



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 6 AND ISSUE 5 OF 2026

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 6 and Issue 5 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-5-of-2026/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – 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/>

MATERNITY BENEFITS AND WORKPLACE PROTECTION UNDER THE CODE ON SOCIAL SECURITY, 2020: ISSUES AND CHALLENGES

AUTHOR – SUSMITHA.M, STUDENT AT THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY, SCHOOL OF EXCELLENCE IN LAW (SOEL)

BEST CITATION – SUSMITHA.M, MATERNITY BENEFITS AND WORKPLACE PROTECTION UNDER THE CODE ON SOCIAL SECURITY, 2020: ISSUES AND CHALLENGES, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (5) OF 2026, PG. 484-495, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT:

The Code on Social Security, 2020 represents a significant reform in India's labour law framework by consolidating multiple social security laws into a unified structure aimed at extending protection to all categories of workers, including those in the unorganised, gig, and platform sectors. Among its key components, maternity benefits and workplace protection for women employees occupy a central position, ensuring financial security, health safeguards, and job continuity during pregnancy and post-childbirth phases.

The Code provides for paid maternity leave, medical bonuses, nursing breaks, and crèche facilities, while also prohibiting hazardous work during pregnancy and dismissal on grounds of maternity absence. These provisions aim to promote gender equality, protect maternal health, and support women's participation in the workforce.

However, despite its progressive framework, the implementation of maternity benefits under the Code faces several legal and practical challenges. Additionally, issues such as lack of awareness, socio-economic barriers, and gaps in regulatory clarity hinder effective realization of these rights.

This study critically examines the scope, effectiveness, and limitations of maternity benefits and workplace protections under the Code on Social Security, 2020. It further analyses the emerging legal challenges and suggests reforms to strengthen enforcement, expand coverage, and ensure equitable access to maternity benefits in India's evolving labour market.

KEY WORDS: Maternity Benefits, Workplace Protection, Women Employees, Code on Social Security, 2020, Gender Equality, Labour Law, Social Security, Maternity Leave, Unorganised Sector, Gig Workers, Employer Liability, Crèche Facilities, Nursing Breaks, Legal Challenges, Women's Rights, Employment Protection, Maternal Health, Labour Welfare.

INTRODUCTION:

The protection of maternity rights is a crucial aspect of labour welfare and gender justice in any modern legal system. In India, ensuring the health, dignity, and economic security of women workers during pregnancy and childbirth has long been recognized as a fundamental objective of labour legislation. Traditionally governed by the **Maternity Benefit Act, 1961**, the legal framework has undergone significant transformation with the enactment

of the Code on Social Security, 2020, which consolidates and rationalizes various social security laws into a unified structure.

The Code on Social Security, 2020 aims to extend social protection to a broader workforce, including employees in the organized, unorganized, and emerging gig economy sectors. Within this framework, maternity benefits form a key component, providing entitlements such as paid maternity leave, medical assistance, nursing breaks, and

workplace facilities like crèches. These measures are intended not only to safeguard maternal health but also to promote gender equality and enhance women's participation in the labour force.

Despite these progressive provisions, the practical realization of maternity benefits remains a significant challenge. A large proportion of women in India are engaged in informal employment, where access to statutory benefits is limited or non-existent. Furthermore, the inclusion of gig and platform workers under the Code raises questions regarding the scope and enforceability of maternity protections in non-traditional employment relationships. Employers also face compliance challenges, particularly small and medium enterprises, which may affect the effective implementation of these provisions.

In addition to structural issues, legal ambiguities and gaps in enforcement mechanisms continue to hinder the full realization of maternity rights. Discrimination in hiring, lack of awareness among workers, and inadequate monitoring by authorities further exacerbate the problem. These challenges highlight the need for a critical examination of the Code's effectiveness in addressing the evolving nature of work and ensuring inclusive social security.

This study seeks to analyse the provisions relating to maternity benefits and workplace protection under the Code on Social Security, 2020, identify the key legal and practical challenges, and suggest reforms to strengthen the framework and ensure equitable access to maternity rights for all women workers in India.

STATEMENT OF THE PROBLEM:

Despite the progressive intent of the Code on Social Security, 2020 in consolidating and expanding maternity benefits and workplace protections for women, significant gaps persist in its implementation and effectiveness. A large proportion of women in India are employed in the unorganised and informal sectors, where access to statutory maternity benefits remains

limited or entirely absent. Although the Code seeks to extend coverage to gig and platform workers, the absence of clear mechanisms for enforcement and accountability raises concerns about the practical realization of these rights.

Furthermore, employers often perceive maternity benefits as a financial burden, leading to discriminatory practices such as reluctance in hiring women, termination during pregnancy, or denial of benefits. Small and medium enterprises, in particular, face challenges in complying with provisions like paid maternity leave and crèche facilities, thereby affecting uniform implementation.

In addition, there is a lack of awareness among women workers regarding their rights, coupled with weak enforcement machinery and inadequate monitoring by authorities. Legal ambiguities within the Code, especially concerning eligibility, scope of coverage, and applicability to non-traditional employment relationships, further complicate the situation.

These issues collectively result in a disconnect between the legal framework and ground-level realities, undermining the objective of ensuring maternal health, job security, and gender equality at the workplace. Therefore, there is a pressing need to critically examine the challenges in the implementation of maternity benefits under the Code on Social Security, 2020 and to identify measures for strengthening its effectiveness and inclusivity.

OBJECTIVES OF THE STUDY:

1. To examine the provisions relating to maternity benefits under the Code on Social Security, 2020.
2. To analyse workplace protection measures available to women employees during maternity.
3. To identify the major legal and practical challenges in the implementation of maternity benefit provisions.

4. To suggest effective measures and reforms to improve the implementation and accessibility of maternity benefits in India.

RESEARCH QUESTIONS:

1. What are the key provisions relating to maternity benefits under the Code on Social Security, 2020?
2. To what extent does the Code ensure workplace protection for women during pregnancy and after childbirth?
3. What are the major legal and practical challenges in the implementation of maternity benefit provisions?
4. How effective is the Code in extending maternity benefits to unorganised, gig, and platform workers?
5. What reforms are necessary to improve the accessibility and enforcement of maternity benefits in India?

HYPOTHESIS:

Primary Hypothesis (H1):

The provisions relating to maternity benefits and workplace protection under the Code on Social Security, 2020 are not fully effective in ensuring equitable access and implementation for all categories of women workers in India.

Null Hypothesis (H0):

The provisions relating to maternity benefits and workplace protection under the Code on Social Security, 2020 are effective in ensuring equitable access and implementation for all categories of women workers in India.

RESEARCH METHODOLOGY:

This study is based on a doctrinal (secondary) research methodology, which primarily relies on existing legal sources and scholarly materials. The research involves a detailed analysis of the statutory framework governing maternity benefits under the Code on Social Security, 2020.

Data for the study is collected from secondary sources, including legislation, rules and

regulations, judicial decisions, law commission reports, government publications, research articles, journals, textbooks, and reliable online databases. Relevant provisions of the Code on Social Security, 2020 and earlier laws such as the Maternity Benefit Act, 1961 are critically examined to understand the evolution and scope of maternity protection in India.

The study also adopts an analytical and descriptive approach. The analytical method is used to examine the effectiveness of the legal provisions and identify gaps, ambiguities, and challenges in implementation. The descriptive method is used to explain the existing legal framework and workplace protections available to women.

Further, the research includes a comparative perspective, where necessary, to understand how maternity benefits are addressed in different contexts or legal frameworks. This helps in identifying best practices and suggesting reforms.

The methodology aims to evaluate the adequacy of the current legal framework and propose recommendations for improving the implementation and inclusivity of maternity benefits under the Code on Social Security, 2020.

REVIEW OF LITERATURE:

1. **Upendra Baxi** emphasizes that labour welfare laws must address structural inequalities faced by women. He argues that maternity benefit laws should not remain merely on paper but require strong enforcement to ensure real protection and social justice.

2. **Indira Jaising** highlights that placing the financial burden of maternity benefits solely on employers often leads to gender discrimination in hiring. She suggests greater state involvement in providing social security benefits.

3. **International Labour Organization (ILO)** reports indicate that although India provides relatively long maternity leave, the lack of universal coverage—especially in the informal

sector—remains a major concern. The ILO recommends inclusive policies for all categories of workers.

4. **K. R. Shyam Sundar** critically analyses the Code on Social Security, 2020 and points out ambiguities in implementation and enforcement, stressing that the success of the Code depends on proper rule-making and administrative efficiency.

5. **National Commission for Women reports** reveal that lack of awareness among women workers and weak enforcement mechanisms hinder access to maternity benefits. Non-compliance by employers is also a recurring issue.

6. **Ministry of Labour and Employment** states that the Code aims to universalize social security, but practical challenges exist in extending maternity benefits to gig and platform workers due to lack of clarity.

7. Academic studies published in journals such as Indian Journal of Labour Economics and Economic and Political Weekly highlight the gap between legislative intent and actual implementation, especially after the transition from the Maternity Benefit Act, 1961 to the Code framework.

SCOPE OF THE STUDY:

This study focuses on analysing the provisions relating to maternity benefits and workplace protection under the Code on Social Security, 2020 in India. It examines the legal framework governing maternity rights, including aspects such as paid maternity leave, medical benefits, nursing breaks, and crèche facilities provided to women employees.

The study covers both organised and unorganised sectors, with particular attention to the inclusion of gig and platform workers under the Code. It aims to evaluate the extent to which these categories of workers can access maternity benefits in practice.

Further, the research explores the challenges in implementation, including issues related to

employer compliance, lack of awareness among workers, and gaps in enforcement mechanisms. It also analyses the effectiveness of existing legal provisions in ensuring workplace protection and gender equality.

However, the study is limited to a doctrinal analysis based on secondary data and does not include empirical or field-based research. The focus remains on Indian laws and does not provide an in-depth comparative analysis with other countries.

MEANING OF MATERNITY BENEFITS:

Maternity benefits refer to the rights, protections, and financial support provided to a woman employee during pregnancy, childbirth, and the post-natal period. These benefits are intended to safeguard the health of both the mother and child, while also ensuring that the woman does not lose her job or income due to maternity.

In simple terms, maternity benefits include:

- Paid maternity leave for a specified period
- Medical assistance or bonus for pre-natal and post-natal care
- Nursing breaks for feeding the child after returning to work
- Job protection, ensuring that a woman is not dismissed during maternity leave
- Workplace facilities, such as crèche (childcare) support

The primary objective of maternity benefits is to promote maternal health, child welfare, and gender equality in the workplace, while enabling women to continue their employment without discrimination or financial hardship.

EVOLUTION OF MATERNITY LAWS:

1. Early Labour Welfare Measures (Pre-Independence Period)

The concept of maternity protection in India began during the colonial period, mainly to safeguard women working in factories and

plantations. Provincial laws such as the Bombay Maternity Benefit Act, 1929 and similar legislations in other regions provided limited maternity relief. However, these laws were fragmented and applied only to specific sectors.

2. Post-Independence Constitutional Support

After independence, the Constitution of India laid the foundation for maternity protection.

Article 42 directs the State to make provisions for just and humane conditions of work and maternity relief.

This constitutional mandate led to the development of a uniform maternity law across the country.

3. Maternity Benefit Act, 1961

This Act was a landmark legislation that provided a comprehensive framework for maternity protection. It ensured:

- Paid maternity leave (initially 12 weeks)
- Medical bonus
- Protection against dismissal during maternity
- Nursing breaks after childbirth

It mainly applied to women in the organised sector.

4. Judicial Developments

Courts in India played an important role in expanding maternity rights.

For example, in *Municipal Corporation of Delhi v. Female Workers (Muster Roll)*, the Supreme Court held that even daily wage workers are entitled to maternity benefits, thereby extending protection beyond formal employment.

5. Amendment of 2017

The Maternity Benefit (Amendment) Act, 2017 significantly enhanced benefits:

- Increased paid maternity leave from 12 weeks to 26 weeks

- Introduced crèche facilities in establishments with 50 or more employees
- Recognised adoptive and commissioning mothers

This marked a progressive step towards improving maternal welfare.

6. Code on Social Security, 2020

The latest development is the consolidation of maternity laws under this Code. It aims to:

- Simplify and unify social security laws
- Extend benefits to unorganised, gig, and platform workers
- Improve coverage and administration of maternity benefits

However, challenges remain regarding implementation and clarity.

LEGAL FRAMEWORK UNDER THE CODE:

The Code on Social Security, 2020 incorporates maternity benefit provisions (largely derived from the Maternity Benefit Act, 1961) under Chapter VI (Sections 60 to 72).

1. Applicability (Section 60)

Section 60 provides that maternity benefits apply to establishments such as factories, mines, plantations, shops, and other notified establishments employing a prescribed number of employees.

2. Prohibition of Employment during Certain Periods (Section 61)

A woman is prohibited from working:

- During the 6 weeks immediately following delivery, miscarriage, or medical termination of pregnancy.
- Employers are also restricted from employing women during this period.

3. Right to Payment of Maternity Benefit (Section 62)

This section provides:

- Paid maternity leave up to 26 weeks (for first two children).
- Payment is calculated based on the average daily wage.
- Eligibility requires a minimum period of work (usually 80 days).

4. Medical Bonus (Section 63)

A woman is entitled to a medical bonus if the employer does not provide free pre-natal and post-natal care.

5. Leave for Miscarriage or Illness (Section 64)

Provides leave with wages for:

- Miscarriage
- Medical termination of pregnancy
- Illness arising out of pregnancy, delivery, or premature birth

6. Nursing Breaks (Section 65)

After returning to work, a woman is entitled to nursing breaks for feeding the child until a specified age.

7. Crèche Facility (Section 67)

Establishments with a prescribed number of employees must provide a crèche facility, and the mother is allowed visits during working hours.

8. Dismissal during Absence (Section 68)

Employers are prohibited from:

- Dismissing or discharging a woman during maternity leave
- Denying maternity benefits on unfair grounds

9. Forfeiture of Benefits (Section 69)

A woman may lose maternity benefits if dismissed for gross misconduct, as per prescribed rules.

10. Duties of Employer (Section 70)

Employers must:

- Ensure payment of maternity benefits

- Maintain records and comply with legal requirements

11. Inspectors and Enforcement (Sections 71–72)

Provide for:

- Appointment of Inspectors-cum-Facilitators
- Powers to ensure compliance and impose penalties

The Code provides a comprehensive statutory framework (Sections 60–72) ensuring maternity leave, medical support, job protection, and workplace facilities. However, challenges remain in implementation, awareness, and coverage, especially in informal and gig sectors.

WORKPLACE PROTECTION FOR WOMEN:

Workplace protection for women, particularly during pregnancy and after childbirth, is an essential component of labour welfare under the Code on Social Security, 2020. The Code ensures that women are provided with a safe, secure, and non-discriminatory working environment during maternity. It prohibits employers from assigning hazardous or physically strenuous work to pregnant women and restricts their employment during the period immediately following delivery to safeguard their health. The law also guarantees job security by preventing dismissal or termination during maternity leave, thereby protecting women from unfair labour practices.

In addition, the Code provides for nursing breaks after childbirth, enabling women to balance work and childcare responsibilities. Establishments are required to provide crèche facilities, which further support working mothers. The provision for work-from-home arrangements, where feasible, offers flexibility and helps women continue their employment without compromising their health or family responsibilities. Moreover, workplace protection extends to ensuring dignity and equality, preventing discrimination in hiring, promotion, and retention based on pregnancy or maternity

status. Overall, these measures aim to create a supportive and inclusive work environment for women, although their effectiveness depends largely on proper implementation and awareness.

JUDICIAL INTERPRETATION:

MUNICIPAL CORPORATION OF DELHI V. FEMALE WORKERS (MUSTER ROLL)

Facts:

Female workers employed on a muster roll (daily wage basis) were denied maternity benefits on the ground that they were not regular employees.

Issue:

Whether maternity benefits can be extended to daily wage/casual workers?

Judgment:

The Supreme Court held that maternity benefits must be provided to all women workers, including those on a daily wage basis. The Court emphasized that maternity relief is a part of human dignity under Article 21 and cannot be denied based on the nature of employment.

B. SHAH V. PRESIDING OFFICER, LABOUR COURT

Facts:

A dispute arose regarding the calculation and extent of maternity benefits payable to a woman employee.

Issue:

How should maternity benefit provisions be interpreted?

Judgment:

The Supreme Court held that maternity benefit laws must be liberally and beneficially interpreted in favour of women to achieve the objective of protecting motherhood.

NEERA MATHUR V. LIC OF INDIA

Facts:

A woman employee was required to disclose details about her pregnancy at the time of employment and was later terminated for suppressing such information.

Issue:

Whether such disclosure requirements violate a woman's rights?

Judgment:

The Court held that forcing disclosure of pregnancy details violates a woman's right to privacy, dignity, and equality, and such practices are unconstitutional.

AIR INDIA V. NARGESH MEERZA

Facts:

Air India had service rules that required termination of air hostesses upon pregnancy.

Issue:

Whether termination on the ground of pregnancy is valid?

Judgment:

The Supreme Court held that such provisions are arbitrary, discriminatory, and unconstitutional, violating Articles 14 and 16. Pregnancy cannot be a ground for termination.

DEEPIKA SINGH V. CENTRAL ADMINISTRATIVE TRIBUNAL

Facts:

The petitioner was denied maternity leave benefits due to restrictive interpretation of family and childcare norms.

Issue:

Whether maternity benefits should be interpreted narrowly?

Judgment:

The Court adopted a progressive interpretation, holding that maternity benefits must consider

changing social realities and diverse family structures, ensuring broader protection.

COMPARATIVE ANALYSIS BETWEEN MATERNITY BENEFIT ACT, 2020 AND THE CODE ON SOCIAL SECURITY, 2020:

The Maternity Benefit Act, 1961 was a standalone legislation specifically enacted to regulate maternity benefits for women employees in certain establishments, whereas the Code on Social Security, 2020 is a comprehensive law that consolidates multiple social security legislations, including maternity benefits, into a single framework. While the core objective of both laws remains the protection of women during pregnancy and childbirth, the Code represents a shift towards a more unified and broader social security system.

In terms of scope, the Maternity Benefit Act primarily applied to women employed in the organised sector, with limited reach in the unorganised sector. In contrast, the Code on Social Security, 2020 attempts to expand coverage by including unorganised, gig, and platform workers within its ambit. However, this expansion is largely dependent on the framing of rules and effective implementation, which creates uncertainty in practical application.

Regarding benefits, both laws provide similar entitlements such as paid maternity leave (**up to 26 weeks after the 2017 amendment**), medical bonus, nursing breaks, and crèche facilities. The Code essentially retains these provisions, indicating continuity rather than drastic change. However, the Code introduces a more structured compliance and administrative mechanism through inspectors-cum-facilitators and digitisation efforts.

In terms of enforcement, the Code aims to improve compliance through simplified procedures and wider regulatory powers. Nevertheless, both frameworks face similar challenges, such as weak enforcement, lack of awareness among workers, and non-compliance by employers.

Overall, while the Code on Social Security, 2020 modernizes and consolidates the legal framework, it does not substantially alter the substantive rights provided under the Maternity Benefit Act, 1961. The effectiveness of the Code depends largely on its implementation and its ability to extend benefits to a broader workforce, which remains a continuing challenge.

ISSUES AND LEGAL CHALLENGES:

1. Limited Coverage in the Informal Sector

A major issue is that a large number of women in India work in the unorganised sector. Despite the Code's objective of universal coverage, many such workers still do not receive maternity benefits due to lack of proper implementation and identification mechanisms.

2. Ambiguity for Gig and Platform Workers

Although the Code includes gig and platform workers, it does not clearly define the extent of maternity benefits available to them. This creates legal uncertainty and limits effective enforcement.

3. Employer Burden and Cost Concerns

The responsibility for providing maternity benefits lies primarily with employers. This creates a financial burden, especially on small and medium enterprises, leading to reluctance in hiring women or discriminatory practices.

4. Workplace Discrimination

Women often face bias in recruitment, promotion, and retention due to maternity-related obligations. Some employers avoid hiring women of reproductive age to escape liability.

5. Lack of Awareness among Women Workers

Many women, particularly in rural and informal sectors, are unaware of their legal rights, which prevents them from claiming maternity benefits.

6. Weak Enforcement Mechanism

Although the Code provides for Inspectors-cum-Facilitators, enforcement remains weak due to:

- Inadequate monitoring
- Lack of strict penalties
- Administrative inefficiency

7. Non-Compliance by Employers

Many establishments fail to comply with provisions such as crèche facilities, nursing breaks, and paid leave, especially where regulatory oversight is minimal.

8. Ambiguity in Definitions and Provisions

Certain provisions of the Code lack clarity regarding:

- Eligibility criteria
- Applicability thresholds
- Implementation guidelines

This creates confusion and legal disputes.

PROBLEMS FACED BY WOMEN:

1. Lack of Awareness

Many women workers are unaware of their legal rights relating to maternity benefits, especially in rural and unorganised sectors. This prevents them from claiming the benefits they are entitled to.

2. Limited Access in the Informal Sector

A large number of women work in informal employment where maternity benefits are rarely implemented, leaving them without paid leave or medical support.

3. Workplace Discrimination

Women often face bias during hiring and promotion. Employers may avoid hiring women of childbearing age or may treat them unfairly due to the perceived cost of maternity benefits.

4. Job Insecurity

Despite legal protection, some women face termination, forced resignation, or denial of work during pregnancy or after childbirth.

5. Financial Difficulties

Women without access to paid maternity leave suffer loss of income, making it difficult to manage medical expenses and childcare.

6. Lack of Workplace Facilities

Many workplaces do not provide crèche facilities, nursing breaks, or safe working conditions, making it difficult for women to balance work and childcare.

7. Health and Safety Risks

Pregnant women may still be required to perform physically demanding or hazardous work, affecting their health and that of the child.

8. Difficulty in Enforcement

Even when rights exist, women face challenges in approaching authorities or filing complaints due to fear of losing their job or lack of legal support.

9. Exclusion of Gig and Platform Workers

Women working in gig or platform-based jobs often lack clear entitlement to maternity benefits due to ambiguity in the law.

SOLUTION TO IMPROVE MATERNITY BENEFITS AND WORKPLACE PROTECTION UNDER THE CODE OF SOCIAL SECURITY, 2020:

1. Expansion of Coverage to All Sectors

The government should ensure effective inclusion of unorganised, gig, and platform workers by framing clear rules and schemes so that all women workers can access maternity benefits.

2. Shared Financial Responsibility

Instead of placing the entire burden on employers, a social insurance model should be adopted where the government, employer, and employee contribute. This will reduce discrimination in hiring women.

3. Strengthening Enforcement Mechanisms

The role of Inspectors-cum-Facilitators should be strengthened through:

- Regular inspections
- Strict penalties for non-compliance
- Transparent grievance redressal systems

4. Awareness and Legal Literacy Programs

The government and organisations should conduct awareness campaigns to educate women about their maternity rights, especially in rural and informal sectors.

5. Clear Guidelines for Gig and Platform Workers

The law should provide specific provisions defining maternity benefits for gig and platform workers to remove ambiguity and ensure enforceability.

6. Incentives for Employers

Providing tax benefits or subsidies to employers who comply with maternity benefit provisions can encourage better implementation.

7. Improvement of Workplace Facilities

Strict enforcement of provisions relating to crèche facilities, nursing breaks, and safe working conditions should be ensured in all eligible establishments.

8. Digital Monitoring and Registration

Creating an online registration and monitoring system for workers and employers can help track compliance and ensure that benefits reach eligible women.

9. Judicial and Administrative Support

Fast-track mechanisms should be established for resolving disputes related to maternity benefits, ensuring timely justice.

10. Social and Policy Reforms

Promoting gender equality through progressive workplace policies, flexible work options, and

supportive work environments will help women continue employment after childbirth.

SUGGESTIONS AND REFORMS:

To improve the effectiveness of maternity benefits under the Code on Social Security, 2020, it is essential to adopt a more inclusive and practical approach. One of the key reforms required is the introduction of a social insurance system, where the financial burden of maternity benefits is shared between the government, employers, and employees, rather than being placed solely on employers. This would reduce discrimination against women in employment and encourage better compliance. Further, the scope of maternity benefits must be effectively extended to unorganised, gig, and platform workers by framing clear rules and implementation mechanisms.

In addition, there is a need to strengthen enforcement mechanisms by ensuring regular inspections, stricter penalties for non-compliance, and efficient grievance redressal systems. Increasing awareness among women workers through legal literacy programs is equally important, as many women are still unaware of their rights. Employers should also be encouraged through incentives such as tax benefits or subsidies to comply with maternity provisions. Moreover, proper implementation of workplace facilities like crèches, nursing breaks, and safe working conditions must be ensured. The use of digital platforms for registration and monitoring can further enhance transparency and accountability.

Finally, introducing flexible work arrangements and expanding the framework to include paternity and parental leave can promote gender equality and reduce the burden on women alone. These reforms are necessary to bridge the gap between legal provisions and actual practice, ensuring that maternity benefits are accessible, effective, and inclusive for all women workers.

SUMMARY OF FINDINGS:

The study on maternity benefits and workplace protection under the Code on Social Security, 2020 reveals that the Code provides a comprehensive legal framework aimed at ensuring maternal health, financial security, and job protection for women employees. It incorporates key provisions such as paid maternity leave, medical benefits, nursing breaks, and crèche facilities, reflecting a progressive approach toward gender equality and labour welfare. However, the findings indicate a significant gap between the legal framework and its practical implementation.

The research highlights that a large number of women, particularly in the unorganised sector, are still unable to access maternity benefits due to lack of awareness, weak enforcement, and limited coverage. Although the Code attempts to include gig and platform workers, ambiguity in provisions and lack of clear guidelines hinder effective implementation. The employer-centric model of funding maternity benefits also creates challenges, leading to workplace discrimination and reluctance in hiring women.

Further, the study finds that enforcement mechanisms remain inadequate, with issues such as non-compliance by employers and insufficient monitoring by authorities. Workplace facilities like crèches and nursing support are often not properly implemented. Overall, while the Code on Social Security, 2020 is progressive in intent, its success depends on stronger enforcement, wider coverage, and supportive policy reforms to ensure that maternity benefits are effectively accessible to all women workers.

CONCLUSION:

The Code on Social Security, 2020 marks a significant step towards consolidating and modernizing labour laws in India, particularly in the area of maternity benefits and workplace protection for women. By incorporating provisions such as paid maternity leave, medical assistance, job security, and workplace facilities, the Code reflects a progressive

commitment to safeguarding maternal health and promoting gender equality in employment.

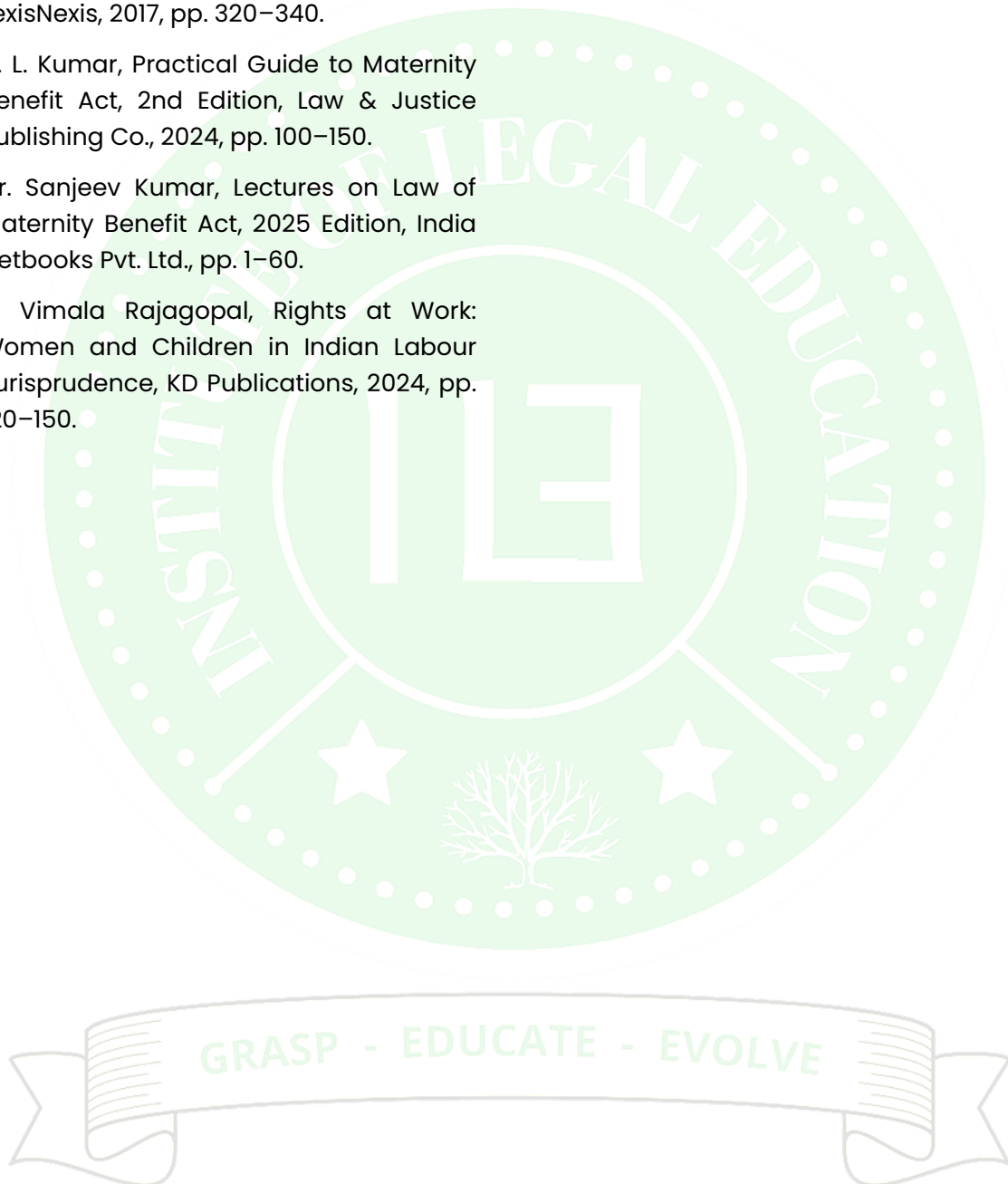
However, despite its comprehensive legal framework, the study reveals that there remains a considerable gap between legislative intent and actual implementation. Challenges such as limited coverage in the unorganised sector, ambiguity in extending benefits to gig and platform workers, lack of awareness among women, and weak enforcement mechanisms continue to hinder the effective realization of maternity rights. The employer-centric model of funding further contributes to workplace discrimination and uneven compliance.

Therefore, while the Code provides a strong foundation, its true effectiveness depends on robust implementation, clear regulatory guidelines, and inclusive policy reforms. Strengthening enforcement, expanding coverage, and adopting a shared responsibility model are essential to ensure that maternity benefits are not merely theoretical rights but practical realities. Ultimately, ensuring effective maternity protection is not only a matter of legal compliance but also a step towards achieving social justice, gender equality, and sustainable workforce participation in India.

REFERENCES:

1. <https://labour.gov.in/en/acts/maternity-benefit-act-1961-download-13392-kb12121961>
2. <https://www.indiacode.nic.in/handle/123456789/1681>
3. <https://labour.gov.in/slider/maternity-benefit>
4. <https://labour.gov.in/pibnews/maternity-benefit-women-working-unorganised-sector>
5. <https://labour.gov.in/pibnews/maternity-benefits-under-maternity-benefit-amendment-act2017>
6. https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=29926

7. Dr. S.R. Myneni, Labour Law – I, 1st Edition, Asia Law House, 2024, pp. 450–468.
8. Dr. J.P. Sharma, Simplified Approach to Labour Laws, 5th Edition, Bharat Law House Pvt. Ltd., 2018, pp. 280–290.
9. Avtar Singh & Harpreet Kaur, Introduction to Labour and Industrial Laws, 4th Edition, LexisNexis, 2017, pp. 320–340.
10. H. L. Kumar, Practical Guide to Maternity Benefit Act, 2nd Edition, Law & Justice Publishing Co., 2024, pp. 100–150.
11. Dr. Sanjeev Kumar, Lectures on Law of Maternity Benefit Act, 2025 Edition, India Netbooks Pvt. Ltd., pp. 1–60.
12. R. Vimala Rajagopal, Rights at Work: Women and Children in Indian Labour Jurisprudence, KD Publications, 2024, pp. 120–150.





GRASP - EDUCATE - EVOLVE



INSTITUTE OF LEGAL EDUCATION

(Managed by I.L.E. EDUCATIONAL TRUST)

NO. 08, ARUL NAGAR, SEERA THOPPU,
MARUDHAANDA KURICHI, SRIRANGAM - 620102,
TAMILNADU, INDIA.

ISSN 2583-2344



9 772583 234004