

## Karnataka Maternity Benefit (Amendment) Rules, 2018: Draft to keep an eye on as an employer

written by Sindhuja Kashyap | September 18, 2018

Government of India brought into force The Maternity Benefit (Amendment) Act, 2017 (the "Act") which was considered the progressive move in sector of labour and employment. As per section 11A of the Act, Every establishment having fifty or more employees shall have the facility of crèche within such distance as may be prescribed, either separately or along with common facility. Further, it was provided that the employer shall allow four visits a day to the crèche by the woman, which shall also include the interval for rest allowed to her.

Government of Karnataka is possibly the first State to have drafted a rule regarding Crèche Facility, thereby bridging the gap between the Act and the ground reality. Karnataka Government published the draft rules vide the powers conferred by Section 28 of the Act titled "Karnataka Maternity Benefit (Amendment) Rules, 2018 ("Draft Rules"). The State Government has called for objection or suggestion with regard to the Draft Rules.

The Draft Rules does act like a stick to the blind, in the absence of any State rules on the Crèche Facility. However, given the stricter rules brought in by the State, we are afraid this may act as a deterrent to the Employer. Further, the law remains silent on whether the obligations of the Crèche Facility could be passed on to a third party service provider and if it does how the responsibilities are divided between them. While the draft rules can be appreciated and welcomed and the same is yet to be finalised, it would be interesting to see how the same is welcomed by the entities being regulated by the Draft Rules.

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