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AN ANALYSIS OF THE MATERNITY BENEFIT ACT, 1961

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ABSTRACT :

The Maternity Benefit Act, 1961, is a pivotal piece of legislation in India aimed at protecting the rights of working women during pregnancy and early motherhood. Its primary objectives are to provide paid maternity leave, ensure job security, and promote the health and welfare of both mother and child. While the Act has made significant strides in advancing gender equality in the workplace, its implementation faces numerous challenges, such as limited coverage for women in the unorganized sector, financial burdens on employers, and gaps in provision for contractual and temporary employees. The 2017 amendment, which extended maternity leave and introduced provisions for work-from-home options, was a positive step; however, several issues remain unresolved, including unequal leave for adoptive mothers and the lack of support for crèche facilities in some workplaces. This paper analyses the Maternity Benefit Act, its impact, and the challenges that hinder its full implementation. It also provides suggestions for reforms, including expanding coverage to the unorganized sector, sharing the financial burden between the government and employers, and enhancing public awareness. By addressing these issues, the Act can better support women in balancing work and motherhood, ultimately fostering a more inclusive and equitable work environment for all.

KEYWORDS: Maternity Benefit, Labour Welfare Legislation, Gender Equality.

INTRODUCTION

The Maternity Benefit Act, 1961 is a landmark piece of legislation in India that plays a critical role in protecting the rights and dignity of working women during one of the most significant phases of their lives—motherhood. Enacted with the objective of regulating the employment of women in certain establishments for specific periods before and after childbirth, the Act aims to ensure that no woman is denied her right to continue her job simply because she is pregnant or has recently given birth.

The Act not only addresses physical and emotional well-being during the prenatal and postnatal periods but also seeks to ensure financial stability and job security for women at a crucial time. In essence, the Maternity Benefit Act serves as an essential tool in promoting gender equality in the workplace by enabling women to balance both their career and family responsibilities. It acknowledges the importance of maternity care as a public concern rather than a private burden. The legislation reflects India's commitment to international labour standards, such as those outlined by the International Labour Organization (ILO), and is an important step towards ensuring inclusive and equitable employment practices.

Through this Act, the government recognizes the need to provide a supportive environment for women in the workforce, thereby encouraging more women to participate in formal employment without compromising on their maternal responsibilities. As society continues to evolve, the relevance of such laws becomes increasingly significant in the broader context of social justice, economic development, and human rights.

OBJECTIVES OF THE STUDY

- I. To understand the historical background and evolution of the Maternity Benefit Act, 1961.
- II. To examine the key provisions and legal framework of the Act.
- III. To identify the challenges and limitations in the implementation of the Act.
- IV. To suggest reforms and policy recommendations for better implementation.

METHODOLOGY

The study adopts a doctrinal method of legal research, relying primarily on secondary data to analyse the provisions, development, and implementation of the Maternity Benefit Act, 1961. As a qualitative and analytical research, it involves an in-depth examination of statutory materials, judicial decisions, and scholarly commentaries. The research is conducted through a comprehensive review of legal texts, including the Maternity Benefit Act and its subsequent amendments, particularly the significant changes introduced in 2017. Relevant case laws from Indian courts are studied to understand judicial interpretation and the practical enforcement of the Act. In addition to statutory analysis, the study incorporates insights from academic articles, commentaries, and publications from legal scholars and institutions. Online legal databases such as SCC Online, Manupatra, HeinOnline, and JSTOR serve as primary sources for accessing reliable and up-to-date legal information. The focus remains on understanding the legislative intent, assessing the legal framework, and evaluating the Act's effectiveness through a critical analysis of existing literature and judicial precedents.

HISTORICAL EVOLUTION

The concept of maternity benefit in India has evolved over time in response to the growing need to safeguard the health, employment, and dignity of women in the workforce. The roots of maternity protection in India can be traced back to the early 20th century, influenced by both domestic reform movements and international labour standards.

During the colonial era, industrialization led to a rise in women's participation in the workforce, particularly in sectors like textiles, plantations, and factories. However, these women often worked under exploitative conditions without any protection during pregnancy or after childbirth. Recognizing this gap, the first efforts toward maternity protection emerged in the form of localized legislation. The Bombay Maternity Benefit Act, 1929 was one of the earliest such laws in British India, followed by similar enactments in other provinces such as Madras and Bengal. These early laws, though limited in scope and geographical application, marked a significant step toward institutional recognition of women's reproductive health as a labour issue.

A major turning point came after India's independence in 1947, when the need for uniform and comprehensive labour laws became apparent. India, as a founding member of the International Labour Organization (ILO), had also ratified several conventions that emphasized the importance of maternity protection. These included ILO Convention No. 3 (1919) on Maternity Protection and later Convention No. 103 (1952), which shaped the country's approach toward establishing a national standard for maternity benefits.

In response to these developments, the central government enacted the Maternity Benefit Act in 1961, which aimed to consolidate and standardize maternity benefit laws across the country. This legislation applied to women employed in factories, mines, plantations, and certain other establishments, guaranteeing them paid maternity leave, medical bonuses, and protection against dismissal during pregnancy. It also prohibited employers from assigning arduous tasks to pregnant employees and ensured their right to return to work post-childbirth.

Over the years, the Act has been periodically amended to expand its coverage and strengthen the protections it offers. A landmark reform came with the Maternity Benefit (Amendment) Act, 2017, which extended the duration of paid maternity leave from 12 weeks to 26 weeks for women having up to two surviving children. This amendment also introduced progressive provisions such as work-from-home options, nursing breaks, and the mandatory establishment of crèche facilities in workplaces with 50 or more employees. These changes were aimed at adapting the law to modern work environments and promoting a more inclusive workforce.

Thus, the evolution of maternity benefit in India reflects a gradual but meaningful shift from fragmented provincial laws to a centralized, rights-based approach that seeks to balance the needs of working women with the demands of economic productivity. The historical trajectory also underscores India's commitment to aligning domestic labour laws with international human rights standards, while acknowledging the social and biological realities faced by women in employment.

MATERNITY BENEFIT ACT, 1961

The Maternity Benefit Act, 1961 (hereinafter referred to as "Act") stands as an important social welfare law in India, designed to uphold the rights and welfare of women in the workplace during pregnancy and the period following childbirth. It demonstrates the government's dedication to supporting women's health, financial security, and continued employment while they manage both professional and maternal responsibilities. The Act offers provisions for paid maternity leave, protection from dismissal during maternity, and access to essential health-related benefits.

The objectives of the Act as under the preamble are as follows:

- The Act aimed to regulate the employment of women in certain establishments for specific periods before and after child-birth.
- A key objective was to provide for maternity benefit, which entails financial support in the form of paid wages during their absence from work related to pregnancy and childbirth. This ensured that working women received specific financial benefits throughout their maternity leave.
- The Act intended to offer certain other benefits related to maternity, which included:
 - The provision of a medical bonus to cover maternity and delivery-related medical costs. Initially, this was a medical bonus of one thousand rupees if no free pre-natal and post-natal care was provided by the employer.
 - Leave for miscarriage and other pregnancy-related complications.
 - Nursing breaks were provided to mothers after they returned to work to feed their children until the child attained the age of fifteen months.
 - Protection against dismissal during absence due to pregnancy was a significant objective. The Act forbade employers from terminating or dismissing a pregnant woman during her absence or varying the conditions of her service to her disadvantage.
 - Ensuring no deduction of wages for light work assigned during pregnancy or for nursing breaks.
- The Act sought to safeguard women's rights during pregnancy, childbirth, and the period following childbirth. It was a law passed specifically to protect these rights.
- The underlying aim was to protect women employed in the formal sector of the economy from harm.
- The Act aimed to enable working women to navigate motherhood honourably and peacefully, undeterred by the fear of being victimised for forced absence during the pre or postnatal period.
- It was intended to ensure job security for women during the critical times of pregnancy and childbirth.
- Ultimately, the Act aimed to provide social fairness to working women.

APPLICABILITY TO ESTABLISHMENTS

The Maternity Benefit Act, 1961, applies to the following types of establishments:

- Every establishment being a factory. A 'factory' is defined under clause (m) of section 2 of the Factories Act, 1948.
- Every establishment being a mine. A 'mine' is defined under clause (j) of section 2 of the Mines Act, 1952.
- Every establishment being a plantation. A 'plantation' is defined under clause (f) of section 2 of the Plantations Labour Act, 1951.
- Establishments belonging to the Government that fall under the categories of factory, mine, or plantation.
- Every establishment wherein persons are employed for the exhibition of equestrian, acrobatic, and other performances.
- Additionally, the Act applies to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed, or were employed, on any day of the preceding twelve months

ELIGIBILITY FOR MATERNITY BENEFIT UNDER THE MATERNITY BENEFIT ACT, 1961

To be eligible for maternity benefits under the Act, a woman must fulfil the following criteria:

1. Employment in an Establishment Covered by the Act

The woman must be employed in a factory, mine, plantation, shop, or any establishment to which the Act applies. The Act generally applies to establishments with 10 or more employees.

2. Minimum Period of Employment

She must have worked for at least 80 days in the 12 months immediately preceding the date of her expected delivery in the same establishment.

3. Nature of Employment

The benefit is applicable regardless of the type of employment, i.e., whether permanent, temporary, or contractual, as long as the other eligibility conditions are met.

MATERNITY BENEFIT AND OTHER BENEFITS UNDER THE ACT

The Maternity Benefit Act, 1961 is primarily designed to ensure that working women receive paid maternity leave while also protecting their employment during pregnancy and childbirth. In addition to this core provision, the Act includes a range of other rights and safeguards that promote the health and well-being of both mother and child, encourage gender equality at the workplace, and ensure job security. Collectively, these measures provide a comprehensive support system for women during a vital and often vulnerable stage of their lives.

1. Maternity Leave

The primary benefit under the Act is **paid maternity leave** as under Section 5 of the Act includes:

- **26 weeks** for women with fewer than two surviving children. (After 2017 Amendment)
- **12 weeks** for women who already have two or more children.
- The leave can be availed **8 weeks before** the expected date of delivery and the remaining after childbirth.

2. Leave for Miscarriage or Medical Termination of Pregnancy

Section 9 provides for a woman who suffers a miscarriage or undergoes a medical termination of pregnancy is entitled to **six weeks of paid leave** immediately following the incident, upon producing proof.

3. Leave for Tubectomy Operation

If a woman undergoes tubectomy (a form of sterilization), she is entitled to **two weeks of leave with wages** following the operation. (Section 9A)

4. Illness Arising Out of Pregnancy

In case of illness arising out of pregnancy, delivery, premature birth, miscarriage, or medical termination of pregnancy, an additional leave of **one month with wages** is allowed as under Section 10.

5. Nursing Breaks

After resuming work, a woman is entitled to **two nursing breaks per day** until the child reaches the age of **15 months** as per Section 11. These breaks are provided in addition to the regular rest intervals.

6. Crèche Facility

As per the **2017 Amendment**, under Section 11A, establishments with **50 or more employees** are required to provide a **crèche facility**. Women employees should be allowed **four visits a day** to the crèche, which also includes the regular rest breaks.

7. Work-from-Home Option

Depending on the nature of work and mutual agreement with the employer, a woman can be permitted to **work from home** after completing the maternity leave period.

8. Medical Bonus

If the employer does not provide free pre-natal and post-natal care, the woman is entitled to a **medical bonus** (subject to changes by government notifications, which may extend upto a maximum of twenty thousand rupees).

9. Protection from Dismissal

The Act prohibits employers from dismissing or discharging a woman during maternity leave as provided under the Section 12. It also forbids them from issuing a notice of dismissal or changing the terms of her employment during this period.

10. Right to Reinstatement

After completing the maternity leave, a woman has the **right to return to the same position** or a position with similar pay and responsibilities, thereby ensuring continuity of employment.

NOTICE OF CLAIM

According to Section 6(1), any woman employed in an establishment and entitled to maternity benefit may give a notice in writing to her employer. This notice should be in a prescribed form and should state the following:

- That she claims maternity benefit and any other amount she may be entitled to under the Act.
- That these payments should be made to her or to a nominated person specified in the notice.
- That she will not work in any establishment during the period for which she receives maternity benefit.

Section 6(2) specifies that in the case of a pregnant woman, the notice should also state the date from which she will be absent from work, which should not be earlier than six weeks from the expected date of delivery.

Section 6(3) clarifies that if a woman has not given notice while pregnant, she may give such notice as soon as possible after the delivery.

Upon receiving the notice, Section 6(4) states that the employer shall permit the woman to absent herself from the establishment during the period for which she receives maternity benefit.

Regarding the payment of benefits, Section 6(5) outlines that the maternity benefit for the period preceding the expected date of delivery should be paid in advance by the employer upon production of prescribed proof of pregnancy. The amount due for the subsequent period (after delivery) should be paid by the employer to the woman within forty-eight hours of production of prescribed proof of delivery.

It's important to note that Section 6(6) states that failure to give notice does not disqualify a woman from receiving maternity benefit or any other amount under the Act if she is otherwise entitled. In such cases, an Inspector may, either on their own initiative or upon application by the woman, order the payment of such benefit or amount within a specified period.

POWERS AND DUTIES OF INSPECTORS

Inspectors appointed under the Maternity Benefit Act, 1961 are granted significant authority to ensure the proper implementation of the law. **Section 14** empowers the appropriate government to appoint Inspectors and assign their **jurisdictional boundaries**. The term “appropriate government” refers to the **Central Government** for establishments such as mines and performance-based entities (like acrobatic or equestrian shows), and the **State Government** for all other establishments.

They have the legal right to **enter any workplace or premises**, during reasonable hours, where women are employed or work is being carried out, along with assistants who are part of a government body or public authority. This right of entry allows them to **inspect registers, records, and notices** that are required to be maintained or displayed under the Act. They may also request the production of such documents for verification. (**Section 15**)

In addition, Inspectors can **interview individuals present on the premises** if they have reason to believe those individuals are employed there. However, the law safeguards personal rights by stating that no one can be forced to answer questions or provide information that may be self-incriminating.

Inspectors can also **ask the employer to submit details** such as names and addresses of employed women, information regarding the payments made to them, and any applications or notices submitted under the Act. They are further authorized to **take copies of any records, registers, or notices**, either entirely or in part. Under **Section 16**, all Inspectors appointed under this Act are considered **public servants**, as per the definition provided in Section 21 of the Indian Penal Code, 1860.

As per **Section 17(1)**, any woman who believes that her maternity benefits or other dues under the Act have been wrongly denied, or who has been dismissed or removed due to her maternity-related absence, can file a **complaint with the Inspector**. According to **Section 17(2)**, if the Inspector finds, after conducting an inquiry, that her claim is valid, they can order the employer to release the payment or benefits due. Similarly, in the case of unlawful dismissal, the Inspector has the authority to pass a suitable and fair order based on the situation.

Moreover, under **Section 22**, any person who **refuses to present the required documents** or **obstructs the Inspector's duties**, including hiding individuals or preventing their examination, can face legal penalties. This may include **imprisonment up to one year**, a **fine up to ₹5,000**, or **both**.

THE MATERNITY BENEFIT (AMENDMENT) ACT, 2017

The Maternity Benefit (Amendment) Act, 2017 marked a significant reform in Indian labour law, particularly concerning the rights and welfare of working women. It was enacted to align Indian maternity laws with global standards and to address the evolving needs of working mothers in a modern workforce. The amendment came into effect on 1st April 2017, with certain provisions implemented from 1st July 2017. The key provisions include:

1. Increase in Maternity Leave Duration

The amendment extended the duration of paid maternity leave from 12 weeks to 26 weeks for women with less than two surviving children. For women with two or more children, the benefit remains at 12 weeks, with up to 6 weeks before the expected date of delivery.

2. Maternity Leave for Adoptive and Commissioning Mothers

Women who adopt a child below the age of three months, or are commissioning mothers (biological mothers who use surrogacy), are now entitled to 12 weeks of maternity leave from the date the child is handed over to them.

3. Crèche Facility

Establishments with 50 or more employees are now required to provide a crèche facility either on the premises or within a prescribed distance. Women employees must be allowed four visits to the crèche per day, including rest intervals.

4. Work-from-Home Option

After the maternity leave period, depending on the nature of work and mutual agreement between the employer and employee, women may be permitted to work from home for a duration mutually agreed upon.

5. Mandatory Information

Employers are required to inform women employees in writing and electronically, at the time of their appointment, about the maternity benefits available under the Act.

IMPACT OF THE AMENDMENT

The 2017 amendment to the Maternity Benefit Act significantly transformed India's stance on maternity welfare, positioning it among the countries offering the longest duration of paid maternity leave in the private sector. By increasing paid leave to 26 weeks, the amendment strengthened the commitment to gender equality, maternal health, and work-life integration, especially for women in formal employment. This legislative shift was seen as a progressive step towards empowering working mothers, enabling them to care for their newborns without the fear of income loss or job insecurity. The inclusion of adoptive and commissioning mothers under the scope of maternity benefits was also a noteworthy advancement in recognizing diverse forms of motherhood. However, the financial implications of this law, especially for small and medium-sized enterprises, sparked concerns about employer hesitancy in hiring women of reproductive age, potentially reinforcing gender biases in recruitment. The burden being solely on employers has led to growing advocacy for shared parental leave policies and state-supported benefit schemes, which could distribute responsibilities more equitably and ensure broader workforce participation by women. Furthermore, the mandatory provision of crèche facilities has encouraged more family-friendly work environments, although implementation remains inconsistent across sectors.

JUDICIAL PRONOUNCEMENTS

1. **Municipal Corporation of Delhi v. Female Workers (Muster Roll) and another, AIR 2000 SC 1274**

The Supreme Court held that the right to maternity leave is not restricted to regular female employees but **includes those employed on a casual basis or on muster roll on daily wages**. The court highlighted the natural aspect of childbirth in a woman's life and the need for employers to be considerate of the physical challenges faced by working women during pregnancy and after childbirth.

2. **Rattan Lal and Ors. vs. State of Haryana, 1987 AIR 478**

The Court considered the claims of ad hoc teachers in Haryana regarding the denial of benefits like maternity leave. It noted that denying ad hoc teachers benefits provided to regular government employees, including maternity leave, was unjust due to the State Government's appointment system. This suggests a precedent against discriminatory denial of maternity benefits based on the nature of employment.

3. **Smt. Sonali Sharma v. State Of Uttar Pradesh, 2023: AHC-LKO:77697 & Smt. Preeti Singh vs State Of U.P. Thru. Secy. Education**

The Court held that there is **no bar on claiming a second maternity leave within two years from the first one**. The court stated that the Maternity Benefit Act, 1961, being beneficial legislation, has an **overriding effect** (Section 27) over executive instructions like the U.P. Financial Handbook

4. **Dr. Mandeep Kaur v. Union of India, C. W. P. no. 1400 of 2018**

The Himachal Pradesh High Court ruled that **contractual employees are also entitled to maternity benefits** and all consequential benefits, such as continuation of service. The court reasoned that denying maternity leave to a contractual employee would violate Article 21 of the Indian Constitution and relied on precedents like *muster roll case* which established the right to maternity leave for daily wage workers.

5. **Tata Tea Ltd. vs. Inspector of Plantations, (1992) ILLJ 603 KER**

The court ruled that an employer cannot require a worker receiving maternity benefits to report for duty on holidays. It also decided that the maternity

benefit under the Act should not be reduced by contributions the employer made under the National and Festival Holidays Act. This precedent protects the full entitlement to maternity benefits without offsets.

6. K.C Chandrika v. Indian Red Cross Society, 131 (2006) DLT585

The court held that the termination of a temporary employee while she was on maternity leave was not valid and ordered her reinstatement with continuity of service.

7. Dr. Baba Saheb Ambedkar Hospital vs. Dr. Krati Mehrotra, Civil Appeal No.5010/2023.

The respondent, employed on an ad-hoc basis, was denied emergency maternity leave and instead terminated with retrospective effect. She approached the tribunal seeking reinstatement and paid maternity leave. The tribunal granted her maternity benefits under Section 5(2) of the Act and directed the issuance of a service certificate. The Delhi High Court upheld this decision, emphasizing that the Act must be interpreted in a way that safeguards the well-being of both the woman and the child during the prenatal and postnatal periods.

8. Govt. of NCT of Delhi vs. Rehmat Fatima, (2024) 5 SCC 730

The respondent, a contractual stenographer for five years, was denied maternity leave on the ground that her contract was about to end. She filed a writ petition seeking maternity benefits and reinstatement. While the Delhi High Court's Single Judge denied reinstatement, it granted full maternity benefits, including 26 weeks of leave and related entitlements, holding that employment nature does not affect eligibility under the Maternity Benefit Act. The Division Bench upheld this ruling, stating that maternity benefits under Section 5 extend beyond the contractual term, reinforcing that such protections apply irrespective of the employment type.

INTERNATIONAL PERSPECTIVE ON MATERNITY BENEFIT

1. United Kingdom

Legislation: *Employment Rights Act 1996, Maternity and Parental Leave Regulations 1999*

Duration: Up to 52 weeks maternity leave (26 weeks ordinary + 26 weeks additional)

Pay: Statutory Maternity Pay (SMP) – 90% of earnings for 6 weeks, then flat rate (or 90% if lower) for 33 weeks.

Eligibility: 26 weeks of continuous service by the 15th week before the expected due date.

Funding: Paid by employers but reimbursed by the government (up to 92% or 103% for small businesses).

Notable Principle: Strong emphasis on anti-discrimination, as per the Equality Act 2010, protecting women from dismissal or unfavourable treatment due to maternity.

2. United States

Legislation: *Family and Medical Leave Act (FMLA), 1993*

Duration: 12 weeks unpaid leave

Eligibility: Employee must have worked at least 1,250 hours over 12 months for an employer with 50 or more employees.

Pay: No national paid maternity leave; some states (e.g., California, New York) have separate Paid Family Leave laws.

Funding: Where applicable, paid leave is funded through state-run insurance programs.

Criticism: US lags behind global standards as it does not guarantee paid maternity leave at the federal level.

3. Australia

Legislation: *Paid Parental Leave Act, 2010*

Duration: 18 weeks of government-funded leave at national minimum wage, plus up to 52 weeks unpaid leave under *Fair Work Act 2009*.

Eligibility: Employed for 10 of the last 13 months, with at least 330 hours of work.

Funding: Funded by the government, not employers.

Inclusive Policy: Includes dad and partner pay for two weeks to support co-parenting.

4. Canada

Legislation: *Employment Insurance Act, 1996*

Maternity benefits duration: Up to 15 weeks Pay: 55% of average weekly earnings, up to CAD \$695/week

Parental Benefits:

Standard: Up to 40 weeks (shared), max 35 weeks per parent at 55% pay (up to \$695/week)

Extended: Up to 69 weeks (shared), max 61 weeks per parent at 33% pay (up to \$417/week)

Eligibility: At least 600 insurable work hours in the past 52 weeks. Income must drop by at least 40%

Funding: Government-funded through Employment Insurance (EI) premiums

Progressive Approach: Includes adoptive parents, allows shared leave, and supports flexibility in caregiving roles.

CHALLENGES OF THE MATERNITY BENEFIT ACT, 1961

1. Limited Coverage

The Act primarily covers women employed in the organized sector. A vast majority of women in informal and unorganized sectors (like agriculture, domestic work, construction) remain outside its ambit.

2. Employer-Funded Model

The financial burden of providing maternity benefits lies entirely on the employer, leading to reluctance in hiring women of childbearing age and workplace bias or indirect discrimination.

3. Poor Enforcement and Awareness

Many women are unaware of their rights under the Act. Insufficient number of Inspectors and weak enforcement mechanisms lead to poor compliance, especially in private companies.

4. Exclusion of Contractual and Temporary Workers

Despite some judicial pronouncements, many employers deny benefits to contractual, temporary, or ad-hoc employees, which undermines the welfare intent of the law.

5. Lack of Childcare Facilities

The Act mandates crèche facilities in establishments with 50 or more employees, but compliance is low due to cost, space, and logistical constraints.

6. No Paternity Leave Provision

The Act does not provide for paternity or shared parental leave, reinforcing the gendered notion that childcare is primarily a woman's responsibility.

7. Difficulties for Small Employers

Small businesses often lack the financial and structural capacity to implement the provisions, especially extended leave with full pay.

8. Rejoining and Job Security Issues

Even though the Act ensures non-dismissal during maternity leave, subtle discrimination often occurs post-return—through denial of promotions, sidelining, or non-renewal of contracts.

SUGGESTIONS

- 1. Extend Paternity Leave:** It is recommended that the gap between maternity and paternity leave should be narrowed, ensuring that childcare is viewed as a shared responsibility. This would foster a more equitable environment for both men and women in the workplace and society, and reduce the likelihood of discrimination against female workers. Allowing fathers to take paternity leave not only benefits the child's care but also offers the mother the necessary support during her recovery and breastfeeding period.
- 2. Government Cost Sharing:** To alleviate the financial burden on employers and reduce the possibility of discrimination against women, the government should contribute to maternity leave costs. In line with ILO Convention 183, it is suggested that the government should cover at least two-thirds of the maternity leave pay.
- 3. Flexibility in Work Hours for Both Parents:** Encouraging flexible work schedules for both men and women can help maintain a work-life balance. In countries where such flexibility is practiced, companies have reported higher productivity, and both genders utilize these options to their advantage.
- 4. Expanding Coverage:** The Act currently benefits only women in the organized sector, which is a small fraction of India's working women. Expanding the coverage to include those in the unorganized sector is crucial.
- 5. Increasing the Financial Support:** The existing maternity benefit may not be enough to meet all the needs of pregnant women, and there is a need to review and potentially increase the benefits provided.
- 6. Equal Leave for Adoptive/Commissioning Mothers:** There is an imbalance in the duration of paid leave for adoptive or commissioning mothers compared to biological mothers. Equalizing the leave duration for all mothers, regardless of the method of childbirth, is recommended.
- 7. Public Awareness:** Enhancing public awareness of the Act and its benefits at the local level is essential for broader compliance and utilization.
- 8. Review and Improvement:** It is suggested that a separate body be established to evaluate the implementation and further development of the Act.

CONCLUSION

The Maternity Benefit Act, 1961 is a critical piece of legislation aimed at safeguarding the rights of working women during maternity. While it has made significant strides in promoting gender equality and protecting the health and well-being of both mother and child, several challenges remain. These include limited coverage for women in the unorganized sector, the financial strain on employers, and insufficient support for small businesses in implementing crèche facilities. Additionally, the exclusion of certain categories of workers, such as contractual and temporary employees, highlights the need for broader inclusivity.

To ensure that the Act achieves its intended goals, reforms are necessary. Ultimately, for the Maternity Benefit Act to truly empower women and promote work-life balance, it must be adapted to the evolving socio-economic landscape. Government support, awareness campaigns, and comprehensive policy adjustments are essential to ensure that maternity benefits are accessible, equitable, and sustainable for all women across sectors.

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