers as well. The adoptive mothers are entitled to 12 weeks of paid

maternity leave. Crèche facility has been mandatory for each and every establishment employing 50 or more employees. Employees are permitted to visit the facility four times during the working hours.

The right to payment of maternity states that the employer is liable to pay an average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity. In order to avail the benefit, an employee should have at least worked in the establishment for a period of 80 days in the past 12 months. In case, if a woman dies before receiving such maternity benefit or amount, under second provision to sub Section 3 of Section 5, the employer shall pay the notice given under section 6 and in

case there is no such nominee, to her legal representative.

Motherhood is considered to be a vital part of a woman's life cycle which also contributes to the nation's benefits. Society has always accepted the fact that motherhood is a tough row to hoe. The court has shown its respect and the importance of motherhood which is protected by Article 21 of the constitution as per judicial pronouncements in India. The amendment of Maternity Benefit Act in India has created an amicable atmosphere for all working mothers as they play pivotal roles in various spheres, thereby contributing towards the overall development of our country.

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