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## MATERNITY BENEFITS AND LABOUR LAW PROTECTION UNDER THE MATERNITY BENEFITS ACT, 1961

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### ABSTRACT

The Maternity Benefit Act, 1961 is a key labour welfare legislation that ensures protection for working women during pregnancy by providing paid maternity leave, medical benefits, and job security. The 2017 amendment enhanced these protections by extending maternity leave to 26 weeks and introducing provisions such as crèche facilities and work-from-home options. Despite its progressive nature, the Act faces challenges such as limited coverage of women in the unorganized sector, lack of awareness, and the financial burden on employers. This study examines the legal framework, constitutional support, and practical issues of the Act, while also comparing it with standards set by the International Labour Organization. It highlights the need for effective implementation and reforms to ensure inclusive maternity protection for all women workers.

### INTRODUCTION:

Maternity protection is a crucial aspect of labour welfare, ensuring the health, dignity, and economic security of women workers during pregnancy and childbirth. In a country like India, where women increasingly participate in the workforce, it becomes essential to provide legal safeguards that support them during this critical phase of life. Without such protection, women may face job insecurity, financial hardship, and workplace discrimination.

The Maternity Benefit Act, 1961 was enacted to regulate the employment of women during maternity and to provide them with benefits such as paid leave, medical assistance, and protection against dismissal. Over the years, the Act has evolved to address changing social and economic conditions, particularly with the 2017 amendment, which significantly enhanced maternity leave and introduced additional welfare measures.

### OBJECTIVES:

- To study the provisions of the Maternity Benefit Act, 1961
- To examine the rights and protections provided to working women during maternity
- To analyze the impact of the 2017 amendment on maternity benefits
- To evaluate the effectiveness of the Act in ensuring workplace equality
- To identify challenges in the implementation of maternity protections
- To compare Indian maternity laws with standards of the International Labour Organization
- To suggest measures for improving maternity benefits and labour law protections in India

### MATERNITY BENEFITS UNDER MATERNITY BENEFITS ACT 1961:

The Maternity Benefit Act, 1961 provides a comprehensive set of maternity benefits aimed

at protecting the health, dignity, and economic security of working women during pregnancy and after childbirth. Under the Act, a woman is entitled to paid maternity leave of up to 26 weeks for her first two children, with a portion of the leave available before delivery, and 12 weeks for women with more than two children. The law also extends benefits to adoptive and commissioning mothers, granting them 12 weeks of leave. In addition to leave, the Act provides for a medical bonus in cases where free medical care is not provided by the employer.

After returning to work, women are entitled to nursing breaks to care for their child, which supports both maternal and child health. Further, the Act mandates the establishment of crèche facilities in workplaces with 50 or more employees, allowing women to visit their child during working hours. It also introduces the possibility of work-from-home arrangements, depending on the nature of employment, thereby offering flexibility to new mothers.

Importantly, the Act strictly prohibits employers from dismissing or discriminating against women during maternity, ensuring job security and protection from unfair practices. Overall, these provisions reflect a welfare-oriented approach in labour law, balancing the needs of working women with their maternal responsibilities, while promoting gender equality and social justice in the workplace.

#### **LABOUR LAW PROTECTION UNDER THE MATERNITY BENEFITS ACT, 1961:**

The Maternity Benefit Act, 1961 provides strong labour law protections to safeguard the rights of women employees during pregnancy and after childbirth. One of the key protections is job security, as the Act strictly prohibits employers from dismissing, discharging, or discriminating against a woman during her maternity period. It also ensures that women are not assigned arduous or hazardous work that may affect their health or that of the child. The Act guarantees paid maternity leave, thereby

protecting women from loss of income during this critical phase.

Additionally, the law mandates nursing breaks and crèche facilities, enabling women to balance work and childcare responsibilities. It further supports flexible work arrangements such as work-from-home options, depending on the nature of employment. These provisions collectively aim to create a safe, secure, and supportive working environment for women. Thus, the Act not only provides maternity benefits but also acts as a protective labour law framework that promotes dignity, equality, and welfare of women in the workplace.

The Maternity Benefit Act, 1961 provides a comprehensive framework of labour law protections designed to safeguard the rights, health, and dignity of women employees during pregnancy and after childbirth. A key protection under the Act is job security, as employers are prohibited from dismissing, discharging, or otherwise disadvantaging a woman during her maternity period. Any form of discrimination in terms of promotion, wages, or working conditions on the ground of maternity is also restricted. The Act further ensures that pregnant women are not required to perform arduous, hazardous, or physically demanding work that could adversely affect their health or the well-being of the child.

#### **COMPARATIVE ANALYSIS:**

The Maternity Benefit Act, 1961 provides a relatively strong framework for maternity protection when compared to international standards, but it also has certain limitations. The International Labour Organization recommends a minimum of 14 weeks of paid maternity leave. In contrast, India provides up to 26 weeks of paid leave, which is significantly higher and reflects a progressive approach toward maternal welfare.

However, many developed countries such as Sweden, Norway, and Canada offer parental leave systems, where both mother and father can share childcare responsibilities. In India,

maternity leave is primarily focused on women, and there is no comprehensive statutory provision for paternity leave, which creates an imbalance in caregiving responsibilities. Another key difference lies in funding. In several countries, maternity benefits are financed through social security systems or government schemes. In India, the employer bears the cost of maternity benefits, which may discourage employers from hiring women or lead to indirect discrimination in the workplace.

Furthermore, while the Act applies mainly to the organized sector, many countries extend maternity protection to a broader workforce, including informal workers. This highlights a gap in India's legal framework, where a large number of women remain outside the scope of protection. Thus, although India performs well in terms of duration and statutory recognition of maternity benefits, it needs to adopt a more inclusive and balanced approach to align fully with global best practices.

#### CHALLENGES AND ISSUES:

Despite the progressive provisions of the Maternity Benefit Act, 1961, several challenges hinder its effective implementation and impact:

**Limited Coverage:** The Act mainly applies to the organized sector, leaving a large number of women in the unorganized sector without protection.

**Lack of Awareness:** Many women workers are unaware of their legal rights, resulting in underutilization of maternity benefits.

**Financial Burden on Employers:** Since employers bear the full cost of maternity benefits, some may hesitate to hire women or may engage in indirect discrimination.

**Workplace Discrimination:** Women may face bias in recruitment, promotions, or job security due to potential maternity-related costs.

**Poor Implementation:** Provisions such as crèche facilities and nursing breaks are often not properly enforced.

**Exclusion of Paternity Leave:** The absence of adequate paternity leave policies places the burden of childcare solely on women, affecting gender equality.

**Informal Employment Issues:** Women in temporary, contractual, or gig work often do not receive maternity protections.

#### CONSTITUTIONAL PERSPECTIVE:

The Maternity Benefit Act, 1961 is strongly supported by the constitutional framework of India, which promotes equality, dignity, and social justice for women.

#### Article 14 – Equality before Law

Ensures that women are treated equally in all spheres, including employment. Maternity benefits help achieve substantive equality by addressing biological differences.

#### Article 15(3) – Special Provisions for Women and Children

Empowers the State to make special laws for women. The Act is a valid exercise of this provision, aiming to protect women during maternity.

#### Article 21 – Right to Life and Personal Liberty

Interpreted broadly to include the right to live with dignity, health, and livelihood. Maternity protection ensures both maternal and child health, falling within this right.

#### Directive Principles of State Policy (Article 42)

Directs the State to make provisions for just and humane conditions of work and maternity relief. The Act directly fulfils this constitutional mandate.

#### SUGGESTIONS:

To improve the effectiveness of the Maternity Benefit Act, 1961, several reforms are necessary. The scope of the Act should be extended to include women in the unorganized sector, ensuring universal maternity protection. The government should share the financial burden of maternity benefits with employers through

social security schemes, thereby reducing hiring bias against women.

There is also a need to introduce shared parental leave policies to promote gender equality in caregiving responsibilities. Awareness programs must be strengthened so that women are informed about their rights under the law. Additionally, strict enforcement mechanisms should be implemented to ensure compliance with provisions such as crèche facilities and nursing breaks. These measures would help in creating a more inclusive, fair, and supportive work environment for women.

#### CONCLUSION:

The Maternity Benefit Act, 1961 is a progressive and welfare-oriented legislation that plays a crucial role in protecting the rights, health, and dignity of working women during maternity. By providing paid leave, job security, and supportive workplace facilities, the Act promotes gender equality and encourages women's participation in the workforce. However, challenges such as limited coverage, lack of awareness, and the financial burden on employers continue to affect its effective implementation. Therefore, there is a need for inclusive reforms, stronger enforcement, and shared responsibility between the State and employers. Ensuring comprehensive maternity protection will not only benefit women but also contribute to overall social and economic development.

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