

MATERNITY BENEFIT LAW AND ITS PRACTICAL IMPACT ON WOMEN EMPLOYEES

Author's Name: Dr. Kriti Vyas¹

Affiliation:

1. Assistant Professor, Dr. Anushka Vidhi Mahavidyalaya, Udaipur, Rajasthan, India

Corresponding Author Name & E-Mail: Dr. Kriti Vyas, kritivyas5523@gmail.com

ABSTRACT

This study examines the legal framework of maternity benefit laws in India and their impact on women employees, focusing on the Maternity Benefit Act, 1961 and the Maternity Benefit (Amendment) Act, 2017. The amendment expanded maternity leave to 26 weeks, introduced crèche facilities, and promoted flexible work arrangements to support women's health, financial security, and workplace equality. The paper analyses important judicial interpretations that recognize maternity rights as part of human dignity and social justice. It highlights how these protections contribute to maternal and child health, job security, and women's empowerment. At the same time, the study identifies major challenges in implementation, including limited coverage of women in the informal sector, lack of awareness, weak enforcement mechanisms, and the financial burden on employers. These issues often lead to indirect discrimination and restricted employment opportunities for women. The research further discusses the exclusion of gig and contractual workers from existing legal protections. It concludes that although maternity benefit laws have significantly advanced women's rights, their effectiveness remains limited due to structural and socio-economic barriers. The study emphasizes the need for policy reforms, stronger enforcement, wider coverage, and greater awareness to create a gender-sensitive work environment where women can balance motherhood and professional responsibilities without discrimination.

Keywords: Working mothers, Maternity Benefits Act, 1961 , Maternity leaves and benefits in India, Workplace Rights, Women Employees.

INTRODUCTION

In the contemporary labour law, the protection of women's rights at the workplace has been a major concern, especially with regard to maternity benefits. Maternity is an crucial period in a woman's life, requiring medical and social and economic security. To address this requirement, various legal systems have developed frameworks to ensure that women are not disadvantaged in employment by pregnancy and childbirth. In India, the Maternity Benefit Act, 1961, a landmark Indian law protects women workers during and after pregnancy (Government of India, 1961).

The purpose of Maternity benefit laws are to regulate the employment of women during the time of childbirth and grant them paid leave and other related benefits. These provisions are essential for the welfare of women workers, maternal health and child health. The Maternity Benefit (Amendment) Act, 2017 has widened the scope of protection significantly including increased duration of maternity leave and introduction of creche facilities and work-from-home provisions (PRS Legislative Research, 2017).

But these progressive legal measures do not address concerns about the practical implementation of maternity benefit laws. Many women, especially those working in the private and informal sectors, find it difficult to access these benefits (Desai & Jain, 2019). Employers consider maternity obligations as a financial burden, which may result in discriminatory practices in hiring and retention of female employees. Furthermore, the lack of knowledge among women employees regarding their legal rights also constrains the effectiveness of these provisions.

The present article is an attempt to study the legal framework relating to maternity benefits in India and to analyze its practical impact on women employees. The purpose is to assess whether the law has achieved its objectives of promoting gender equality, safeguarding the health of mothers and job security. The study also identifies important challenges in implementation and suggests measures to improve the effectiveness of maternity benefit laws in practice.

LEGAL FRAMEWORK OF MATERNITY BENEFIT LAW

India's maternity benefit framework is mainly governed by the Maternity Benefit Act, 1961, which protects women's employment and health rights during pregnancy and after childbirth. The Act applies to various establishments in the organized sector and provides maternity leave, financial benefits, and protection from dismissal during maternity leave. It reflects the constitutional principles of equality and social justice under Articles 14, 15, and 21. In *B. Shah v. Presiding Officer, Labour Court*, the Supreme Court held that maternity laws should be interpreted liberally in favour of women.

A major reform came through the Maternity Benefit (Amendment) Act, 2017, which increased paid maternity leave from 12 to 26 weeks and introduced crèche facilities and work-from-home provisions. In *Municipal Corporation of Delhi v. Female Workers (Muster Roll)*, maternity benefits were extended

to daily wage workers, recognizing maternity protection as a human right. Similarly, *Neera Mathur v. Life Insurance Corporation of India* emphasized women's dignity and privacy.

The Act also protects women from dismissal during maternity leave and prohibits employers from assigning hazardous or physically demanding work to pregnant employees. In *Air India v. Nergesh Meerza*, the Supreme Court struck down discriminatory service conditions related to pregnancy and upheld women's rights at the workplace.

However, despite a strong legal framework, maternity benefit laws are not uniformly implemented across all sectors. While compliance is comparatively better in the organized sector, many women in the informal sector still remain outside the scope of these protections.

KEY PROVISIONS OF THE LAW

India's maternity benefit framework, mainly governed by the Maternity Benefit Act, 1961 and the Maternity Benefit (Amendment) Act, 2017, aims to protect women employees' health, dignity, and financial security during and after pregnancy. One of its key provisions is paid maternity leave, granting 26 weeks of leave for women with up to two children and 12 weeks for those with more than two children. This ensures adequate time for childbirth, recovery, and childcare without fear of losing employment.

The law also extends benefits to adoptive and commissioning mothers, including women becoming mothers through surrogacy. They are entitled to 12 weeks of maternity leave from the date the child is handed over, reflecting a more inclusive approach toward parenthood and women's welfare.

The Maternity Benefit Act, 1961 also requires certain establishments to provide creche facilities, allowing women employees to visit their children during working hours. The law further supports work-from-home arrangements, depending on the nature of work and mutual agreement between employer and employee, helping women balance professional and maternal responsibilities.

In addition, the Act provides medical incentives where prenatal and postnatal care is not offered by the employer and ensures job security by prohibiting dismissal or discrimination during maternity leave. It also protects pregnant women from hazardous or physically demanding work that may affect the health of the mother or child.

Overall, these provisions create a supportive framework for working women and aim to ensure that motherhood does not hinder women's participation in the workforce. However, the effectiveness of these protections largely depends on proper implementation, which remains a challenge in many sectors.

PRACTICAL CHALLENGES IN IMPLEMENTATION

Despite the protections provided under the Maternity Benefit Act, 1961 and the Maternity Benefit (Amendment) Act, 2017, the implementation of maternity benefits in India faces several challenges. Socio-economic conditions, educational inequality, and lack of healthcare infrastructure continue to affect women's access to maternity care and benefits (Arokiasamy & Pradhan, 2013).

One of the major issues is the uneven enforcement of maternity laws across sectors. While the organized sector shows comparatively better compliance, a large number of women employed in the unorganized sector remain outside the scope of legal protection. As a result, many working women are unable to fully access the maternity benefits guaranteed by law, raising concerns about inclusiveness and effective implementation.

Another major challenge is the financial burden placed on employers, particularly in the private sector, as they are primarily responsible for providing paid maternity leave. This can increase operational costs and may lead to indirect discrimination against women, including hesitation in hiring women of reproductive age, unequal work opportunities, or bias in promotions. In some cases, women also face subtle pressure to resign or avoid claiming their maternity benefits.

Financial concerns often lead to workplace discrimination against women. Despite legal protections, many women face bias in hiring, promotion, and retention, as employers may view maternity leave as a disruption to productivity. Such attitudes negatively affect women's career growth and weaken the goal of workplace gender equality.

Furthermore, there is a lack of awareness among women employees regarding their rights under maternity benefit laws. Many women are ignorant of their rights, such as paid time off, medical incentives, or childcare facilities, particularly in small businesses or rural regions. They are unable to claim their rights and take use of the legal benefits because of this ignorance (National Commission for Women, 2019).

There are practical challenges associated with the deployment of creche services. Despite being required by the new law, many places either don't offer these amenities or do so in a way that is insufficient or difficult to use. Compliance in this sector is further weakened by the lack of appropriate monitoring and enforcement procedures.

Another major challenge is weak enforcement and regulatory supervision. Although the law provides penalties for non-compliance, enforcement agencies often lack adequate resources to effectively monitor workplaces. As a result, gaps remain between legal provisions and their actual implementation, particularly in the informal sector where awareness and coverage are still limited. (Samantroy & Priya, 2025).

Additionally, women who work in non-traditional jobs like contract, gig, or part-time are not adequately

covered by the law. These groups are expanding quickly due to the shifting nature of employment, yet they are frequently left out of maternity coverage, underscoring the need for legislative change.

In conclusion, structural, economic, and social obstacles impede the actual implementation of India's progressive maternity benefits legislation. In order to guarantee that maternity benefits are not just theoretical rights but are really realised by all female employees, it is imperative that these challenges be addressed.

IMPACT ON WOMEN EMPLOYEES

The maternity benefit framework in India, particularly under the Maternity Benefit Act, 1961 and the Maternity Benefit (Amendment) Act, 2017, has had a significant impact on women employees, both positive and negative. Although the legislation has improved the protection of women's rights in the workplace, a more nuanced reality is shown by its practical repercussions.

Positively, maternity benefit legislation have significantly improved the health of mothers and children (World Health Organisation, 2013). Paid maternity leave enables women to get enough sleep throughout pregnancy and heal well after giving birth. Additionally, it makes it possible for mums to provide their babies the nourishment and attention they need, especially in the early stages of development. This affects the mother's and the child's general well-being in the long run.

The development of financial stability and employment security is another significant benefit (Desai & Jain, 2019). The law protects women from financial hardship during pregnancy by ensuring paid maternity leave. This financial security helps women continue their careers without sacrificing motherhood and promotes gender equality by recognizing maternity as a shared social responsibility rather than a personal burden.

Additionally, the law has contributed to the empowerment of women. Women are better able to negotiate job circumstances and claim their rights when their rights are legally protected. Work-from-home choices and creche facilities are examples of new solutions that help people balance their personal and professional obligations.

However, despite these positive impacts, there are certain negative or unintended consequences that cannot be overlooked. One of the major concerns is the decline in employment opportunities for women, particularly in the private sector. Employers may view maternity benefits as an additional financial burden, leading to hesitation in hiring or retaining women employees. This indirectly promotes gender-based discrimination and weakens the objective of the law. Studies also show that although maternity benefits improve maternal welfare, they may create unintended employment challenges for women in some sectors (Samantroy & Priya, 2025).

Furthermore, even if the longer maternity leave is good for your health, it might cause job disruptions. Reintegrating into the job after extended vacations might provide difficulties for women, such as lost

professional chances or delayed career advancement. Such gaps may have an impact on long-term career advancement in competitive work contexts.

The unequal distribution of benefits is another problem, as women who work in smaller businesses or in the unorganised sector sometimes do not receive the same level of protection. This limits the law's overall efficacy by creating a discrepancy among female workers dependent on the type of work they do.

Furthermore, the actual advantages of legislative rules may be diminished in certain organisations due to a lack of a supportive working culture. Women may be reluctant to fully utilise policies, even when they are in place on paper, since they fear discrimination or unfavourable judgement at work.

In conclusion, whereas maternity benefit legislation in India have significantly improved the rights and health of female employees, their effects are not always favourable. In order to attain real gender equality in the workplace, the advantages are sometimes accompanied with structural difficulties and unforeseen repercussions.

SUGGESTIONS AND REFORMS

Addressing the practical issues that impede the implementation of maternity benefit legislation in India is crucial to improving their efficacy. Although the Maternity Benefit Act of 1961 and the Maternity Benefit (Amendment) Act of 2017 have a solid legal basis, some changes are required to guarantee that these payments are distributed fairly and effectively to all female employees.

The implementation of a shared financial responsibility model is among the most significant improvements. Currently, employers bear the majority of the responsibility for providing paid maternity leave, which frequently results in a reluctance to hire women. By implementing social insurance programmes or reimbursement systems, the government may take a more active role in easing the financial burden on companies and minimising discriminatory actions.

Extending maternity benefits to the unorganised sector is another important change (NITI Aayog, 2020). In India, a significant percentage of women work in unorganised jobs where legal safeguards are either nonexistent or inadequately implemented. Regardless of the type of work, the government should create comprehensive rules that guarantee everyone has access to maternity benefits. This might involve community-based assistance networks or direct benefit transfers.

Maternity rights education and awareness must also be strengthened. Many female employees are unable to receive benefits because they are not aware of their legal rights. Women can successfully exercise their rights through workplace training programmes, awareness initiatives, and easily available information resources.

Enhancing enforcement mechanisms is also important. Enough resources should be available to

regulatory bodies so they can keep an eye on compliance and deal with infractions. To make sure that employers follow the law, strict sanctions for non-compliance must be put in place. Accountability can be further strengthened via grievance redressal procedures and routine inspections.

Additionally, the supply of creche facilities needs to be properly executed and overseen. Employers are responsible for making sure these facilities are high-quality, safe, and easily accessible. Shared or community-based facilities can be created to satisfy the need for creches in situations when individual enterprises are unable to supply them.

Furthermore, the law should be adapted to address the needs of emerging forms of employment, such as gig and contractual work. Maternity benefit rules must broaden to cover non-traditional workers as the nature of employment changes in order to guarantee that no group of women is left without protection.

Finally, the success of maternity benefit laws depends on creating a gender-sensitive work culture that promotes equality, prevents discrimination, and supports work-life balance. Awareness and sensitization programs for employers and employees can help build a more supportive workplace environment.

In conclusion, although maternity benefit laws in India provide strong legal protection for women employees, effective implementation and targeted reforms are still necessary. A collective effort by the government, employers, and society is essential to ensure the full realization of maternity rights.

CONCLUSION

Maternity benefit laws play an important role in protecting the health, dignity, and employment rights of women employees in India. The Maternity Benefit Act, 1961 and the Maternity Benefit (Amendment) Act, 2017 have strengthened women's workplace rights by providing paid maternity leave, job security, and childcare support through crèche facilities. These measures have significantly contributed to maternal welfare and gender equality.

However, a gap still exists between legal provisions and their actual implementation. While women in the organized sector benefit to some extent, many women in the informal sector remain outside the scope of these protections. The financial burden on employers has also led to indirect discrimination and reduced employment opportunities for women.

The study highlights that progressive legislation alone is not enough. Effective enforcement, greater awareness, and institutional support are necessary to ensure that maternity benefits reach all working women. A balanced approach involving the government, employers, and society is essential for improving implementation and promoting a gender-sensitive work environment.

In conclusion, although India's maternity benefit laws have created a strong foundation for protecting women employees, continuous reforms and proactive measures are needed to ensure equality, workplace inclusion, and the full realization of maternity rights.

REFERENCES:

1. Air India v. Nergesh Meerza, (1981) 4 SCC 335.
2. Arokiasamy, P., & Pradhan, J. (2013). Maternal health care in India: Access and demand determinants. *Primary Health Care Research & Development*, 14(4).
3. B. Shah v. Presiding Officer, Labour Court, (1977) 4 SCC 384.
4. Government of India. (1961). *Maternity Benefit Act, 1961*. New Delhi: Author.
5. Government of India. (2017). *Maternity Benefit (Amendment) Act, 2017*. New Delhi: Author.
6. International Labour Organization. (2014). *Maternity and paternity at work*. Geneva: Author.
7. Ministry of Women and Child Development. (2018). *Maternal welfare schemes*. New Delhi: Government of India.
8. Municipal Corporation of Delhi v. Female Workers (Muster Roll), (2000) 3 SCC 224.
9. National Commission for Women. (2019). *Working conditions of women*. New Delhi: Author.
10. Neera Mathur v. Life Insurance Corporation of India, (1992) 1 SCC 286.
11. NITI Aayog. (2020). *Women workforce participation*. New Delhi: Government of India.
12. PRS Legislative Research. (2017). *Maternity Benefit (Amendment) Act, 2017: Analysis*. New Delhi: PRS.
13. Samantroy, E., & Priya, K. (2025). *Implementation of the Maternity Benefit Act in India*. Noida: V. V. Giri National Labour Institute.
14. Sharma, R. (2020). The new horizon of maternity benefit in India: Its impact on the employability of women workers. *International Journal of Creative Research Thoughts*, 8(6).
15. World Health Organization. (2013). *Maternal health guidelines*. Geneva: Author.