

A Study on Maternity Benefit Scheme in India

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Abstract:

This paper presents about the maternity benefit scheme that is implemented by the government to the women , and the problems that are faced by the women in this scheme. The paper deals with the maternity benefit scheme implemented for women and the problems faced by them.Around 10 crore women employees i.e. 90% of the women workers are employed in unorganised sector . Disorderly division incorporates Agriculture, Seasonal laborers, Domestic specialists, Construction specialists and so forth. Law Commission of India, in 2015 suggested that the arrangements of Maternity Benefit Act, 1961 should cover women labourers working in sorted out and also disorderly segment, yet the legislature is yet to thoroughly consider stretching out the maternity advantage plan to women in sloppy segment.The methodology used through this research is of only doctrinal approach and the datas and information presented in the research are of secondary information collected through journals and articles.Through the research we can say that the main advantage accessible to the specialists in unorganised segment is Pradhan Mantri Matriva Vandhana Yojana where they get Conditional Cash Transfer of Rs. 6000/ in two portions (Rs. 3000/each) on satisfying the conditions.It can be said that compared to the other sectors women in the unorganised sector does not get their every benefits as the women get who are all employed in the organised sectors.The maternity benefit scheme is an essential thing which should be given for every women in a country there should not be any partiality between providing services for women in the organised sectors and the unorganised sector.

keywords: women ,maternity, domestic specialists, unorganised sector, women labourers

Introduction:

Maternal and child health is one of the eight Millennium Development Goals. Maternal and child mortality can be decreased by advancing institutional conveyances. To accomplish this, the Indian government has presented some maternity advantage plans. The use of plans relies upon the mindfulness among the recipients ([A.R.Johnson 2015](#)). Mother and child wellbeing status think about a country's financial and social benchmarks. The high number of maternal passings in poor people and immature territories of the world demonstrates the lacking access to wellbeing administrations and conveys to center the consistently extending hole between the rich and poor.¹ This is obvious by the high ([Trishala A , Lakshmi T and Rajeshkumar S, 2018](#)) maternal mortality proportion in creating nations in 2015, which was 239 for every 100000 live births contrasted with 12 for each 100000 live births in created nations. In any case, India has lessened the Maternal Mortality Ratio (MMR) from 301 for every 100000 live births in 2001-03 to 254 out of 2004-06 and further to 212 out of 2007-09 and 178 of every 2010-12. India's MMR declined substantially quicker than the worldwide MMR amid the period 1990 to 2010 with a decrease of 5.6% when contrasted with 2.4% at the worldwide level. This headway is because of endeavors by progressive governments in presenting intercessions, for example, the maternity advantage plans which entitle free maternity administrations for women and kids ([Manjula.k 2016](#)). Universally, women linger a long ways behind men in access to paid work. Furthermore, working ladies are frequently paid not as much as men for their work and are amassed in uncertain, dangerous and low-wage work. The real purpose for this marvel is the impression of women as housewives, guardians, moms and optional wellsprings of family unit salary. Women are frequently in charge of youngsters, family unit work and unpaid group work, which restrains their chances to respectable salaried business.

In the meantime, salaried business is imperative for women strengthening. This is since salaried business makes ladies less financial ward of male family and the life partner, and offers ladies leave alternatives in i.e. instances of abusive behavior at home. Work drive support is anyway seen to not be fundamentally positive as such, since it can be an aftereffect of monetary weight, imbalances or destitution, and can put a twofold weight of work on ladies who are in charge of all local work in the family unit. Along these lines, business benefits, and particularly maternity benefits, are focal supplements to ladies' salaried work. Maternity leave can make a situation that enhances a lady specialist's ability to adjust work and family life

(national commission for womengovt.ofIndia).A maternity benefit is one that each lady should be qualified for, and her boss might be subject for, the installment of maternity advantage, which is the sum payable to her at the rate of the normal day by day wage for the time of her genuine nonattendance. Maternity Benefits should plan to control work of ladies representatives in specific foundations for specific periods when labor and accommodates maternity and certain different advantages([Hariharan 2014](#)).Post Maternity, ladies work support rate is adversely influenced in labor showcase. Recognize that ladies cooperation in labor showcase has essentially expanded as of late, especially in urban territories. Further, the vast majority of the([Dr.Lakshmi T and Rajeshkumar S , 2018](#)) expansion in ladies support in labor showcase is contributed by young ladies in urban regions. Since India is focused on making a sexual orientation well disposed work showcase condition, there is expanding acknowledgment to give a favorable workplace. Taking a gander at the vast number of ladies work in wide word related classes, it was however normal to secure and shield their wellbeing in connection to Maternity and the youngsters. The principal reason for giving maternity benefits is to safeguard the confidence for nurturing instincts, secure the soundness of ladies, finish wellbeing of the youngster and so forth. Because of the expanding number of ladies representatives in the legislature and private area, it ended up important to concede maternity leave and other maternity recompenses to working ladies.

The goal of maternity benefits is to ensure the nobility of "Parenthood" by giving the total and medicinal services to the ladies and her youngster when she can't play out her obligation because of her wellbeing condition. There is requirement for maternity benefits so a lady is to have the capacity to give quality time to her kid without worrying about whether she will lose her activity and her wellspring of salary.([Hariharan 2014](#)). Pregnancy is the essential occasion in life of a women. It needs unique consideration from the season of origination to the postnatal period. Amid that period mother require more therapeutic supervision and wellbeing administrations. At present the Government is actualizing numerous wellbeing mediations for antenatal moms to give quality care. The maternal medical advantages urging mother to decide for institutional pregnancies ([G.bhuvaneshwari 2017](#)). The main objective of the paper is to study about the maternity benefits to women and to study about the problems faced by them.

Review of literature:

Globally, women lag far behind men in access to paid work. In addition, working women are often paid less than men for their work and are concentrated in insecure, unsafe and low-wage work. (National Commission for Women, Govt. of India 2014). Working paper on Labour Regulations in India: the study reveals that the workers in organised sector get all welfare benefit, including maternity. Whereas, workers employed in unorganised sector fraught with uncertainty of job and benefit. The study proposed that the government should work towards enhancing social security incrementally in unorganised sector. The study suggested that as a first step, the government should provide for the working women who have to forgo their earning during the period of maternity. (Anwarul Hoda, Durgesh K Rai (2017)). Maternity Benefits should aim to regulate employment of women employees in certain establishments for certain periods before and after childbirth and provides for maternity and certain other benefits. (Hariharan 2014). He concluded that organised effort is necessary for the welfare of unorganised workers. The workers in unorganised sector are more vulnerable and deprived of social security and need protection, social security and assistance. . Dr. G Rajendran (2015). The Maternity Benefit Act is not applicable to 95.6 per cent of female workers in the reproductive cohort in India. Secondly, the Maternity Benefit Act is one of four laws¹ of social security in India which is based on the principle of employer's liability. This principle means that workers are protected through labour codes whereby affected employers are required to provide payments or services to their employees. (Tushar Devidas Talware 2017).

The author concluded that the MBA is a boon for the working women in the sense that they don't have job insecurity during their maternity period. Nevertheless, there are certain flaws which needs to be looked upon. (Ali waris Rao 2017). Towards the culmination of the Parliament's Monsoon Session , a Maternity Benefits Bill, proposed by the Ministry of Women and Child Development, was approved by the Rajya Sabha. The approved Bill is a second amendment to the Maternity Benefits Act (1961). The first amendment to the Act was undertaken in the year 1989, according to which, an expectant mother is entitled to a total of 12 weeks' paid leave. Of the 12 weeks, depending on the discretion and subjective requirement of the expectant mother, it was permissible to break down the total leave equally, prior to the child birth and post-delivery. (Ranjana Kumari 2016). Globally, every day about 830 women die from

preventable causes related to pregnancy and childbirth (Navinkumar Angadi 2016). Awareness is better compared to previous studies yet utilization of some schemes remains low. Conditional cash transfers have become popular in India as evident by the rise in the number of institutional deliveries. (Ranganath T. S. 2016). In the study they have conducted to assess the knowledge and utilization of maternity benefit scheme among antenatal mothers. In that majority of the samples had the 30% adequate knowledge, 17% mothers had inadequate knowledge, 30% mothers were had moderate adequate knowledge regarding the maternal benefit scheme. (G. bhuvaneshwari 2016).

A cross-sectional study based on women beneficiaries under the Muthulakshmi Reddy Maternity Benefit Scheme in five districts of Tamil Nadu shows that scheduled caste and landless women in the sample were disadvantaged in receiving benefit. (p. Balasubramanian 2012). The importance of optimal breastfeeding is highlighted by saying that it can save over 800,000 lives of children under the age of five every year. Looking at these facts paralleled to the report of 2007 prepared by the National Commission for Enterprises in Unorganized and Informal Sector, stated that 96% of the women work in unorganized sector. It can be clearly seen how important it is to extend the benefits of this amendment and how leaving these women out in such peculiar way is unfair and unreasonable. (Anyatama Nayak 2016). The Act, nevertheless, is not free of flaws. It re-enforces the parochial notions of burdening the woman with the responsibility of nurturing the child (Ragavi Viswanath 2015).

Awareness regarding government maternity benefits scheme among antenatal women range from 0% (JSSK) to 83.6% (ICDS). The awareness among antenatal women about important Government Maternity Benefit Schemes specifically targeted to reduce maternal and neonatal mortality like JSY and JSSK were low. (A. r Johnson 2015). Though central government employees avail a leave of 6 months as maternity leave, private organizations provide a leave of 12 weeks. But there are some private organizations which also provide leave for 6 months. Organizations and employers may view six months maternity leave a loss to the organization and may prevent themselves from employing women (B. chandra Mohan patnaik 2014). The author tells that the Policy and Practice examines the disconnect between maternity leave policy and practice. It presents the history and development of maternity leave policies and related legislation, and then provides a fresh perspective for understanding through individual interviews of women who recently utilized maternity leave. (Victoria Gorden 2013). Various aspects of the

MB Amendment Act need further clarity, for example, period up to which the crèche facility could be extended to the concerned woman as well as the aspect of availability, frequency and extent of nursing breaks(Anshul Prakash 2017).

The Bill only awaits the signature of the President before it becomes law. Its main and much talked about provision is increasing paid maternity leave from 12 to 26 weeks(Rupa Subramanya 2017).The author says that the proposed provisions in the Bill are thus a step in the right direction and will address a hitherto under-addressed aspect(Manishi Pathak2016). The revamped scheme of the newly elected government which has doubled the amount in terms of monetary benefits attends to and succeeds in addressing the gaps and issues which have emerged from this study.(, T K Sundari Ravindran 2012). The author opines that Maximum awareness was noticed for the provision of free vaginal delivery whereas awareness for provisions like free caesarean section, free drop back facility to home, free provision of blood is very low. She tells that Further efforts are needed to increase the overall awareness of various entitlements of JSSK among pregnant women to increase the utilization of the benefits of the scheme and thus indirectly helping in reducing MMR and IMR.(Sonali Deshpande 2016).

Hypothesis:

- 1.The implementation of the maternity benefit scheme is effective
2. The implementation of the maternity benefit scheme is not effective

Materials and methods :

This research is based on the doctrinal method.The datas that are presented are all secondary datas , they are all collected through books and journals . It does not include any primary data.

Maternity Benefit Act of 1961

The Maternity Benefit Act (MBA) is a law go in India December 1961. It manages the work of women in specific foundations for certain period when labor, and accommodates maternity benefits.

Qualification criteria:

The MBA reaches out to the entire of India and spreads female workers in any shop or foundation utilizing at least 10 people. The meaning of foundation incorporates industrial facilities, mines, estates and foundations where individuals are utilized for the display of equestrian, aerobic and different exhibitions. Further, normal and day by day wage workers are secured by the Act. A women is qualified for maternity benefits in the event that she has been

utilized 80 days or more in the a year going before conveyance.([national commission for women,govtofIndia2014](#))

Leave

As per the MBA, a female representative is qualified for 12 weeks of maternity take off. Not more than six of these weeks should go before the date of conveyance. If there should arise an occurrence of premature delivery or therapeutic end of pregnancy, the MBA qualifies a representative for leave for a month and a half after the unnatural birth cycle, and in the event of tubectomy task, the worker is qualified for leave for two weeks after the activity. What's more, a female worker experiencing disease emerging out of pregnancy is qualified for a greatest one month of extra leave.

Pay

the MBA tells that a female worker should be paid at the rate of her normal every day wage by her superior when she is on maternity take off. The normal day by day wage should likewise be paid in instances of leave following unnatural birth cycle, tubectomy activity or disease emerging out of pregnancy.

Medical advantages

A lady has the privilege to 2500 rupees in medicinal reward and two nursing breaks for each working day until the point that her tyke accomplishes the age of 15 months.

Occupation assurance

It is as indicated by the Act unlawful for a business to release or expel a worker amid or because of maternity take off. It is additionally unlawful for a business to pull out of release or rejection on such day that the notice will terminate amid a representative's maternity clear out.

Filing complaint

In the event that a lady is denied of maternity advantage or therapeutic reward, or released or expelled amid or by virtue of maternity leave, she can offer against the choice inside sixty days. For doing this, she can approach an Inspector designated under the Act. On the off chance that she isn't happy with the requests of the Inspector, she can bid against the requests to the endorsed expert inside thirty days. She can likewise record her case in court inside one year in the event that she is unsatisfied with the requests go by the Inspector, or if a bigger inquiry of law is included.

Employer obligations:

The MBA clarifies that a business might not utilize a lady amid the a half year quickly following her conveyance. A business might likewise not influence a lady to do difficult work, or work that meddles with her pregnancy, amid the month prior to her normal conveyance. Further, a business has the commitment to show the Act in all aspects of the foundation in which ladies are utilized. Moreover, every business should get ready and keep up participation records and submit yearly returns. (national commission for women,govt of India 2014)

National Maternity Benefit Scheme (NMBS)

The National Maternity Benefit Scheme gives money help to pregnant ladies. It is connected to the arrangement of better eating routine for pregnant ladies from families who live beneath the neediness line. The measure of advantage is 500 rupees. To be qualified a lady should:

- o be a perpetual inhabitant of a town
- o have a place with a beneath the destitution line (BPL) classification
- o be pregnant 8-9 months
- o be pregnant for the first or second time

2.4.2 Janani Suraksha Yojna (JSY)
Janani Suraksha Yojana is a restrictive money exchange plot that incorporates budgetary colleague with antenatal care amid pregnancy and institutional care amid and instantly after conveyance. The objectives of the plan are to diminish maternal and newborn child mortality, and to increment institutional conveyances in beneath the destitution line families. The measure of advantage is 500 rupees for home conveyance and extra 200 rupees (aggregate of 700 rupees for country regions) or 100 rupees (aggregate of 600 rupees for urban territories) for institutional delivery.⁴ The advantages are accessible both for conveyances in government healing centers and conveyances in perceived private organizations. In situations where Government wellbeing pros are not accessible to oversee inconveniences or for Cesarean Section in the Government's wellbeing establishment, 1500 rupees can be used by the wellbeing foundation for enlisting authorities from the private division. To be qualified for the advantages under the JSY, a women should:

- o be of the age of 19 or above
- o have a place with BPL classification or be a SC/ST lady
- o be pregnant for the first or second time. (national commission for women,govt of India 2014)

Indira Gandhi Matritava Sahayog Yojana (IGMSY)

The Indira Gandhi Matritva Sahyog Yojana (IGMSY) is a focal government conspire that is operational on pilot premise in 52 locale among all States/UTs in India. It intends to give fractional pay to wage misfortune for pregnant ladies, with the goal that they are not under impulse to work in the last phase of pregnancy or soon after conveyance. The rationale behind this pay is that ladies who rest before conveyance will to a bigger degree have the capacity to abstain from bringing forth low birth weight children, and ladies who rest after conveyance will have the capacity to recoup and breastfeed their infants. The essential goal of the plan is to enhance the wellbeing and nourishment status of pregnant and lactating ladies and their youngsters. This might be finished by supporting ladies with nourishment and improving early newborn child sustenance and survival trough assurance and advancement of ahead of schedule and selective breastfeeding amid the initial a half year of a tyke's life. The measure of advantage is 4000 rupees, and might be given in three portions between the second trimester of pregnancy till the newborn child finishes half year of age. Ladies selected under IGSMY will be urged to benefit JSY bundle and the other way around. To be qualified for the advantages under the IGMSY, a lady should:

- o be of the age of 19 or above
- o be pregnant for the first or second time

Also, Anganwadi laborers and Anganwadi partners at Anganwadi Centers (central purposes of execution of the plan), will get money benefits in the event that they urge ladies to take an interest in the plan and administration the ladies proficiently. The measure of advantage is 200 rupees for Anganwadi specialists and 100 rupees for Anganwadi partners per pregnant and lactating lady. (national commission for women, govt of India 2014).

The maternity benefit scheme doesn't considers the workers in unorganised sector: The section of the point of interest Maternity Benefits Act 1961 by the Indian parliament, which commands 26 weeks of paid leave for moms as against the current 12, has produced more acid reflux than hurrahs because of its skewed nature. ([Neeta Lal 2016](#)). The law will likewise encourage 'telecommute' alternatives for nursing moms once the leave time frame closes and has made creche offices required in foundations with at least 50 workers. The revision takes India up to the third position as far as maternity leave span after Norway (44 weeks) and Canada (50).

In any case, while the law has expedited a few cheers grounds that it in any event recognizes that ladies are qualified for maternity benefits – essential in a nation infamous for its dug in victimization ladies and one that routinely includes at the base of the sexual orientation value file – numerous are rejecting it as a defective bit of enactment.

The faultfinders call attention to that the new law will profit just a little level of ladies utilized in the sorted out area while disregarding a substantial statistic drudging in the nation's sloppy division, for example, authoritative laborers, ranchers, easygoing specialists, independently employed ladies and housewives.

As per Sudeshna Sengupta of the Right to Food Campaign, India sees 29.7 million ladies getting pregnant every year.

"Regardless of whether the law is completely actualized," the dissident told IPS, "considers demonstrate that it will profit just 1.8 million ladies in the sorted out segment forgetting basically 99% of the nation's ladies workforce. In the event that this isn't separation, what is? In India, ladies' paid workforce constitutes only 5% of the 1.8 million. The rest fall inside the chaotic division. How reasonable is it to forget this part from the ambit of the new law?" asks Sengupta.

Kavita Krishnan, secretary of the All India Progressive Women's Association, opines that maternity advantages ought to be generally accessible to all ladies, including workers. "Be that as it may, the demonstration overlooks this totally by focussing just on ladies in the sorted out division. In India most ladies are pursued specialists or do legally binding work and face colossally exploitative work conditions. They are not in any case perceived under the ambit of work laws. The minute a lady ends up pregnant she is viewed as an obligation. The new law has no arrangements to take out this attitude, " Krishnan told IPS. The new law will profit just a miniscule level of ladies utilized in the sorted out area while disregarding a vast statistic drudging in the nation's sloppy segment. Credit: Anindito Mukherjee/Reuters Numerous are rejecting the new law as an imperfect bit of enactment. Credit: Anindito Mukherjee/Reuters A portion of the utilized ladies this journalist addressed say that a lady's pregnancy is regularly a major issue for managers in India.([Neeta Lal](#)).Sakshi Mehra, a chief with a piece of clothing send out house in Delhi, clarifies that however at first her managers were charmed with her hard working attitude, and even gave her a twofold advancement inside a

time of joining, "things changed definitely when I got pregnant. My manager continued dropping insights that I should search for a 'less demanding' occupation. It was nearly as though I'd turned out to be impaired overnight," Mehra told IPS. Such a backward mentality – of pregnant ladies not being 'fit' – is normal in numerous Indian working environments. A few ladies battle back, while others yield to weight and unobtrusively proceed onward. Another glaring defect in the new enactment, say activists, is that it makes no specify of paternity leave, putting the onus of the infant's raising on the mother. This is a hit to sexual orientation fairness, they include. Worldwide investigations indicate bring down youngster mortality and higher sexual orientation equity in social orders where the two guardians are occupied with kid raising. Paternity leave doesn't simply enable fathers to end up more touchy guardians, demonstrate contemplates, it stretches out some assistance to new mothers grasping their new part as a parent. "Paternity leave enables the father to help his life partner at a basic time. Additionally, early holding amongst fathers and newborn children guarantees a more advantageous and a more delicate father-youngster relationship. It likewise offers support to the new mother feeling overpowered by her new parental obligations," she says.

An examination paper of the Organization for Economic Co-activity and Development – a research organization of created nations – says youngsters with 'more included' fathers admission better amid their initial years. Paternity leaves with adaptable work approaches encourage such cooperation.(neeta Lal 2016).

Paternity leave is additionally a powerful instrument for boosting sex assorted variety at the working environment, particularly when combined with adaptable hours, or work-from-home alternatives for the new father, include examiners. "Parental leave isn't an either/or circumstance," Deepa Pallical, national facilitator, National Campaign on Dalit Human Rights told IPS. "A kid needs the contribution of the two guardians for his adjusted childhood. Any arrangement that overlooks this basic ground the truth is a disappointment."

The lobbyist adds that conceding leave to the two guardians expands the odds of ladies coming back to their occupations with more prominent genuine feelings of serenity and better employment prospects. This advantage is particularly basic for a nation like India, which has the most minimal female work support on the planet. Just 21.9% of every single Indian lady and 14.7% of urban ladies work. [Sanjeev K. Gupta\(2017\)](#).

Women in India speak to just 24% of the paid work constrain, as against the worldwide normal of 40%, as indicated by an ongoing McKinsey Global Institute report. At 53 rate focuses, India has one of the most exceedingly terrible sexual orientation holes (lopsided distinction between the genders) on the planet with regards to work constrain support, World Bank information appears. The financial loss of such non-support, say market analysts, is giant. Lakshmi Puri, right hand secretary-general of UN Women, noted in 2011 that India's development rate could tighten up by 4.2% if ladies were given more openings.

As indicated by the report of the World Bank titled Women, Business and the Law (2016), more than 80-odd countries suit paternity leave including Iceland, Finland and Sweden. The pay amid this period, in Nordic nations, is normally somewhat paid and for the most part supported by the legislature. Among India's neighbors, Afghanistan, China, Hong Kong and Singapore command a couple of days of paternity clear out. (Neeta Lal 2016)The main preferred standpoint that is accessible to the women laborers in the unorganised sector is the Pradhan Mantri Matruva Vandhana Yojana framework where they can get Conditional Cash Transfer of Rs. 6000/in two segments (Rs. 3000/each) on fulfilling the conditions ([G.Gopalakrishnan 2017](#)).

Discussion:

In a quick changing corporate situation, some Indian organizations are urging male workers to take a short, paid paternity break. Those utilized in state-possessed organizations and all the more as of late, open segment banks are notwithstanding being permitted paternity leave of 15 days. In the US, be that as it may, organizations like Netflix, Facebook and Microsoft offer liberal, completely paid paternity leave of a couple of months. Maybe India could take a page from them to address an issue which not just effects about portion of its 1.2 billion populace, yet in addition critically affects its national economy. This will help in making a correct way of giving and improving social outcomes.

Conclusion:

A maternity advantage is one that each women might be qualified for, and her boss should be at risk for, the installment of maternity advantage, which is the sum payable to her at the rate of the normal day by day wage for the time of her real non appearance. Maternity Benefits should expect to direct work of women representatives in specific foundations for specific periods when labor and accommodates maternity and certain different advantages. Post Maternity, Women work cooperation rate is contrarily influenced in labor advertise. Recognize

that women investment in labor advertise has altogether expanded lately, especially in urban territories. Further, the greater part of the expansion in ladies cooperation in labor showcase is contributed by young women in urban territories. Since India is focused on making a sex agreeable work showcase condition, there is expanding acknowledgment to give a helpful workplace. Taking a gander at the extensive number of women work in expansive word related classifications, it was nevertheless normal to ensure and protect their wellbeing in connection to Maternity and the kids. From the above discussion it is very clear that women in the unorganised sector are denied of a wide range of standardized savings, for example, business security, monetary security, wellbeing security, instructive security and healing openings. Be that as it may, government and its offices are every once in a while try endeavors to guarantee such securities to the disorderly part by either encircling laws or by confining work, monetary and social strategies economic independence for women is the thing that offers ascend to their subordination in the public eye today. Subsequently to expel such subordination and to establish the framework of fairness ladies excessively should be made monetarily autonomous and must play a dynamic part in all divisions of business today. To help such activity the Government must give a few conditions which are appropriate for the necessities of Women. Contingent money exchanges have turned out to be famous in our country. JSY isn't given to ladies in Vanivilas clinic post-conveyance; ladies need to return to their particular home territory government doctor's facility to profit the advantage, the use can be additionally enhanced by giving the JSY sum at the doctor's facility where conveyed. There is change in familiarity with the plans, yet use stays low for a few plans.

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