

GOVERNMENT OF INDIA  
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

**LOK SABHA**  
**UNSTARRED QUESTION NO. 5021**  
TO BE ANSWERED ON 31.03.2023

**MATERNITY LEAVE TO MOTHER**

5021. SHRI GAURAV GOGOI:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether employers of working women (other than Union Government female employees) are obligated to provide the whole maternity leave to the mother in case of neonatal death;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

**ANSWER**

MINISTER OF WOMEN AND CHILD DEVELOPMENT  
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (c): The Maternity Benefit Act, 1961, as amended in 2017, provides inter-alia for paid maternity leave to women workers and crèche facility by all the establishments, whether organized or un-organized. It is applicable to all women employees in any capacity, irrespective of their employment status whether working on regular or contractual basis.

As per the Act, every woman is entitled to, and her employer is liable for, maternity benefit of twenty-six weeks, of which not more than eight weeks shall precede the date of her expected delivery; provided that the maximum period entitled to maternity benefit by woman having two or more than two surviving children shall be twelve weeks, of which not more than six weeks shall precede the date of her expected delivery. Twelve weeks paid maternity leave is also available for adopting mothers and commissioning mothers. The Act also provides that in case of miscarriage or medical termination of pregnancy, a woman shall, on production of such proof, as may be prescribed, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage or the medical termination of pregnancy. Further, the Act also provides that a woman suffering from illness arising out of pregnancy, delivery, pre-mature birth of a child, miscarriage, medical termination of pregnancy or tubectomy operation shall, on production of such proof, as may be prescribed, be entitled, in addition to the period of absence allowed to her under Section-6 or under Section-9, as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month.

The implementation of the Act lies with the Central Government or the State Government, within their respective jurisdiction, as appropriate Government. Advisories are issued by Ministry of Labour and Employment to State Governments from time to time for strict enforcement and compliance of the provision of the Act.

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