

MATERNITY BENEFIT ACT, 1961
(No. 53 of 1961)¹

[12th. December, 1961]

An Act to regulate the employment of women in certain establishment for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows: -

1. Short title, extend and commencement. -- (1) This Act may be called the Maternity Benefit Act, 1961.

(2) It extends to the whole of India ²[* * *]

(3) It shall come into force on such date as may be notified in this behalf in the Official Gazette, --

³[(a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government, and]

(b) in relation to other establishments in s State, by the State Government.

NOTES. -- This Act came into force in relation to mines in the territories to which it extends on the 1st. November 1963 -- *Vide* S.O. No. 2920, dated 5th. October, 1963, published in the *Gazette of India*, Part II, Sec. 3 (ii), dated 12th. October, 1963. This Act came into force in the whole of Uttar Pradesh with effect from 22nd. February 1974, *vide* notification No. 512 (V)-2/36-5-13 (V) 72, dated 22nd. February 1974.

2. Application of Act. -- (1) It applies in the first instance, to every establishment being a factory, mine or plantation ⁴[including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances]:

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification

¹ Received the assent of the President on the 12th. December, 1961 and published in the Gazette of India, Extraordinary, dated 13th. December 1961. For Statement of Objects and Reasons *see* *Gazette of India*, Extraordinary, Part II, dated 6th. December 1960.

² Words "except the State of Jammu and Kashmir" omitted by Act 51 of 1970, Sec. 2 and Sch.

³ Subs. by Act 52 of 1973, Sec. 2, w.e.f. 1-3-1975 -- *Vide* notification No. S.O. 113A (E), dated 27-2-1975.

⁴ Subs. by Act 52 of 1973, S.3.

In the official on In the official *Gazette*, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

(2) ⁵[Save as otherwise provided in ⁶[sections 5A and 5B] nothing contained in this Act] shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 (84 of 1948), apply for the time being.

3. Definitions. -- In this Act, unless the context otherwise requires, --

- (a) "appropriate Government" means in relation to an establishment being a mine ⁷[or an establishment where persons are employed for the exhibition of equestrian, acrobatic and other performances], the Central Government and in relation to any other establishment, the State Government;
- (b) "child" includes a still-born child;
- (c) "delivery" means the birth of a child;
- (d) "employer" means --
 - (i) in relation to an establishment which is under the control of the Government, a person or authority appointed by the Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;
 - (ii) in relation to an establishment which is under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;
 - (iii) in any other case, the person who are the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;
- [⁸(e) "establishment" means --
 - (i) a factory;
 - (ii) a mine;
 - (iii) a plantation;
 - (iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatics and other performances; or

⁵ Subs. by Act 21 of 1972, S.2.

⁶ Subs. by Act 53 of 1976, sec. 2, for "section 5A". Act 53 of 1976 came into force w.e.f. 1-5-1976 – Vide notification No. S.O. 337 (E), dated 30-4-1976.

⁷ Added by Act 52 of 1973, S. 4.

⁸ Subs. by Act 52 of 1973, S. 4.

