

## RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) : DOSEL/R/2019/51082 Date of Receipt (प्राप्ति की तारीख) : 08/05/2019

Type of Receipt (रसीद का प्रकार) : Online Receipt Language of Request (अनुरोध की भाषा) : English

Name (नाम) : Poonam Rajput Gender (लिंग) : Female

Address (पता) : Flat no. 63A, jagriti apartment, Sector 71, Noida. Pin:201309

State (राज्य) : Uttar Pradesh Country (देश) : India

Phone Number (फोन नंबर) : +91-8178728881 Mobile Number (मोबाईल नंबर) : 91-8178728881

Email-ID (ईमेल-आईडी) : ramshankarverma198665@gmail.com

Status (स्थिति)(Rural/Urban) : Rural Education Status : Details not provided

Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) : No Citizenship Status (नागरिकता) : Indian

Amount Paid (राशि का भुगतान) : 10 (original recipient) Mode of Payment (भुगतान का प्रकार) : Payment Gateway

Request Pertains to (अनुरोध निम्नलिखित संबंधित है) : CPIO (IS-6)

Information Sought (जानकारी मांगी): Maternity benefits and Child Care leave are applicable to all female employees, contractual teacher

Print Save Close

No. 6-1/2019-IS-6  
Government of India  
Ministry of Human Resource Development  
Department of School Education & Literacy  
IS-6 Section  
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Shastri Bhawan, New Delhi  
Date: 10<sup>th</sup> May, 2019

To,

**Ms. Poonam Rajput**  
Flat No. 63, Jagriti Apartment,  
Setor 71, Noida-201309  
E-mail: ramshankarverma198665@gmail.com

**Subject: Online RTI application No. DOSEL/R/2019/51082 dated 08.05.2019 regarding information on Maternity leave and Child Care Leave benefits**

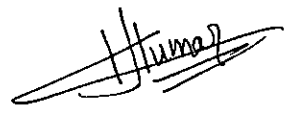
Sir,

Please refer to your above mentioned online RTI application No. DOSEL/R/2019/51082 dated 08.05.2019 regarding information on Maternity leave and Child Care Leave benefits.

2. The information related to your RTI application is enclosed at Annexure-I.
3. In case you are not satisfied with the above reply you may if desire, make an appeal to Shri M.S. Ravi, Director, Room No.208-C Wing, Department of School Education & Literacy, Shastri Bhawan, New Delhi, who is the appellate authority, within one month from the date of receipt of this letter.

Yours faithfully,

**Encl: As above**

  
(Manjeet Kumar)  
CPIO (IS-6)

Copy to: State Public Information Officer(SPIO), Secretary Government of Uttar Pradesh Basic Education Department, Room No.-11-12 Second Floor, Civil Secretariat, Adhikari Bhawan Lucknow - 226001 (E-mail: secup.edupri@nic.in)

No. S-36012/03/2015-SS-I  
Government of India/भारत सरकार  
Ministry of Labour & Employment/श्रम और रोजगार मंत्रालय

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Shram Shakti Bhawan, Rafi Marg,  
New Delhi, dated 12<sup>th</sup> April, 2017

To,

The Labour Department,  
All States/Union Territories

Sub: The Maternity Benefit (Amendment) Act, 2017 – reg.

Sir/Madam,

In line with recommendations of the 44<sup>th</sup>, 45<sup>th</sup> & 46<sup>th</sup> Session of Indian Labour Conference (ILC) and demands from various quarters, the Government has recently enacted the Maternity Benefit (Amendment) Act, 2017. Through this Amendment Act, following provisions have been added to the Maternity Benefit Act, 1961:-

- Increase in the maternity leave from existing 12 to 26 weeks for working women with less than two surviving children.
- Provisions for work from home for nursing mothers.
- Mandatory provisions for establishments having fifty or more employees to have the facility of crèche.
- Extension of twelve weeks of maternity benefit to the 'commissioning mother' and the 'adopting mother' from the date the child is handed over.

Provisions of the Amendment Act have come into force w.e.f. 1<sup>st</sup> April, 2017, except those relating to crèche facility {Section 4(1)} which would come into force from 01.07.2017.

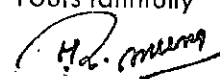
2. After the enactment of the said Act, the Ministry has been receiving numerous queries relating the revised provisions of the Act. The Ministry has examined such queries in consultation with Chief Labour Commissioner (Central) and the same are clarified as below :-

| S No. | Query  | Clarification  |
|-------|--|--|
| 1.    | Applicability of the Act to contractual or consultant women employees. | Since there is no amendment in Sec. 2 of the Act, hence the original provision will prevail. |

|    |  |   |
|----|--|---|
|    |  | The Act is applicable to all women who are employed in any capacity directly or through any agency i.e. either on contractual or as consultant.   |
| 2. | Whether enhanced maternity benefit, as modified by the Maternity Benefit (Amendment) bill, 2016 can be extended to women who are already under maternity leave at the time of enforcement of this Amendment Act? | Yes.  |
| 3. | Whether enhance maternity benefit can be extended to those women who have joined after availing 12 weeks of the maternity leave?   | Those women employee who had already availed 12 weeks of maternity leave before enforcement of the Maternity Benefit (Amendment) Act, 2017 i.e. 1 <sup>st</sup> April, 2017, shall not be entitled to avail the extended benefit of the 26 weeks leave.         |
| 4. | Protection of women in case she is fired by the employer after learning her pregnancy?   | Under Section 12 of the M.B. Act, 1961 it is emphasized that any dismissal or discharge of a women during the pregnancy is unlawful and such employer can be punished under Section 21 of the Act.  |
| 5. | Whether benefits of this Act can be extended to the employed women in the unorganized Sector   | The Maternity Benefit Act is applicable to all mines, plantations, shops and establishments and factories. Mines, plantations, shop and establishments could be either in organized sector or unorganized sector. Also, clarification at SL. No. 1 may be seen. |

3. It is requested that these clarifications may be noted for compliance and also circulated widely so as to make the pregnant working women aware of their rights.

Yours faithfully



(H.L. Meena)

Director (SS)

011-23710954

Copy to:

1. Chief Labour Commissioner (Central), M/o Labour & Employment, New Delhi

2. Website of the Ministry of Labour & Employment

3. Media Cell, Ministry of Labour & Employment