

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UN-STARRED QUESTION NO.1725
TO BE ANSWERED ON 11.02.2022

PROVISIONS FOR ADOPTIVE AND BIOLOGICAL MOTHERS

1725. SHRI GIRISH BHALCHANDRA BAPAT:
SHRI RAHUL RAMESH SHEWALE:
SHRI CHANDRA SEKHAR SAHU:
DR. PRITAM GOPINATHRAO MUNDE:

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

- (a) whether a woman who legally adopts a child below the age of three months is eligible of the Section 5(4) of the Maternity Benefit Act, 1961;
- (b) if so, the details in this regard?
- (c) whether there has been any discrimination between the adoptive mothers and biological mothers;
- (d) if so, the details thereof ;
- (e) whether the Government proposes to make equal provisions for both adoptive and biological mothers to encourage child adoptions in the country; and
- (f) if so, the details thereof and the time by which it is likely to be finalized?

ANSWER

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

(a) to (f) : Yes Sir. As informed by the Ministry of Labour and Employment, the Maternity Benefit Act, 1961 was amended in 2017 and under section 5(4) of the Maternity Benefit (Amendment) Act, 2017, a woman who legally adopts a child below the age of three months or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be. The Maternity Benefit (Amendment) Act, 2017 has extended maternity benefits to adoptive mothers also.
