

**Bill No. 66 of 2022**

THE CODE ON SOCIAL SECURITY (AMENDMENT) BILL, 2022

By

SHRIMATI POONAMBEN HEMATBHAI MAADAM, M.P.

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BILL

*to amend the Code on Social Security, 2020.*

BE it enacted by the Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Code on Social Security (Amendment) Act, 2022.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

36 of 2020. 2. In section 60 of the Code on Social Security (hereinafter referred to as the Code), in sub-section (1), the following proviso shall be inserted, namely:

Amendment of Section 60.

10 **“Provided that in case of a woman employed in any establishment having ten or less employees or woman being**

**a wage worker, the maternity benefit shall be payable by the appropriate Government through Social Security Organisations and the details of such organisation shall also be shown at the *e-shram* Portal of the Government of India.”.**

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Amendment of  
Section 62.

**3.** In section 62 of the Code,—

(a) in sub-section (1), the following proviso shall be inserted, namely:  
“Provided that in case of a woman employed in any establishment having ten or less employees or woman being a wage worker, such woman shall give notice in writing in such form, as may be prescribed by the Central Government, through institutions of local self-Government to the designated Social Security Organisations or any other authority.”; and

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(b) in sub-section (5), the following proviso shall be inserted, namely:

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**“Provided that in case of a woman employed in any establishment having ten or less employees or woman being a wage worker, the amount of maternity benefit for the period preceding the date of her expected date of delivery and the amount due for subsequent period shall be payable by the designated Social Security Organisation or any other authority on production of such proof as may be prescribed by the Central Government.”.**

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Amendment of  
Section 63.

**4.** In section 63 of the Code, the following proviso shall be inserted, namely:

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**“Provided that in case of a woman employed in any establishment having ten or less employees or woman being a wage worker, the designated Social Security Organisations shall pay the maternity benefit or any other amount to the person nominated by such woman.”.**

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Amendment of  
Section 64.

**5.** In section 64 of the Code, the following proviso shall be added, namely:

**“Provided that in case of a woman employed in any establishment having ten or less employees or woman being a wage worker, the medical bonus or such amount as may be notified by the Central Government shall be payable by the designated Social Security Organisations.”.**

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Amendment of  
First Schedule.

**6.** In the First Schedule of the Code, under the heading “Maternity Benefit”, after entry (b), the following entries shall be inserted, namely:—

“(c) to every establishment, factory or shop in which ten or less employees are employed; and  
(d) to every domestic worker.”.

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## STATEMENT OF OBJECTS AND REASONS

Social security will remain incomplete unless appropriate maternity benefits are available for all working women. If maternity benefits are restricted to women working in organized sector and those working in a set-up of 10 or more workers, large number of women will be left out. Women make up a disproportionate part of the unorganized sector as part-time or full-time domestic help, seasonal agriculture workers, handloom and handicraft workers, frontline workers. Women in unorganized sector are not homogeneous group and therefore, ambit of ‘unorganized sector workers’ requires to be broadened by taking the reality into consideration.

Such workers belong to low-income group that is particularly neglected when it comes to health. Most of these women usually start off as weak mothers in terms of weight, hemoglobin levels etc. and due to that, the new born infants are usually low birthweight with lower immunity. Mental stress of a mother in difficult circumstances affects her own health along with the health of the child. Since most of these women workers are engaged in manual arduous work, they need more rest and better nutrition. In absence of entitlement like paid 26-week leave, the woman is much more likely to return to work within a few days after delivery to avoid wage loss.

The infant born to such mothers further suffers as exclusive breastfeeding and mother care are compromised. Evidence from all scientific study and policy research emphasizes upon the early child care for his/her physical and cognitive development for life. Provision of proper care to the mother and infant is fundamental to the growth and well-being of the society.

As labour force participation of women is considered as a crucial indicator of nation’s development path, legislature framework needs to ensure their well-being as well. The proposed Bill seeks to guarantee certain rights for the women working in unorganized sector at par with all other working women in India.

The Bill thus endeavours to ensure maternity benefit for all women workers by amending the code of social security 2020.

Hence this Bill.

NEW DELHI;  
1 February, 20221.

POONAMBEN HEMATBHAI MAADAM

## FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed amendment to section 60 provides for payment of maternity benefit also to women employed in any establishment having ten or less employees or women being wage workers by the appropriate Government through Social Security Organisations. Clause 3 *vide* proposed amendment to section 62 provides for payment of maternity benefit also to women employed in any establishment having ten or less employees or women being wage workers for period preceding the date her expected delivery and the amount due for subsequent period by the designated Social Security Organisations or any other Authority. Clause 4 *vide* proposed amendment to section 64 provides for payment of maternity benefit also to persons nominated by women who are employed in any establishment having ten or less employees or who are wage workers. Clause 5 *vide* proposed amendment to section 65 provides for payment of medical bonus also to women employed in any establishment having ten or less employees or women being wage workers. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees Seven thousand eight hundred crore per annum would involve from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed amendment to sub-section (1) of section 62 provides that a woman employed in any establishment having ten or less employees or a woman being a wage worker shall give notice in writing in such form as may be prescribed by the Central Government through institutions of local self-Government to the designated Social Security Organisations or any other authority. As the form of notice will relate to matter of detail only, the delegation of legislative power is of a normal character.

ANNEXURE

EXTRACT FROM THE CODE ON SOCIAL SECURITY, 2020

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Right to payment of maternity benefit.

**60.** (1) Subject to the other provisions of this Code, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, and any period immediately following that day.

*Explanation.*—For the purposes of this sub-section, “the average daily wage” means the 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, subject to the minimum rate of wage fixed or revised under the Code on Wages, 2019.

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Notice of claim for maternity benefit and payment thereof.

**62.** (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Chapter may give notice in writing in such form as may be prescribed by the Central Government, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Chapter may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

\* \* \* \* \*

(5) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of such proof as may be prescribed by the Central Government that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed by the Central Government that the woman has been delivered of a child.

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Payment of maternity benefit in case of death of a woman.

**63.** If a woman entitled to maternity benefit or any other amount under this Chapter, dies before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 60, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 62 and in case there is no such nominee, to her legal representative.

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Payment of medical bonus.

**64.** Every woman entitled to maternity benefit under this Chapter shall also be entitled to receive from her employer a medical bonus of three thousand five hundred rupees or such amount as may be notified by the Central Government, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

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THE FIRST SCHEDULE

[See sections 1(4), (8) and 152 (1)]

APPLICABILITY

Chapter No.		Chapter Heading		Applicability	
*	*	*	*	*	*
VI		Maternity Benefit		(a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government; and (b) to every shop or establishment in which ten or more employees are employed, or were employed, on any day of the preceding twelve months; and such other shops or establishments notified by the appropriate Government.	
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*(Shrimati Poonamben Hematbhai Maadam, M.P.)*