



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 5 AND ISSUE 8 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 8 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-7-of-2025/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

A COMPREHENSIVE STUDY OF THE MATERNITY BENEFIT ACT, 1961: ITS ORIGIN, AMENDMENTS, AND IMPACT ON WORKING MOTHER IN INDIA

AUTHOR – NIKITA SHARMA, STUDENT AT AMITY LAW SCHOOL, AMITY UNIVERSITY MAHARASTRA

BEST CITATION – NIKITA SHARMA, A COMPREHENSIVE STUDY OF THE MATERNITY BENEFIT ACT, 1961: ITS ORIGIN, AMENDMENTS, AND IMPACT ON WORKING MOTHER IN INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (8) OF 2025, PG. 256-270, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

This paper looks at how the Maternity Benefit Act, 1961 has evolved over time and what kind of difference it has made for working women in India. When it was first introduced, the main goal was to protect women's rights during pregnancy and after childbirth, ensuring they wouldn't have to choose between having a child and keeping their job. It was one of the earliest efforts by the Indian government to support women in the workplace, shaped by both local needs and global labour standards.

One of the biggest turning points for the Act came in 2017, when it was amended to provide stronger protections. The most notable change was increasing paid maternity leave from 12 weeks to 26 weeks. Additionally, larger companies were required to set up crèche (childcare) facilities, and work-from-home options were introduced in certain cases. The amendment also ensured maternity benefits for adoptive and commissioning mothers. While these improvements were widely seen as progressive, they did create challenges—especially for smaller businesses that had to manage the additional financial burden¹.

This paper doesn't just look at the history of the Act and how its provisions have changed, but also evaluates how effective it has been in practice. It explores whether women actually receive the benefits promised under the law and examines how companies implement these provisions. Another key focus is whether the Act has helped retain women in the workforce and encouraged more women to enter formal employment. While the Act is a positive step on paper, challenges still exist, particularly in private-sector jobs and unorganized industries where enforcement is weak.

The research draws on legal texts, court cases, government reports, and expert opinions to provide a balanced view of where the Maternity Benefit Act stands today—its successes, its shortcomings, and areas that need improvement. Overall, while the Act and its 2017 amendment are important milestones for workplace gender equality, there's still work to be done to ensure that every woman, regardless of where she works, gets the support she needs during maternity.

KEYWORDS: Maternity Benefit Act, 1961, Maternity Benefit (Amendment) Act, 2017, Working Mothers, Women in the Workforce, Maternity Leave Policy, Labour Legislation in India, Workplace Gender Equality, Employee Rights, Work Life Balance

INTRODUCTION

The Maternity Benefit Act, 1961 is a law in India that protects the rights of working women during pregnancy. It ensures that they get paid leave, job security, and a safe working

environment. This Act helps ensure that women can balance work and motherhood without financial or job-related stress. Maternity benefits help working mothers stay healthy while managing their jobs. In the early 20th

century, factory women struggled due to poor healthcare and unsafe conditions, highlighting the need for legal protections. The Bombay Maternity Benefit Bill (1929) was India's first law for working women. It was introduced in Bombay, where many women worked in textile mills. After the bill was introduced, it became harder for women to find jobs. Employers avoided hiring them to escape maternity costs, and rules limiting night shifts reduced their work opportunities. Before India became independent, the British controlled labour laws. They made rules to protect businesses while also considering worker rights and social changes. British appointed the doctor Lady Barnes who studied why many infants were dying. She found that the main reasons were lack of medical care, poor sanitation, and unsafe childbirth at workplaces. She supported maternity benefits to help mothers and babies, but textile mill owners opposed the idea due to costs. Maternity benefits have long been a subject of debate, with differing opinions on who should bear the responsibility – the state, the industry, or the husband.

✓ Different views on maternity benefits:

- N.M. Joshi: Industry-wide tax, managed by the government.
- M.K. Dixit: Husband's responsibility, not the employers.
- B.R. Ambedkar: Government should bear most of the cost for public welfare.

At first, all employers had to pay for maternity benefits. They found it unfair, so the rule changed—only factories with women workers had to pay. This was based on advice from the Royal Commission on Labour (1929), which influenced similar laws in other regions.

Early central maternity benefit laws:

- 1941 – First maternity benefit law for women in mines.
- 1948 – Included maternity

benefits in worker social security.

- 1951 – Protected maternity rights for plantation workers.
- 1955 – Ensured maternity benefits for women journalists.

These laws focused on specific sectors, the changes and progress made in a country after gaining independence. Maternity Benefit Act, 1961 was passed under Article 42 of the Constitution to ensure safe and fair working conditions for pregnant women. The Maternity Benefit Act, 1961 followed older maternity laws and matched the ILO Maternity Protection Convention, 1952 to ensure fair rights for women at work worldwide. It helped improve maternity protections based on global standards.

Major Amendments Over the Years

- 1972 – Maternity benefits continue under the act until employees qualify under the Employee State Insurance (ESI) Act.
- 1973 – Circus industry included.
- 1976 – Extended to women in ESI-covered establishments earning above a certain wage limit.
- 1988 – Applied to shops and establishments with 10+ employees; maternity benefits enhanced.
- 1995 – Introduced paid leave for medical conditions:
 - 6 weeks for pregnancy termination.
 - 2 weeks for tubectomy (sterilization surgery).
 - 1 month for illness due to these procedures.
- 2008 – Medical bonus introduced (Rs. 2500, with an upper cap of Rs. 20,000).
- 2011 – Medical bonus increased to Rs. 3500.²

The 2017 amendment to the Maternity Benefit Act, 1961 gave more help to working mothers. It increased maternity leave to 26 weeks for

women with one or two children. Mothers who adopt a baby or have one through surrogacy get 12 weeks of leave. Some workplaces let mothers work from home after maternity leave. Companies with 50 or more workers must have daycare so mothers can visit their babies four times a day. The law also protects jobs, making sure women cannot be fired or treated unfairly for taking maternity leave. The Maternity Benefit Act, 1961 has 30 sections in total³. The study looks at how the Maternity Benefit Act, 1961 (Amendment 2017) affects working mothers in India. It examines both good and bad outcomes. This paper looks at how the Maternity Benefit Act, 1961, especially after the 2017 amendment, affects job security and employment opportunities for working mothers. It discusses the government's efforts to improve maternity benefits and also considers the concerns of employers, such as the increased costs and hesitation in hiring women. The study explores both the positive impacts and challenges, especially in workplaces where maternity leave and crèche facilities are required by law.

✓ The papers examine the positive impact on woman like the positive impacts and well as negative impact:

- Better Health – More recovery time for mothers, healthier babies
- Financial Security – Paid leave reduces financial stress
- Work-Life Balance – Easier return to work, childcare support
- Job Stability – Women stay in jobs after maternity leave
- Support for Adoptive Mothers – Legal benefits extended
- Negative Impacts:
- High cost for companies
- Fewer women hired
- Preference for male workers
- Small businesses can't afford benefit

- Confusion about daycare rules

The law is hard to follow in some areas. Many women in small or informal jobs are not covered. Some companies don't want to follow the law because it's expensive. The government does not check properly if the law is being used. Also, some women face problems at work, like not getting hired or promoted because of maternity leave rules.⁴ The purpose of this paper is to understand how the Maternity Benefit Act helps and what problems it creates. And also examine the key provision, judicial interpretations, and implementations challenges of the maternity benefit act, 1961.

NEED AND SCOPE

The report on the Maternity Benefit Act, 1961 for the year 2021 mainly aims to:

The 2021 report on the Maternity Benefit Act explains how the law is working in India. This law helps working women by giving them paid leave and job protection when they are pregnant or have a baby. But the report shows that many companies are not following the law properly. Only a few companies sent reports, and only a small number of women got maternity benefits. This means that many women may not know about their rights, or employers are not giving them the benefits they should. Some states like Kerala, Tamil Nadu, and Karnataka did better and helped more women. But in many other states, almost no one got benefits. The report also includes data from the ESI (Employees' State Insurance) scheme, which helps women in bigger companies. Even with that, many women were still left out. Very few complaints were made, and almost no legal action was taken. This shows that the law is not being checked or enforced properly. Also, many states did not send full data, so the report is incomplete. In short, the report says the government needs to make more people aware of the law, make sure companies follow the rules, and collect better data so more women can get the help they need during maternity.⁵

Where women work	How many women worked	How many got benefits	What it shows
factories	8,66,000+	2,500+	Very few women got benefits (only 0.3 %)
plantations	2,63,000+	7,500+	Slightly better, but still low (2.8%)
Shops and other businesses	2,44,000+	950	Again, very few women got benefits (0.4%)
total	13,74,000+	11,000+	Most eligible women did not get help

Table: Are Women Getting Maternity Benefits? (2021) What This Table Tells Us:

- A very small number of women got maternity benefits in 2021.
- Even though lakhs of women were eligible, only a few thousand received support.
- This shows that maternity laws are not being followed properly.
- Many women might not know their rights or their employers are not giving benefits.
- This means that most women did not get their legal maternity benefits in 2021.
- It highlights poor awareness, low compliance by employers, and weak enforcement of the law.

RESEARCH GAP

Although the Maternity Benefit Act, 1961 and its 2017 amendment were made to improve support for working women during and after pregnancy, many women still don't get these benefits—especially those working in the unorganised sector. The government passed the Code on Social Security, 2020 to fix this, but it has not yet been put into action. Because of this delay, there is confusion about which law applies and how women can get help. This research will look into these gaps in the law and how they affect women in real life.⁶

The Maternity Benefit Act, 1961 and its 2017 update were made to help working women

during and after pregnancy. The law gives them rights like paid leave, medical help, and childcare. Employers must follow these rules. But in real life, many companies do not follow the law properly. There is not much research to show how many companies are actually following the law. Many small and medium companies either don't know the rules or find them hard to follow. Also, many women don't know what rights they have, so they don't ask for these benefits. Another problem is that this law does not help women who work in very small companies (less than 10 workers) or women who are self-employed. So, many women are not protected by the law. There is also very little research on: How the government checks if companies follow the law. What problems employers have when trying to follow the rules. What happens to women when they are not given maternity benefits. Because of these problems, more research is needed to understand the real issues and find better ways to support working women during pregnancy.⁷ The Maternity Benefit Act gives working women paid leave and other support during pregnancy. But in many places, especially small or private companies, these rules are not fully followed. There is not enough research on how well employers follow the law, what problems they face, and how the law helps women in real life. Also, many women like those who are self-employed or in small workplaces are not covered by the law. This gap needs to be studied.

Research Gaps in the Maternity Benefit Act in India

Although the Maternity Benefit Act, 1961 has provided crucial protections for working women, there are still areas that need further research and improvement.⁸

1. Limited Protection for Women in the Informal Sector

Many working women in India are employed in informal jobs where they do not receive maternity benefits. There is little research on the number of women affected by this gap and how policies can be improved to include them.

2. Difficulties in Enforcing Maternity Laws Despite legal protections, some employers do not fully comply with the law. Women may struggle to assert their rights due to lack of fear of losing their jobs. Studies on how enforcement can be strengthened and how compliance rates can be improved are needed.

3. Impact of Extended Maternity Leave on Employment

The 2017 amendment increased maternity leave to 26 weeks, but little research has been done on whether this has affected women's employment opportunities, career growth, and employer attitudes.

4. Comparison with Maternity Policies in Other Countries

While the paper briefly compares maternity laws in different countries, it does not analyse which policies have been most effective in supporting working mothers. A detailed comparison can help India refine its approach.

5. Workplace Support Beyond Leave Policies

The Act requires employers to provide facilities like crèche services and lactation breaks, but there is limited research on how well these benefits are being implemented and whether they truly help working mothers.

6. Economic Impact on Employers and Policy Sustainability

Employers bear the full financial responsibility for maternity benefits, with little government support. Research on alternative funding models, such as cost-sharing between businesses and the government, is lacking.

✓ Future Research Directions /Further studies should focus on:

- How maternity benefits can be extended to informal workers
- Strengthening enforcement and ensuring employer compliance
- Assessing the long-term impact of extended maternity leave on women's careers
- Comparing global maternity policies to identify best practices
- Studying workplace support measures and their real-world effectiveness
- Evaluating the financial sustainability of maternity benefits and alternative funding options

India's maternity benefit law helps protect working mothers, but there are still challenges that make it less effective. Many women, especially those in informal jobs, do not receive these benefits, and some employers do not follow the law properly. Women returning to work after maternity leave also face discrimination, making it harder for them to continue their careers. To improve the system, maternity protections should be extended to all workers, employers should be held accountable for compliance, and workplaces should offer better support for new mothers. It is also important to create a fair way to share the costs of maternity benefits between businesses and the government to ensure long-term sustainability. Making these changes will help create a more supportive and inclusive work environment for women.

OBJECTIVE AND JUDICIAL PRECEDENT

"The Maternity Benefit Act, 1961 gives working women paid leave, job protection, and medical help during and after pregnancy. It also stops

employers from treating them unfairly because of maternity, and supports the right to equality and fair treatment at work." It stops employers from treating women unfairly because of pregnancy and supports their right to equal and safe working conditions as given in the Constitution. The Court decisions have also made the Act stronger and wider in its use. "The Act is supported by important parts of the Constitution:"⁹

Article 14: Gives the right to equality and protection from unfair treatment. Article 15(3): Lets the government make special rules to support women.

Article 21: Protects the right to life and personal freedom, including maternity rights. Article 39(e): Stops women from being forced to do harmful work due to money problems.

Article 42: Tells the government to make sure women have safe working conditions and get maternity leave."

○ Judicial Interpretations Expanding the Act's Scope

The document highlights key judgments that strengthened maternity rights: Municipal

○ Corporation of Delhi v. Female Workers (2000) – Ensured maternity benefits apply to temporary and casual workers.

○ B. Shah v. Presiding Officer, Labour Court (1978) – Ruled that maternity benefits must cover full weeks, including Sundays and holidays.

○ Air India v. Nargesh Meerza (1981) – Struck down a policy terminating air hostesses for pregnancy, reinforcing workplace equality.

○ Neera Mathur v. LIC (1992) – Condemned intrusive hiring practices requiring women to disclose menstrual cycles.

○ Rohini Balakrishnan v. State of Kerala (2018) – Challenged denial of maternity leave for a third child.

○ Dr. Kavita Yadav v. Ministry of Health (2022) – Affirmed maternity benefits for

contractual workers, even if contracts end during maternity leave.

○ Satakshi Mishra v. State of UP – Overturned mandatory time gaps between maternity leaves, ensuring legal protections over financial policies.

✓ Objective of the Maternity Benefit Act (with 2017 Amendments)

○ To protect the health and employment of women during pregnancy and after childbirth.

○ To provide paid maternity leave (increased to 26 weeks for the first two children).

○ To support adoptive and commissioning mothers with 12 weeks of leave.

○ To ensure childcare support through crèche facilities in larger workplaces (50+ employees).

○ To allow flexible work options like work-from-home after maternity leave.

○ To prevent discrimination and promote equal and safe working conditions for all women.

○ To ensure dignity, security, and support for working women during the maternity period.

REVIEW OF LITERATURE

The Maternity Benefit Act, 1961 was made to protect the rights of women who are working and expecting a child. It helps women keep their jobs and take care of their health during and after pregnancy. Many legal writers and scholars have studied this law. They have talked about how it was made, how it changed over time, and how it helps women at work.

This literature review will look at the origin of the Act, the important changes made in the 2017 amendment, and how the law has helped improve the lives of working women in India.

Before the Maternity Benefit Act was passed in 1961, there were different laws in different parts of India for maternity protection. There was no

single law that applied to all working women. The idea behind making this law was to give all women in India the right to maternity leave and other benefits, so they would not lose their jobs or face problems during pregnancy.

The Act was passed by the Indian Parliament to make sure that women get paid leave, time to rest, and support from their employers. It also aimed to stop employers from treating pregnant women unfairly.

In 2017, the government made some important changes to the Maternity Benefit Act to make it better for working women. One big change was that the paid maternity leave was increased from 12 weeks to 26 weeks. This gave mothers more time to recover and take care of their babies.

The amendment also added rules for crèche (daycare) facilities at workplaces with 50 or more employees, and gave women the option to work from home in some cases after maternity leave. These changes were made to support women better at the workplace and help balance their work and family life.

Many legal scholars have written about the Maternity Benefit Act and how it helps women at work. They say that the Act follows the ideas of the Indian Constitution, like equality and protecting the health of women. Some scholars believe that the 2017 changes were a big step forward because they gave more support to working mothers. Others have said that even though the law is good, it is not always followed properly in real life, especially in private companies or small offices. So, they feel that more awareness and better rules are needed to make the law work well for all women.

The Maternity Benefit Act has helped many women in India by giving them the right to take paid leave during and after pregnancy. Because of this law, women can take care of their health and their baby without the fear of losing their job. The 2017 Amendment gave even more support by increasing the number of leave days and asking offices to provide crèche facilities.

This has made it easier for some women to return to work after having a child. However, in many places, the law is not followed properly. Some small companies do not give maternity leave, and some women are not aware of their rights. So, even though the law is strong, it still needs better implementation.

Many authors and legal scholars have studied the Maternity Benefit Act and shared their view

1. The paper by Rajshree Karbhari Gethe and Ashish Pandey (2023) examines the impact of the 2017 amendment to the Maternity Benefit Act, 1961. The amendment increased maternity leave from 12 to 26 weeks, introduced work-from-home options, and required crèche facilities in establishments with 50+ employees.

While it positively affected childcare, maternal health, and job security, the amendment also led to challenges such as employer financial burden, reduced hiring of women, and increased workplace discrimination. The law also reinforces traditional gender roles by excluding paternity leave, and implementation remains weak in the unorganized sector.

The authors suggest government support for employers, better enforcement, inclusion of paternity leave, and awareness programs to improve outcomes.¹⁰

2. Labour Bureau, Ministry of Labour and Employment, Government of India (2010)

The Reports on Working of The Maternity Benefit Act, 1961 protects the rights of pregnant and working mothers in India. It gives women 26 weeks of paid leave, job protection, and money equal to their daily wages during leave. Workplaces with 50 or more employees must provide crèche (childcare) facilities and allow nursing breaks. However, many women, especially in the unorganized sector, do not get these benefits because the law is not enforced properly. Also, there is no paternity leave, which puts all childcare responsibility on women. Experts suggest the government should give support to employers, add paternity leave, and make the law stricter so that all women¹¹

3. Labour Bureau, Ministry of Labour and Employment, Government of India (2011)

Reports on Working of The Maternity Benefit Act, 1961(2011) this annual report continues the examination of the Act's implementation, highlighting statistical trends, sector-wise compliance, and areas requiring policy intervention. It serves as a valuable resource for understanding the evolving landscape of maternity benefits in India during 2011¹².

Scope and Objective: Covers industries like factories, mines, plantations, and commercial establishments employing 10 or more workers.

- **Main Provisions:** Discusses maternity benefits, eligibility criteria, and amendments, including the 2008 update.
- **Statistical Trends:** Examines compliance rates, maternity benefit claims, and sector-wise implementation.
- **Policy Interventions:** Identifies gaps in enforcement and areas needing improvement.

4. Shashi Bala – Implementation of Maternity Benefit Act 1961 (2012)

In her 2012 study titled "Implementation of the Maternity Benefit Act, 1961", author Shashi Bala looks at how the law is working in real life and what problems women face in getting maternity benefits. She mainly focuses on the difference between the organized sector (like factories and offices) and the unorganized sector (like small shops, domestic work, and informal jobs). She finds that while women in formal jobs are more likely to receive their benefits, many women in informal work don't even know about their rights under the law. Employers also often don't follow the rules, either because they are unaware or because there is no strict checking.

Shashi Bala suggests that more needs to be done to make the law work properly. She recommends running awareness programs so that both women and employers understand their rights and duties. She also says there should be stronger systems to inspect

workplaces and make sure the law is being followed. Another important point she makes is that the law should be changed or improved so that it covers women working in the unorganized sector too. She also highlights the need for support like childcare facilities and flexible working hours to truly help working mothers.

In short, the author says that while the Maternity Benefit Act is a good law, it needs better awareness, stronger enforcement, and wider coverage to really help all working women in India.¹³

5. Venkata Vara Prasad Janjanam & A.V.V.S. Subbalakshmi (2013)

In their 2013 paper titled "Maternity Benefit Act 1961: A Study on History, Scope, and Amendments in India," authors Venkata Vara Prasad Janjanam and A.V.V.S. Subbalakshmi explain the Maternity Benefit Act in a clear and detailed way. They begin by looking at the history behind the Act—why it was created and what problems it aimed to solve. The authors explain that working women needed protection during pregnancy and after childbirth, and that is why the government introduced this law in 1961.

The paper talks about which women the law applies to and what kind of benefits it gives. For example, the Act gives paid leave, job protection, and health benefits to pregnant women working in certain sectors. The authors also explain how the law has changed over time through different amendments. These changes have helped to improve the benefits and extend the coverage to more women.

They also talk about some challenges in how the law works today. Many women in the unorganized sector (like small shops or home-based work) are still left out, and sometimes employers do not follow the rules. The authors suggest that more awareness and stricter enforcement are needed to make sure the law helps all working women.

Overall, the paper shows that the Maternity

Benefit Act is an important law for women's rights in the workplace, but it still needs better implementation to be fully effective.¹⁴

6. Reports on Working of The Maternity Benefit Act, 1961 for 2014 was published by the Labour Bureau, Ministry of Labour and Employment, Government of India.

The official report titled "Reports on the Working of the Maternity Benefit Act, 1961 for the Year 2014" was published by the Labour Bureau under the Ministry of Labour and Employment, Government of India. This report gives detailed information about how the Maternity Benefit Act was followed across different parts of India during the year 2014. It looks at how well employers followed the law, how many women got the benefits, and what problems still exist in making the law work properly.

The report shows that in the organized sector, like factories and big shops, the law was mostly followed. However, in the unorganized sector, such as domestic work or small businesses, many women were not even aware of their rights. The report also says that enforcement was weak—this means that not enough checking was done by the authorities to see if employers were obeying the law. Many small workplaces did not keep proper records, and some employers did not give the benefits at all.

The Labour Bureau suggests in the report that the government should do more to educate both workers and employers about the Maternity Benefit Act. It also recommends stronger inspections and checks so that all women who are eligible can actually get the benefits. The report stresses that more efforts are needed to include women working in informal jobs, where they are most at risk of being left out.

In simple words, the report tells us that while the Maternity Benefit Act is a strong law meant to protect working women during pregnancy, there is still a long way to go in making sure it helps all women equally, especially those in unorganized sectors.¹⁵

6. Labour Bureau, Ministry of Labour and Employment, Government of India (2015)

The 2015 report on the Working of the Maternity Benefit Act, 1961, published by the Labour Bureau under the Ministry of Labour and Employment, gives detailed information about how this law was applied across different sectors in India during that year. The report shows how many women received maternity benefits, how employers followed the law, and what difficulties were faced in making sure the law was properly enforced.

According to the report, the organized sector like factories, big shops, and offices generally followed the law better. However, in the unorganized sector, like small businesses and informal jobs, there were still many problems. Many women working in those areas didn't even know about their rights under the Maternity Benefit Act. Also, many employers didn't keep proper records or give the benefits correctly.

The report also points out that inspections were not happening regularly, and there weren't enough checks by the authorities to make sure the law was followed. The Labour Bureau suggested that more awareness programs should be done so that women and employers both understand the law better. They also said that stricter inspections should be carried out and that more women in informal jobs should be covered under this Act.

In simple words, the report says that the law is helpful, but it still needs better awareness and stronger implementation so that all working women—especially those in the unorganized sector—can get proper maternity benefits.¹⁶

7. Suman Singh (2016)

In her 2016 article called "The Maternity Benefit (Amendment) Bill, 2016: A Critical Analysis," Suman Singh talks about the changes made to the Maternity Benefit Act and how they affect working women in India. She explains that the new law increased paid maternity leave from 12 weeks to 26 weeks, which is a big help for many

women. But this benefit is only given for the first two children. If a woman has a third child, she still gets only 12 weeks of leave.

The article also points out a major issue – women who work in unorganized jobs, like in small shops or as domestic workers, don't get this benefit at all. So, a large number of working women are left out. Suman Singh also says that there is no law for paternity leave (leave for fathers), which is important because raising a child should be a shared responsibility between both parents.

Another important part of the amendment is that workplaces with more than 50 employees must have a crèche (childcare center) nearby. This helps working mothers check on their babies during work. She agrees that this is a good step, but more support is needed for mothers at work. The amendment also allows work-from-home after maternity leave if the job allows it. This gives flexibility to new mothers, but Suman Singh says there should be clear rules to make sure this is not misused or unfairly managed. Overall, she says the amendment is a positive move, but more needs to be done. She believes that the government should include women from all types of jobs and also think about giving leave to fathers, so both parents can share the responsibilities of caring for a child.¹⁷

8. Tushar Devidas Talware & Dr. Shobha B. Jambhulkar (2017)

In their 2017 paper, "Implementation of The Maternity Benefit (Amendment) Act, 2017," Tushar Devidas Talware and Dr. Shobha B. Jambhulkar explain the new changes made to the Maternity Benefit Act and how they affect working women and employers in India.

The biggest change was that paid maternity leave was increased from 12 weeks to 26 weeks. This helps mothers take care of their babies for a longer time. But this full leave is only given for the first two children. If a woman has a third child, she still gets only 12 weeks.

The Act also says that companies with 50 or more workers must have a crèche (childcare

center) near the workplace. This allows mothers to check on their children during work hours. The authors say this is a good step because it helps working women manage both job and childcare.

Another change is that women can work from home after their maternity leave, but only if the job allows it and the employer agrees. This gives mothers more flexibility when returning to work.

But the authors also talk about some problems. Many employers, especially small businesses, may find it hard to provide all these benefits. Some may not even know the new rules. Also, women working in the unorganized sector are still left out.

In short, the paper says that the new law is a big step forward for women, but more awareness and support are needed to make sure it works properly for everyone¹⁸.

9. Venkata Vara Prasad Janjanam & A.V.V.S. Subbalakshmi (2018)

In their 2018 paper, "Maternity Benefit Act 1961: A Study on History, Scope, and Amendments in India," Venkata Vara Prasad Janjanam and Dr. A.V.V.S. Subbalakshmi talk about how the Maternity Benefit Act started, how it changed over the years, and what problems still exist today. They explain that this law was first made to protect women during pregnancy, so they don't lose their jobs and also get paid leave to take care of their child. They give a short history of the Act and mention that it was passed in 1961 to support women in the workplace.

The authors also talk about the big changes that came in 2017. These changes increased the paid leave from 12 weeks to 26 weeks for the first two children. Companies with 50 or more workers also have to provide a crèche (daycare), and women may be allowed to work from home after their leave, depending on the job.

However, the paper says that even though the rules are good, many women still don't get these benefits, especially those working in small shops or doing home-based work. Many employers

and workers don't know the rules well, so the law is not fully followed.

They also compare India's maternity laws with other countries. Some countries also give paternity leave, which India still doesn't. The authors feel India needs to improve more to fully support working mothers.

In short, the paper says that while the Maternity Benefit Act has improved, there are still problems in applying it properly, and more awareness and changes are needed to help all working women equally¹⁹.

10. Dr. H. Srinivas (2019)

Dr. H. Srinivas, in his 2019 study called NLI Research Studies Series No. 132/2019, talks about how laws like the Maternity Benefit Act have helped support working women in India. The study mainly looks at how changes in the law have made it easier for women to continue working even after becoming mothers.

He explains that the Maternity Benefit Act was made to protect women's jobs when they are pregnant or after childbirth. In 2017, the government made a big change in this law. The paid leave was increased from 12 weeks to 26 weeks. This gave mothers more time to take care of their babies without worrying about their job or salary. The study also says that this change was made to help more women stay in the workforce. But there are still problems. Many small companies find it difficult to follow the rules, like giving long leave or setting up a crèche (childcare center) at work. Also, many women, especially those working in small or informal jobs, don't even know about their rights under this law.

Dr. Srinivas also points out that some companies are worried about the cost of giving long leave. Because of this, some employers may avoid hiring women, which can become a new problem for women who want to work.

In simple words, the study says that while the law is helpful and gives good support to working mothers, it still needs better awareness, better follow-up by the government, and support for all

working women—especially those in small or unorganized jobs.²⁰

11. Mihir Madhukar, Aayush Khurana, Ashish Bag wadi & Devang Dhingra (2020)

This paper, written by Mihir Madhukar and others in 2020, explains the Maternity Benefit Act in India. The Act was made to help working women by giving them paid leave during pregnancy. In 2017, a big change was made to this law. The number of weeks for paid leave was increased from 12 to 26 weeks, but only for the first two children. This helped mothers take care of their babies without losing their jobs.

The authors also talk about new rules like the crèche facility. This means companies with more than 50 workers should provide a place for children to stay during work hours. There is also an option for mothers to work from home, if possible.

The paper compares India's maternity laws with those in other countries. For example, countries like Norway and Sweden give more benefits and leave to parents. The USA gives only unpaid leave. So, India is doing better than before, but it still has to improve to match global standards.

The writers say that many companies, especially small ones, do not follow the rules properly. Some women don't even know their rights. Because of this, the law is not working fully for all women. The authors suggest that the government should create more awareness and make sure all workplaces follow the law. In short, this paper shows that the Act is a good step for women in India, but there is still more work to do to make it useful for all working mothers²¹.

12. Devangi Tiwari & Janhavi Singh (2021)

This article by Devangi Tiwari and Janhavi Singh (2021) talks about how the Maternity Benefit Act, 1961 has changed over time, especially after the 2017 amendment. It explains how maternity leave for working women was increased from 12 weeks to 26 weeks. The article also says that adoptive mothers and commissioning mothers were given maternity benefits, which was not

there earlier. It also mentions that there is a growing demand for paternity leave, so that both parents can share responsibilities. The article says that these changes help women to continue working and feel supported, but there are still problems in how the law is used, especially in small and unorganised workplaces²².

13. Digvijay (2022)

The paper written by Digvijay in 2022 is about comparing India's Maternity Benefit Act with similar laws in other countries. The author looks at how maternity laws work in countries like the US, UK, and some European nations, and then compares them to India's system. The paper talks about the good parts of the Indian law, like how paid maternity leave was increased, but also points out some problems. For example, many women in the unorganised sector are still not getting proper benefits, and sometimes employers don't follow the rules properly. The paper says that while the Act has helped women in some ways, there's still a need for better implementation and awareness. The author also suggests that India can learn from other countries that have stronger maternity and parental leave systems, so that working women in India get more support and fairness at the workplace²³.

14. Suma Dadke (2024)

The paper by Suma Dadke in 2024, titled Reading Between the Lines: Maternity Benefit Law in India and Whom It Truly Benefits, takes a closer look at the Maternity Benefit Act through a feminist perspective. The author questions if the law really helps all women equally, or if it mainly benefits certain groups. It talks about how the law doesn't fully consider the different situations of women, especially those who are from poor backgrounds, work informal jobs, or belong to marginalized communities. The paper also points out how the law might unintentionally support old gender roles by mainly seeing women as caregivers, instead of encouraging things like paternity leave. The author wonders if, instead of creating equality,

the law actually supports old biases and class differences. In the end, the paper suggests that for the law to be truly fair, it should support all types of women, not just those in formal jobs²⁴

15. Abishek N (2025)

The research paper by Abishek N in 2025, titled Evaluating the Effectiveness of the Maternity Benefit (Amendment) Act, 2017 in Promoting Workplace Equality and Maternal Health in India, looks at how the 2017 changes to the Maternity Benefit Act have affected working mothers in India. The study focuses on two main areas: workplace equality and maternal health. One of the biggest changes in the amendment was extending maternity leave from 12 weeks to 26 weeks for women working in formal sectors. The paper checks whether this extra leave has really helped working mothers, both in terms of their health and balancing work and family life. The study also looks at other changes, like the requirement for employers to provide crèche facilities for women with young children. It checks whether these changes have helped create more equality at work by allowing women more time to care for their children without losing their jobs. The paper also looks at whether these provisions have improved maternal health. In the end, the research tries to find out if the 2017 amendment has been successful in giving mothers a better work environment and reducing gender discrimination at work²⁵

EXPECTED OUTCOME AND CONCLUSION

Summary of My Paper

The title of my paper is "A Comprehensive Study of the Maternity Benefit Act, 1961: Origin, Amendments, and Impact on Working Mothers in India." This paper looks at how the law has developed over time, the changes made to it, and how it actually works in the real world.

First, I have explained the history behind the Act. Before independence, there were some laws like the Bombay Maternity Benefit Bill, 1929. Later, the Maternity Benefit Act was passed in 1961 to support working women during pregnancy and

after childbirth.

Next, I have discussed the major amendments, especially in 1972 and 2017. These changes increased the number of weeks for maternity leave and included adoptive and commissioning mothers under its protection.

Then, I have looked at how the law is working on the ground. Many women still don't get the full benefits. Employers often don't follow the rules, and there is not enough checking or enforcement.

I've also included some important court judgments, like the *Municipal Corporation of Delhi v. Female Workers* (2000) where even contract workers were given maternity rights. In *Dr. Kavita Yadav's case* (2022), the court supported equal maternity rights for all women.

There's a part where I've assessed how maternity leave affects women's jobs, and what employers think about it. Some employers hesitate to hire women because they have to give paid leave.

Lastly, I've pointed out some gaps, like the lack of coverage for women in the informal sector and weak implementation of the law.

I've used reports from the government, expert views, court cases, and examples from other countries to support my points.

Expected Outcomes of My Paper

A. Legal and Policy Points

- My paper will help understand what the law says and how well it's working.
- It will show how courts have helped make the law stronger for women.
- I will also suggest ways to make the law better – like stricter rules for employers and better support systems.

B. Practical Problems

- The paper will show that many employers don't follow the law properly.
- It will also talk about how women in the informal sector (like daily wage

workers) are not covered.

- It will raise the issue of how maternity leave puts financial pressure on small businesses.

C. Social Impact and Equality

- My study will see if maternity leave really helps women keep their jobs.
- It will also check if this law is helping create equality at the workplace.
- I will compare India's law with those in other countries and suggest what we can learn from them.

In short, this paper will try to connect the law with what's actually happening in the lives of women and employers. It will show what's working and what still needs to change.

Recommendations for Future Changes to the Maternity Benefit Act, 1961

- One major change needed is to extend the Act to women working in the informal sector, like domestic workers or women who are self-employed. At the moment, many of them don't get any maternity benefits.
- The Act should also introduce paternity leave. This would help share childcare responsibilities between both parents and reduce pressure on mothers.
- There should be a cost-sharing system where the government supports small employers in covering maternity costs. Right now, the entire burden falls on employers.
- The government should also run awareness campaigns to inform both women and employers about their rights and duties under the Act.
- Stricter enforcement is important. There should be proper monitoring and penalties for companies that don't follow the rules.
- It would be helpful to make flexible working options mandatory for new mothers things like remote work or part-time

work—so that returning to jobs becomes easier.

Lastly, the rule that limits benefits to only two children should be reconsidered. Support should be extended even for the third child to make the law more inclusive.

ENDNOTED

1 Team LegalWindow, 'Maternity Benefit Act 1961 » Legal Window' (Legal Window, 17 December 2022)

<<https://legalwindow.in/maternity-benefit-act-1961/>> accessed 21 April 2025.

2 'Let's Talk Compliance - Maternity Benefit Act – Tracing the History - Aparajitha'.

3 'The_maternity_benefit_act_1961.Pdf' <[https://www.indiacode.nic.in/bitstream/123456789/19024/1/the_maternity_benefit_act_1961.p](https://www.indiacode.nic.in/bitstream/123456789/19024/1/the_maternity_benefit_act_1961.pdf)df> accessed 21 April 2025.

4 Rajshree Karbhari Gethe and Ashish Pandey, 'Impact of Maternity Benefits Act, 1961 [Amendment 2017] on Job Employment of Working Mothers in India' (2023) 65 International Journal of Law and Management 373 <<https://doi.org/10.1108/IJLMA-06-2022-0129>> accessed 21 April 2025.

5 'Report-on-Maternity-Benefit-Act,-1961-for-2021.Pdf'.

6 'Press Release: Press Information Bureau'

<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=2002647&utm_source=chatgpt.com®=3&lang=1> accessed 21 April 2025.

7 'A Guide to Employer Compliance under the Maternity Benefit Act | Ebi filing' <<https://ebizfiling.com/blog/employer-compliance-under-the-maternity-benefit-act/>> accessed 21 April 2025.

8 Naresh Mahipal and Anand Kumar Singh, 'THE ROLE OF THE MATERNITY BENEFIT ACT IN INDIA' (2024) 5 ShodhKosh: Journal of Visual and Performing Arts 1589 <<https://www.granthaalayahpublication.org/Arts-Journal/ShodhKosh/article/view/2477>> accessed 22 April 2025.

9 'From The Bench To The Cradle_ Landmark Judgments On The Maternity Benefit Act » Lawful Legal.Html'.

10 Rajshree Karbhari Gethe and Ashish Pandey, 'Impact of Maternity Benefits Act, 1961 [Amendment 2017] on Job Employment of Working Mothers in India' (2023) 65 International Journal of Law and Management 373 <<https://doi.org/10.1108/IJLMA-06-2022-0129>> accessed 22 April 2025.

11 Labour Bureau, Reports on Working of The Maternity Benefit Act, 1961 for 2010 (Ministry of Labour and Employment, Government of India 2010) <<https://labourbureau.gov.in/reports-on-the-maternity-benefit-act-1961>> accessed 22 April 2025.

12 Labour Bureau, Reports on Working of The Maternity Benefit Act, 1961 for 2011 (Ministry of Labour and Employment, Government of India 2011) <<https://labourbureau.gov.in/reports-on-the-maternity-benefit-act-1961>> accessed 22 April 2025.

13 Shashi Bala, 'Implementation of Maternity Benefit Act 1961' (2012) V.V. Giri National Labour Institute

14 Venkata Vara Prasad Janjanam and A.V.V.S. Subbalakshmi, 'Maternity Benefit Act 1961: A Study on History, Scope, and Amendments in India' (2013) <[https://www.researchgate.net/publication/324910243_Maternity_Benefit_Act_1961-](https://www.researchgate.net/publication/324910243_Maternity_Benefit_Act_1961-A_study_on_history_scope_and_amendment_s_in_India)

[A_study_on_history_scope_and_amendment_s_in_India](https://www.researchgate.net/publication/324910243_Maternity_Benefit_Act_1961-A_study_on_history_scope_and_amendment_s_in_India)> accessed 22 April 2025.

15 Labour Bureau, Reports on Working of The Maternity Benefit Act, 1961 for 2014 (Ministry of Labour and Employment, Government of India 2014) <<https://labourbureau.gov.in/reports-on-the-maternity-benefit-act-1961>> accessed 22 April 2025.

16 Labour Bureau, Reports on Working of The Maternity Benefit Act, 1961 for 2015 (Ministry of Labour and Employment, Government of India 2015) <<https://labourbureau.gov.in/reports-on-the-maternity-benefit-act-1961>> accessed 22

April 2025.

17Suman Singh, 'The Maternity Benefit (Amendment) Bill, 2016: A Critical Analysis' (2016) 2 Space and Culture, India <https://www.spaceandculture.in/index.php/spaceandculture/article/view/210> accessed 22 April 2025.

18Tushar Devidas Talware and Shobha B. Jambhulkar, 'Implementation of "The Maternity Benefit (Amendment) Act, 2017"' (2017) 3(6) International Journal of Advance Research, Ideas and Innovations in Technology <https://www.ijariit.com/manuscript/implementation-of-the-maternity-benefit-amendment-act-2017/> accessed 22 April 2025.

19Venkata Vara Prasad Janjanam and A.V.V.S. Subbalakshmi, 'Maternity Benefit Act 1961: A Study on History, Scope, and Amendments in India' (2018) ResearchGate https://www.researchgate.net/publication/324910243_Maternity_Benefit_Act_1961-A_study_on_history_scope_and_amendments_in_India accessed 22 April 2025.

20 H. Srinivas, NLI Research Studies Series No. 132/2019 (V.V. Giri National Labour Institute 2019) [https://vvgnli.gov.in/sites/default/files/132-2019_-](https://vvgnli.gov.in/sites/default/files/132-2019_-NLI%20Research%20Studies%20Series%20.pdf)

[_NLI%20Research%20Studies%20Series%20.pdf](https://vvgnli.gov.in/sites/default/files/132-2019_-NLI%20Research%20Studies%20Series%20.pdf) accessed 22 April 2025 21Mihir Madhekar and others, 'An Overview of the Maternity Benefits Act in India and Comparison with Select Countries' (2020) International Journal of Research and Analytical Reviews

22Devangi Tiwari and Janhavi Singh, 'Maternity Benefits Act 1961 With Amendment Of 2017' (2021) International Journal of Legal Law Review <https://www.ijllr.com/post/maternity-benefits-act-1961-with-amendment-of-2017> accessed 22 April 2025.

23Digvijay, 'Comparative Analysis of Maternity Benefit Act in India with Legislations of Other Countries' (2022) 6(4) Journal of Positive School Psychology <https://mail.journalppw.com/index.php/jpsp/article/view/2874> accessed 22 April 2025. Journal

PPW Mail

24Suma Dadke, 'Reading Between the Lines: Maternity Benefit Law in India and Whom It Truly Benefits' (2024) 31(1) Indian Journal of Gender Studies https://www.researchgate.net/publication/380201989_Reading_Between_the_Lines_Maternity_Benefit_Law_in_India_and_Whom_It_Truly_Benefits accessed 22 April 2025.

25Abishek N, 'Evaluating the Effectiveness of the Maternity Benefit (Amendment) Act, 2017 in Promoting Workplace Equality and Maternal Health in India' (2025) 5(5) Indian Journal of Legal Review 382–388 <https://ijlr.iledu.in/evaluating-the-effectiveness-of-the-maternity-benefit-amendment-act-2017-in-promoting-workplace-equality-and-maternal-health-in-india/> accessed 22 April 2025. Indian Journal of Legal Review