

No. 01(01)/2010/D(Civ-II)
Government of India
Ministry of Defence
(Department of Defence)
D(Civ-II)

B-Wing, Sena Bhavan,
New Delhi, the 20th March, 2023

OFFICE MEMORANDUM

Subject: Maternity Leave to Defence Civilian female Industrial Employees governed by the Factories Act, 1948 as per Maternity Benefit (Amendment) Act, 2017

The undersigned is directed to say that Ministry of Law and Justice vide their Gazette Notification dated 28.03.2017 has amended Maternity Benefit Act, 2017 wherein inter-alia benefit of 26 weeks of Maternity Leave has been provided. The matter regarding applicability of the Amendment Act to the Defence Civilian Female Industrial Employees governed by the Factories Act, 1948 had been under consideration in this Ministry in consultation with Ministry of Labour and Employment.

2. Subsequently, Ministry of Labour and Employment vide OM dated 07.09.2022 has clarified as under: -

"The Maternity Benefit Act, 1961, under its Section 2(1)(a), applies to establishment including a Factory. Under Section 3(f) of the said Act, Factory means a Factory as defined in clause(m) of Section 2 of the Factories Act, 1948(63 of 1948). In view of applicability of the Maternity Benefit Act, 1961 on Factory also, the provisions of the Act as amended from time to time shall also apply on female worker of the Factory. Accordingly, Female Industrial Employees governed by the Factories Act, 1948 are entitled for the quantum of enhanced maternity leave by the Maternity Benefit (Amendment) Act, 2017."


3. The above clarification of M/o Labour and Employment is circulated to all concerned organisations/establishments governed by the Factories Act, 1948 for compliance/ implementation.

4. Accordingly, the benefit of 26 weeks of Maternity Leave shall be applicable from the date of issue of this letter i.e. 20.03.2023. Those women employees who had already availed 12 weeks of maternity leave before the date of issue of this letter shall not be entitled to avail the extended benefit of the 26 weeks leave. Further, enhanced maternity benefit shall be extended to Defence Civilian Female Industrial employees who are already under maternity Leave at the time of issue of this letter.

P.T.O



5. This issues with the concurrence of Ministry of Defence (Finance) vide their I.D. No. 13013/06/2022-D(AG/PB/Fin) dated 02.03.2023.


(Harish C. Upadhyay)
Deputy Secretary to the Govt. of India
Tel. 23011681

To:
AG/MP-4(Civ)(d) NHQ/CP Dte Air HQ/PC-5 DGDE/Admin
OFB, Kolkata DGAFMS/DG-2B DGAQA/Coord DGQA(Coord)
DRDO/DoP E-In-C's Br/EIC DPR DG NCC/Per(C)
HQ Coast Guard CAO(Coord) CGDA DDP(Coord)
DGBR DGMS(Army) DGNCC CSD

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All Admin Sections of MoD	It is requested that this communication may be sent to Line Dtes/Lower Formations under their administrative control.
D(IT)	It is requested that this communication may be uploaded on the MoD website at link "MoD>DoD>Employees Corner>7 th CPC" for information of all Field Estts/Defence Civilian employees.
AIDEF, CDRA, BPMS, INDWF	For information
D(AG/PB)/MoD(Fin)	For records