

# THE ELIXIR

December, 2011

## WOMEN'S LIBERATION AND BRITAIN

A true  
account  
of a  
British woman

**Worldview:**  
**Mukhtaran Mai**  
lives  
in the  
fear of  
retaliation

BON VOYAGE:  
JAIPUR -  
THE PINK CITY

MOVING IMAGE:  
GOROSTHANE  
SABDHAN

3  
Women  
Nobel  
Peace Prize  
Winners  
of 2011

**Warrior**  
**Shehla**  
**Masood**

Political  
Economy  
And  
Gender  
Discrimination

MYSTERIOUS  
WORLD:  
ATLANTIS



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## **Maternity Leave, How Far The Mothers Are Being Benifitted in India?**

• Dr. Punyabrata Gun •



50 years have passed since the Government of India passed the Maternity Benefit Act, 1961. The act has been passed but is not enforced all over India. In the way the number of contractual labourers is increasing even 41 years after passing of the *Contract Labour (Regulation and Abolition) Act, 1970*, the mothers are being denied their legal rights.

In paper, the *Maternity Benefit Act* in 1961 extends to the whole of India and applies to every establishment belonging to the government and to every establishment which may be industrial, commercial, agricultural or otherwise.

According to the act in its original form:

- A female employee who has completed one year of continuous service is entitled to three months of maternity leave. The Act provides 12 weeks as the maximum period for which any working woman shall be entitled to maternity benefit. She can avail this benefit as 6 weeks up to and including the day of her delivery and 6 weeks immediately following the day of her delivery.

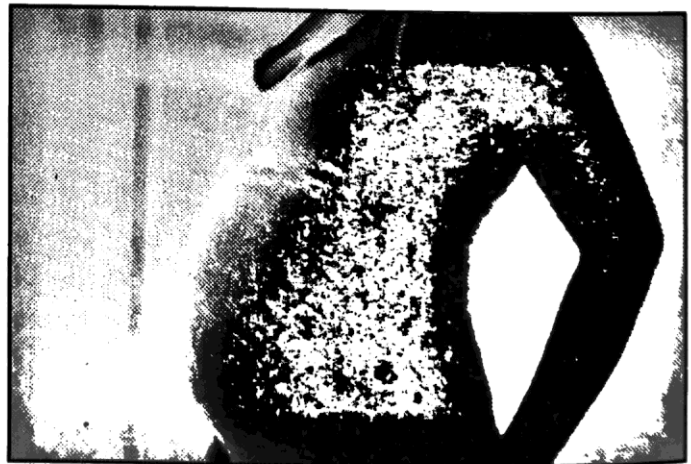
- In case of miscarriage or medical termination of pregnancy, a female employee can avail maximum 6 weeks leave with average pay from the date of miscarriage or termination of pregnancy

- Also additional leave with pay for up to 1 month can be availed on production of proof, revealing illness due to pregnancy, delivery, miscarriage, or premature birth.

- Where a female employee needs to undergo tubectomy (ligation) she can avail leave with wages at the rate of maternity benefit for up to two weeks immediately following the day of her operation.

*The Working Journalist and Other News Paper Employee's (Conditions of Service) and Miscellaneous Provisions Act, 1955; the Plantation Labour Act, 1951 and the Factories Act, 1948* also make provision for maternity leave in accordance with the *Maternity Benefits Act, 1961*.

In late nineties, the maternity leave was extended from 12 weeks to 135 days. After the amendments brought in the *Maternity Protection Benefit Act (1961)* following the



recommendations of 6th Pay Commission in India many states have increased the maternity leave from 135 days to 180 days and have also introduced paternity leave. Now, under the *Central Civil Service (Leave) Rules, 1972*, female Central Government employees are entitled to maternity leave for a period of 180 days for their first two live born children.

From 1st January, 2011 female West Bengal Government employees are entitled to 180 days maternity leave. In a survey, it was revealed that there exist certain discrepancies on Maternity Protection Benefits being available to women workers in different states of India

especially where the number of Maternity and Paternity leave are concerned. The survey also observed that a few states such as Orissa, Maharashtra, Tamil Nadu, Madhya Pradesh etc. did not extend the maternity leave from 90 days to 180 days and paternity leave of 15 days. In some cases no paternity leave is provided.

In private sector, many houses, many industries do not provide maternity benefits to their female employees. Many retrench female employees when they are pregnant. Women all over India should unite to demand uniformity in maternity benefits in all states, all sectors, be it public or private.

In countries around the world Parental leave means paid or unpaid leave for child care and it includes paternity, maternity as well as adoption leave. Most countries provide maternity leave to employees who have worked for their present employer for a certain time period.

Country	Paid maternity leave
Australia	18 weeks with a federal minimum wage of \$596 per week
Bulgaria	100% pay for 1 <sup>st</sup> year and 2 <sup>nd</sup> year at reduced salary
Bangladesh	16 weeks with 100% pay
Canada	50 weeks with 55% pay
China	90 days with 100% pay
Czech Republic	28 weeks with 70% pay; parental leave can also be taken up to 4 years age of the child with reduced monthly monetary support
France	16 weeks with 100% pay and rising to 26 weeks with 100% pay for the third child
Germany	14 weeks with 100% pay, 12/14 months with 65% pay
Italy	22 weeks with 80% pay
Japan	14 weeks with 60% pay
South Africa	4 months with 60% pay
United Kingdom	Shared 1 year leave with the father i.e. 6 months with 90% pay