

# Maternity Entitlements: Theory & Practice Legal Issues



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# Maternity Entitlements

Maternity benefit cover pregnancy, child birth and lactation for optimal care and feeding of infant

- Exclusive breastfeeding for six months,
- Enable mother to recover from stress of reproduction
- Reduce the acute health complications like infection, anemia, depression, backache, uterine prolapse and other complications following child birth.



# What Maternity Entitlements covers?

- Maternity leave
- Fully paid in cash for leave
- Breastfeeding Breaks
- Job Security
- Facilities at work place
- Health protection and opportunity to attend antenatal care



# Legal Support to Maternity Entitlements

- Maternity Benefit Act, 1961
- 5th Pay Commission, 1997
- Supreme court judgment, 2000
- National Maternity Benefit Scheme (NMBS), 2001
- National Guidelines on Infant and Young Child Feeding, 2004
- Janani Suraksha Yojana, 2005



# Maternity Benefit Act, 1961

- Maternity *leave* of twelve weeks.
- *Payment* of maternity benefit at the rate of the average daily wage
- 2 *nursing breaks* till the child attains the age of 15 months



# 5th Pay Commission, 1997

- For Govt employees :
  1. Maternity leave for 4-1/2 months (135 days)
  2. 15 days paternity leave.
  3. In Punjab and Haryana 6 MONTHS paid maternity leave.



# Supreme court judgment, 2000

Municipal Corporation of Delhi versus  
Female Workers (Muster Roll) [(2000)  
3 SCC 224].

- Extend maternity benefits to muster-roll female employees.



# National Maternity Benefit Scheme (NMBS), 2001

- All BPL pregnant women get Rs 500, 8-12 weeks prior to delivery for each of the first two births






# National Guidelines on Infant and Young Child Feeding, 2004

- Exclusive breastfeeding for first six months
- Introduction of complementary foods at 6 months
- Continued breastfeeding for 2 years or beyond.



# Janani Suraksha Yojana, (JSY), 2005

- Promoting institutional delivery and quality care during pregnancy, delivery and post delivery.



Women who constitute almost half of the segment of our society have to be honoured and treated with dignity at places where they work to earn their livelihood.

**THE END**



**THANK YOU**