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# INCLUSION OF MOTHERHOOD: REASSESSING MATERNITY BENEFIT REGIME IN INDIA AND DUTY OF THE STATE

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## I. ABSTRACT

*This research critically examines the progressive framework of maternity benefit legislation in India, within a broader social, legal, and developmental context. While the experience of motherhood is inherently personal and biological, it carries substantial legal, economic, and social ramifications, particularly as an increasing number of women participate in the labor market across both formal and informal sectors. The research delineates the historical trajectory of labor rights for women, spanning from pre-constitutional milestones to post-independence reforms that are grounded in constitutional tenets such as equality, dignity, and social justice. The paper further highlights international standards, including those established by the International Labor Organization (ILO) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), highlighting maternity protection as an essential element of gender-responsive social security. It investigates the multifaceted nature of maternity protection, encompassing maternity leave, healthcare, workplace safety, childcare assistance, and monetary benefits, and emphasizes the imperative for inclusive policies that acknowledge both productive and reproductive labor. Particular emphasis is placed on the Maternity Benefit Act and amendments made, as well as centrally sponsored initiatives like the Pradhan Mantri Matru Vandana Yojana (PMMVY), Janani Suraksha Yojana (JSY), and regional programs which seek to provide income security and enhance maternal health. The paper critiques the enduring challenges in implementation and advocates for a universal, inclusive, and enforceable maternity protection framework. One of the most important components of gender-sensitive social protection is maternity protection, which is essential in advancing workplace gender equality through laws and policies. Both national laws and international labor standards have gradually increased maternity protection in recognition of the connection between women's employment and economic growth. Its two primary goals are to protect the health of expectant*

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mothers and their unborn children and to provide women and their families with financial stability throughout pregnancy.

## II. KEYWORDS

Maternity benefits, Maternity Benefits (Amendment) Act 2017, Motherhood, Women's Employment, Gender Equality, International Labor Organization.

## III. INTRODUCTION

Motherhood, while inherently a profoundly personal and biological phenomenon, encompasses significant social, economic, and legal ramifications. Within the framework of the labour market undergoing rapid transformation and shifting familial configurations, the imperative to secure comprehensive maternity protection has intensified remarkably.

According to the most recent Periodic Labour Force Survey, the percentage of working-age women (15 years and older) in the labour force increased by 9.5% from 23.3% in 2017–18 to about 32.8% in 2021–2022. With increases of 12.0 and 3.4 percentage points, respectively, the rural sector provided the most push compared to the urban sector. Compared to 24.6% in 2017–18, the female LFPR in rural regions climbed by 12.0% points to 36.6% in 2021–2022. However, compared to rural areas, female participation was far lower in metropolitan areas. The female Labour Force Participation Rate in urban areas increased by only 3.4% points from 20.4% in 2017–18 to 23.8% in 2021–2022.<sup>3</sup>

In India, where a considerable segment of the female labour force is employed within the informal sector, the availability, sufficiency, and enforcement of maternity benefits exhibit substantial disparities and fragmentation.<sup>4</sup> Notwithstanding the existence of legal frameworks such as the Maternity Benefit Act of 1961, alongside constitutional provisions enshrined in Article 15(3), 39(e) and (f), Article 42, if we relate them to the

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<sup>3</sup> Directorate General of Employment, *Female Labour Utilization in India* (April 2023) <[https://dge.gov.in/dge/sites/default/files/2023-05/Female\\_Labour\\_Utilization\\_in\\_India\\_April\\_2023\\_final\\_1\\_-pages-1-2-merged\\_1\\_.pdf](https://dge.gov.in/dge/sites/default/files/2023-05/Female_Labour_Utilization_in_India_April_2023_final_1_-pages-1-2-merged_1_.pdf)> accessed 4 June 2025.

<sup>4</sup> *Ibid*

experiences of numerous mothers it underscores a considerable divergence between theoretical entitlements and practical realities.

The state possesses a constitutional and ethical obligation to safeguard and enhance the welfare of mothers, not solely as an issue of gender equity but also as a fundamental condition for social and economic advancement. Nevertheless, India's maternity benefit framework has encountered enduring obstacles ranging from ineffective enforcement mechanisms and the exclusion of informal sector employees to the lack of employer incentives and insufficient public healthcare infrastructure. Recent policy reforms, exemplified by the amendment to the Maternity Benefit Act in 2017, which extended paid leave, signify progress; however, uncertainties persist regarding their execution and inclusivity. Through the lens of inclusiveness, this paper critically reevaluates India's maternity benefit system, analysing whether the country's current laws and regulations adequately represent the varied realities faced by Indian moms. It examines how the state's role as a regulator and welfare provider has changed over time, emphasising the need for a more inclusive, universal, and fair maternity protection system that really respects the dignity of motherhood both in theory and in reality.

Every country's development and domestic advancement are significantly influenced by the activities of women. Therefore, it is crucial that maternity protection be offered with two main objectives. The mother's and her newborn child's health should be the first priority, and the protection should also try to offer some financial stability to the family as a whole. To ensure that the rights of working women, whose numbers are growing rapidly, are appropriately acknowledged and safeguarded in the greater interest of productive work and economic development, legislators must constantly recognise the need to update the laws pertaining to maternity benefits and protection.

#### **IV. RESEARCH QUESTIONS**

- How has the legal and policy framework of maternity benefits evolved in India, starting from the pre-constitutional period to the post-constitutional era?

- To what extent do the current Indian maternity benefit laws and schemes provide inclusive and effective protection to women?
- How do international labor standards and constitutional directives influence India's maternity benefit regime?
- How has the judiciary contributed to shaping the interpretation and enforcement of maternity benefit rights in India?

## **V. RESEARCH OBJECTIVES**

- To trace the development of maternity benefit laws in India.
- To evaluate the effectiveness of the Maternity Benefit Act and other related legislation and schemes.
- To examine multidimensional aspects of maternity benefits.
- To assess the role of the Indian judiciary in safeguarding and expanding the scope of maternity benefits for working women.

## **VI. RESEARCH METHODOLOGY**

This research adopts the doctrinal method as its primary approach, it relies extensively on the analysis of legal texts, statutes, constitutional provisions, judicial pronouncement and international conventions.

Through this method the research aims to interpret and evaluate the existing legal provisions and their practical implications. The doctrinal approach used in this paper is suitable for this study as it facilitates structured analysis of rights of working mothers.

## **VII. WOMEN'S EMPOWERMENT AND CONFIDENCE THROUGH EMPLOYMENT**

Work has been acknowledged across political, social, and legal dimensions as an inherent right to which every individual is entitled. Firstly, it signifies the inclusion of every individual in the productive and service-oriented endeavors within human society. Furthermore, it encompasses participation in the advantages derived from

these societal activities, thereby ensuring a specific standard of living.<sup>5</sup> The significance of compensated employment in fostering financial autonomy for women and their overall empowerment is noteworthy. In developing nations, the enhanced involvement of the female labor force and their increased influence in the economic, political, and social arenas assumes critical importance.<sup>6</sup>

It is posited that, comparatively, these women possess a higher potential for achieving empowerment than those engaged solely in domestic labor. From a socio-cultural standpoint, it is conspicuously evident in contemporary societies that women employed outside the domestic sphere and receiving substantial remuneration are accorded greater recognition and respect than those who are solely engaged in unpaid caregiving roles. Simultaneously, the caregiving responsibilities undertaken within the family context hold their own intrinsic value.

To support the institution of the family in its growth and contribution to national development, it becomes imperative for the state to implement a comprehensive work-family policy that optimally utilizes human resources, particularly female talent, while facilitating an effective equilibrium between work commitments and familial obligations for women, especially in reconciling productive and reproductive activities.<sup>7</sup>

As wage earners, women experience enhanced self-esteem and authority within the family structure, which progressively contributes to the elevation of their status and position within society. Employment fosters greater confidence and determination, rendering women more career-oriented and inspiring them to pursue achievements that are independent of familial roles. In addition to the vital role of women's employment in their empowerment, it is equally essential to recognize the entrenched challenges that impede their full acceptance and integration into the workforce.

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<sup>5</sup> The Right to Work and Rights at Work, Module 10, < <http://hrlibrary.umn.edu/edumat/IHRIP/circle/modules/module10.htm>> accessed April 29, 2025.

<sup>6</sup> Jyoti Sharma and Pooja Sharma, "Women Empowerment through Employment" 6 *International Journal of Science and Research* 2710-2711 (2017).

<sup>7</sup> *Ibid*

Society exhibits significant stratification characterized by disparities rooted in gender.<sup>8</sup>

Comprehensive policies and reforms, initiated and overseen by the government, are crucial for realizing the full potential of the female labor force. The state bears the primary responsibility to advocate for and safeguard the fundamental rights of women, particularly in relation to employment, through the enactment and enforcement of equitable laws and the establishment of impartial practices.<sup>9</sup>

Because maternity benefits directly address the relationship between economic participation and reproductive obligations, they are an essential facilitator of women's empowerment. In its purest form, empowerment is giving women more freedom, agency, and the capacity to make decisions in life without facing social or financial consequences. Women are not forced to choose between motherhood and their employment when they have access to sufficient maternity benefits, such as paid leave, healthcare, job stability, and childcare assistance. More women are encouraged to seek school, enter the workforce, and continue working after giving birth as a result of this institutional support, which creates a sense of stability and confidence.

Furthermore, women's dignity and self-worth are maintained in a professional environment when they are guaranteed protections during their pregnancies and postpartum periods. It helps legitimize the presence of moms in the workforce and disrupts traditional gender stereotypes that confine women to the home.

Maternity benefits support gender equality in the workplace by acknowledging both productive and reproductive labor, which in turn raises women's spirits and gives them more confidence to stand up for their rights, bargain for better working conditions, and engage fully in the public and economic spheres. Therefore, maternity protection is a structural component that gives women the flexibility to choose between becoming mothers and advancing their careers, not just a welfare provision.

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<sup>8</sup> Serto Manilei, *Women Education & Development* (Maxford Books Publisher, New Delhi, 2010)

<sup>9</sup> Esther Duflo, "Women Empowerment and Economic Development" 50 *Journal of Economic Literature* 1051-1079 (2012).

## VIII. BALANCING WORK AND MOTHERHOOD

In contemporary society, women are prominently represented across a myriad of professional domains. They are actively involved in diverse economic sectors, striving for professional satisfaction and enhanced financial security.

In essence, a working mother can be characterized as an individual endowed with various competencies to harmonize career aspirations alongside the crucial responsibility of child-rearing. These employed women may partake in a multitude of occupations spanning different economic sectors while simultaneously attending to their maternal obligations.

Motherhood inherently encompasses the duty of nurturing a child. Women are frequently observed juggling professional responsibilities and caregiving, with the intention of guiding the subsequent generation. This dual role often results in shifts in societal perceptions of women, particularly in professional environments, as this circumstance may necessitate the utilization of workplace benefits related to maternity protection.

For example, a woman might be compelled to access a greater array of leave options compared to her male counterparts due to her distinctive role as a mother and caregiver. As a result, numerous essential personal and professional accommodations are necessary to navigate such circumstances. Furthermore, alongside fulfilling maternal responsibilities, contributions to economic development render a woman a holistic individual who possesses the right to secure a livelihood.

The endeavor of embodying an exemplary employee while simultaneously being a nurturing mother constitutes two diametrically opposed roles. This contradictory scenario incites numerous inquiries, such as whether motherhood adversely affects workplace productivity and whether it engenders overt and implicit gender discrimination and bias.

The active participation of women, particularly those who are married, in the labor market challenges their traditional role, which historically prioritized familial obligations over career advancement. The responsibilities associated with pregnancy

and childcare necessitate protection for a limited duration, along with a degree of flexibility to enable women to reconcile their productive and reproductive capacities.

## **IX. DEVELOPMENT OF LABOUR RIGHTS OF WOMEN IN THE PRE-CONSTITUTIONAL ERA**

The twentieth century saw the beginning of the fight for women's equality throughout India, particularly during the country's independence movement.<sup>10</sup> Modern leaders and reformers urged women to leave their homes and fireplaces and demonstrate their entry and involvement in the public arena in the struggle for independence. Changes in the law and citizenship rights were required for the females' engagement and inclusion in the public sphere. There is a lengthy list of reformers in India who, by battling for their rights, significantly improved the status of Indian women.<sup>11</sup>

They spearheaded various initiatives to empower women and end various social ills that were prevalent at the time. For example, Swami Vivekananda believed that Indian women had the capacity to become a tremendous force for social change and had firmly backed the cause of women's rights. Similarly, Swami Dayanand Saraswati highlighted the importance of women's education and denounced practices that hindered their growth and promoted their social subjugation.<sup>12</sup>

With the introduction of the Factories Act, 1948, India was the first country to establish a fixed nine-hour workday, and total weekly hours not to exceed more than 48 hours.<sup>13</sup> And prohibit women from working at night, and begin paying overtime for labour above the nine-hour limit or above forty-eight hours weekly.<sup>14</sup>

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<sup>10</sup> Vajiram 'Role of Women in Indian Freedom Struggle' < <https://vajiramandravi.com/upsc-exam/role-of-women-in-indian-freedom-struggle/> > accessed June 4, 2025.

<sup>11</sup> C. A. Rajkumar and S. Aduki' A Study on Labour Laws in India' < [http://nclcil.in/infobank/act/history\\_of\\_labour\\_laws.pdf](http://nclcil.in/infobank/act/history_of_labour_laws.pdf).> accessed May 27, 2025.

<sup>12</sup> Dr. Sambodh Goswami, 'Women's Rights, Education, Empowerment - The Significant Contribution of Dayanand Saraswati' (2013) 2(12) IJIRSET < [https://www.ijirset.com/upload/2013/december/101\\_Women.pdf](https://www.ijirset.com/upload/2013/december/101_Women.pdf)> accessed 4 June 2025.

<sup>13</sup> The Factories Act, 1948, sec. 51.

<sup>14</sup> The Factories Act, 1948, sec. 59.

The true goal was not to improve worker welfare but rather to increase labour costs in India and compete with Indian textile products, which in turn provided British textiles with fierce competition in the export market.

The Trade Dispute Act of 1929, India's first law, was designed to control the interaction between employers and employees. Although there were provisions in the Act to limit the rights of strike and lockout, no conflict resolution mechanism was included. The Factories Act of 1922, the Mines Act of 1923, the Trade Unions Act of 1926, the Trade Disputes Act of 1929, and the Workmen's Compensation Act of 1923 were examples of common protective laws during that era.

The current Indian collective labour law system is formally supported by the regulatory framework established by these enactments. Some special provisions for women workers were included in the Factories Act, primarily pertaining to the upkeep of hygienic and healthful working conditions. The Act gave maintaining the safety of female employees more priority. Facilities such as a creche were specifically mentioned in the Act, which allowed children under six to use them.

Further, wages fixed by the appropriate Government under the provisions of the Minimum Wages Act, 1948, are applicable to both female and male workers in an equal manner, and also the Act does not allow discrimination based on gender.

## **X. DEVELOPMENT IN THE POST-CONSTITUTIONAL ERA**

After gaining independence, India experienced considerable socio-economic transformations that influenced its labor laws, with the central government taking on the role of enhancing workers' welfare. The Constitution of India, particularly its Preamble, Fundamental Rights (Part III), and Directive Principles (Part IV), established the basis for protecting workers' rights and promoting gender equality.

Important constitutional Articles such as Articles 14, 15(3), 21, 39, 42, and 43 guarantee non-discrimination, humane working environments, maternity benefits, and equal pay for equivalent work. These values helped shape the creation of legislation like the Factories Act, Mines Act, Beedi and Cigar Workers Act, Plantations Labour Act, and

the Equal Remuneration Act of 1976, all designed to enhance conditions for female workers and shield them from exploitation.

Right to equality<sup>15</sup> Under Indian Constitution guarantees equal treatment to women and equal protection under the law if we further interpret this then women are worthy of equal treatment. The Constitution of India permits state to make special provision for women and child since they are more vulnerable.<sup>16</sup> Discrimination in workplaces on the basis of gender is prohibited and forms the fundamental right of a person.<sup>17</sup>

**If we talk about the Directive Principle of State Policy, it contains provisions for:**

- Protecting the health and strength of women workers.<sup>18</sup>
- Ensures children are given opportunities to develop in a healthy manner.<sup>19</sup>
- Explicit directions to the state to make provisions for maternity relief and just and humane work conditions.<sup>20</sup>

The Maternity Benefit Act, 1961, contained the provision for maternity leave for 12 weeks (6 weeks pre-natal + 6 weeks post-natal) with full wages.<sup>21</sup> But after the 2017 Amendment, the maternity leave was extended to 26 weeks for the first two children.

The provisions of the Maternity Benefit Act 1961 and the Employees' State Insurance Act, 1948, were merged and placed in the Code on Social Security, 2020, which aimed to universalize social security, including maternity protection.

A sizable portion of Indian women continue to labour in the unorganised sector despite progressive legislative frameworks, frequently without access to statutory benefits or safeguards. This suggests a serious implementation gap.

**The gap between the intended purpose of maternity benefit legislation and its actual implementation, particularly for the informal sector, stems from:**

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<sup>15</sup> The Constitution of India, art.14.

<sup>16</sup> The Constitution of India, art. 15(3).

<sup>17</sup> The Constitution of India, art. 16(2).

<sup>18</sup> The Constitution of India, art. 39(e).

<sup>19</sup> The Constitution of India, art. 39(f).

<sup>20</sup> The Constitution of India, art. 42.

<sup>21</sup> The Maternity Benefit Act, 1961, sec 5(3).

- Exclusion of small establishments due to practical and economic considerations, and if we look into the provisions, there is an eligibility requirement like minimum numbers of employees<sup>22</sup> Which makes it challenging for women in these sectors to access benefits.
- Lack of awareness about legal rights and the complexities of accessing benefits can deter women from seeking their due, especially in the informal sector, due to limited information.
- The lack of robust legislation for informal workers leaves them without adequate support.
- The lack of formal documentation of record in the informal sector makes it difficult to track employment history and provide benefits effectively.

India's dedication to women's rights is further demonstrated by its acceptance of international accords like CEDAW, which has influenced important legal developments, including rules against workplace harassment.<sup>23</sup>

All things considered, even though India has established a strong legal basis for labour and maternity rights, there are still issues with guaranteeing inclusive and efficient enforcement, especially for women working in informal jobs.

India recently endorsed the ambitious 2030 Sustainable Development Goals (SDGs)<sup>24</sup>, which have the potential to significantly alter the trajectory of growth by addressing the major issues of poverty, violence against women, and inequality. It is evident that the conversation surrounding women's empowerment has changed in stages over the past few decades. The idea of women as only receivers of welfare programs has given way to the mainstreaming of gender issues and the active participation of women in the processes that contribute to the nation's growth.<sup>25</sup>

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<sup>22</sup> The Maternity Benefit (Amendment) Act, 2017, sec. 2.

<sup>23</sup> Rayman K, "Special Provisions to Safeguard the Women Worker's Interest in India" 3 *International Journal of Law Management & Humanities* 869 (2020).

<sup>24</sup> United Nations, 'Transforming Our World: The 2030 Agenda for Sustainable Development' (UN Doc A/RES/70/1, 2015).

<sup>25</sup> National Policy for Women, 'Articulating a Vision for Empowerment of Women' <[https://wcd.in/sites/default/files/women%20empowerment%20poliy\\_Final\\_17May.pdf](https://wcd.in/sites/default/files/women%20empowerment%20poliy_Final_17May.pdf)> accessed May 31, 2021.

## XI. MULTIDIMENSIONAL APPROACH OF MATERNITY PROTECTION

The definition of "mother" as exclusively the biological progenitor of a child has undergone significant evolution, rendering maternity protection increasingly intricate and multidimensional. Contemporary motherhood encompasses both internal autonomy, such as a woman's entitlement to make informed decisions regarding the timing and manner of motherhood, and external legal safeguards.

In light of the exigencies posed by globalization and the critical juncture of childbirth within a woman's professional trajectory, females frequently encounter substantial obstacles in reconciling reproductive obligations with economic engagement. Consequently, maternity protection transcends mere health and economic provisions during gestation; it also necessitates the acknowledgment of motherhood as a legitimate form of labor that warrants state intervention and support. Maternity protection is regarded as indispensable for the preservation of human dignity and the promotion of gender equality. It constitutes a fundamental human right, pivotal for maternal and child health, economic stability, poverty alleviation, and inclusive economic growth. Furthermore, it resonates with global priorities such as the decent work agenda, advocating for a comprehensive, state-supported framework to address all facets of motherhood in contemporary contexts.

**Maternity protection is not just limited to leave, but there is more to it, which makes it multidimensional, such as:**

- Maternity leave is maternity protection.
- Monetary and medical benefits as maternal protections.
- Protecting the health of breastfeeding women as protection.
- Coping with childcare responsibilities.

### A. Maternity Leave as Maternal Protection

Maternity leave represents a critical element of maternity protection and is a significant issue within employment law, encompassing not merely the duration of

leave but also criteria for eligibility, financial compensation, safeguards against discrimination, and the right to reinstatement in one's previous position. International labor standards, particularly those established by the International Labour Organization (ILO)<sup>26</sup> and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>27</sup> underscore that women should not be subjected to dismissal on account of pregnancy and must be assured of paid leave and job security.

The ILO Convention on Maternity Protection stipulates that maternity leave and associated benefits must be accessible to all women, irrespective of their duration of employment, and imposes the burden of proof on employers in instances of termination during maternity-related periods. Additionally, CEDAW mandates that states implement measures to avert discrimination and to ensure employment continuity following maternity leave.

On a global scale, nearly all nations provide some form of paid maternity leave, with only Papua New Guinea and the United States lacking statutory assurances for such entitlements. In 2017, India substantially augmented its paid maternity leave from 12 to 26 weeks, positioning itself among the more generous nations in this regard.

**The notion of maternity protection also encompasses various alternative types of leave:**

- Paternity leave (designated for fathers),
- Parental leave (available to either parent),
- Extended/unpaid leave (for prolonged childcare),
- Adoption leave (for adoptive parents),
- Family leave (for the care of any dependent family member).

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<sup>26</sup> International Labour Organization, 'Convention No. 183: Maternity Protection Convention' 2000.

<sup>27</sup> The Convention on the Elimination of All Forms of Discrimination against Women, art. 4.

These categories of leave reflect a broader comprehension of caregiving responsibilities and underscore the significance of legal protections to bolster working families.

### **B. Monetary and Medical Benefits as Protection**

Monetary and medical benefits constitute essential components of maternity protection, ensuring financial security and access to critical healthcare services throughout pregnancy, childbirth, and the recovery phase. Such benefits serve to compensate for lost income during maternity leave and contribute to the health and welfare of both mother and child. They are typically financed through public schemes or social insurance frameworks.

The absence of financial support frequently compels women, particularly those employed in the informal sector, to re-enter the workforce prematurely, thereby jeopardizing their own health and that of their newborns. While resources such as daycare facilities can provide assistance, they cannot replicate the intrinsic value of compensated caregiving time. ILO has emphasised the fact that maternity benefits such as cash and medical facilities are important for mothers to maintain a suitable standard of living and should also cover prenatal, postnatal, and hospital care as needed for mother and child.

### **C. Protecting the Health of Breastfeeding Women at the Workplace**

The safeguarding of the health and welfare of pregnant and lactating women within the workplace constitutes a pivotal element of maternity protection. Traditionally, maternity legislation was predominantly crafted to preserve the health of mothers and infants; however, contemporary frameworks increasingly acknowledge the economic contributions of women and endeavor to avert unjust repercussions associated with pregnancy-related absences.

Although engaging in work during pregnancy is generally deemed safe, particular hazards emerge from perilous environments, such as exposure to toxic substances, radiation, physically strenuous tasks, as well as prolonged or irregular working hours, which may detrimentally impact both the mother and the infant. Consequently,

Occupational Safety and Health (OSH) regulations are imperative during the gestational period, the postpartum phase, and throughout breastfeeding.

In order to alleviate potential risks, it is incumbent upon employers to evaluate the specific needs of individuals and implement protective measures, particularly in instances where exposure to detrimental conditions is inevitable. Protective legislation ought to prohibit the coercion of women into performing hazardous tasks. The International Labour Organization (ILO) Convention No. 183 and Recommendation No. 191 provide extensive directives on these matters, advocating for nations to legislate against overtime, night shifts, and unsafe activities for pregnant and nursing women.

In conclusion, the preservation of maternal and infant health is integral to achieving broader international developmental objectives and underscores the responsibility of the state to ensure secure and humane working environments for all women during their maternity period.

Support for breastfeeding within the workplace represents a vital element of maternity protection, conferring significant health benefits upon both the mother and the child.

**The World Health Organization (WHO) and UNICEF advocate for:**

- Exclusive breastfeeding for the initial six months postpartum (with no supplementary food or liquid).
- The initiation of breastfeeding within the first hour following delivery.
- The continuation of breastfeeding for up to two years or more, in conjunction with complementary foods after the six-month mark.

Nevertheless, given that maternity leave customarily concludes prior to the expiration of this recommended timeframe, the return to work frequently interrupts breastfeeding, serving as a primary rationale for many women being compelled to cease. Therefore, facilitating workplace support for the continuation of breastfeeding is paramount to enabling mothers to adhere to global health guidelines.

## D. Coping with Childcare Responsibilities

Childcare responsibilities extend significantly beyond the conclusion of maternity leave and breastfeeding. To assist working parents upon their reintegration into the workforce, essential measures encompass childcare services and flexible work schedules, locations, and leave arrangements.

Such provisions are crucial for sustaining economic stability, ensuring health protection, and promoting gender equality and dignified employment for all. However, the provision of parental leave without sufficient childcare support may undermine women's positions within the labor market and adversely affect their interests in equality over the long term.

## XII. CONSTITUTIONAL FRAMEWORK FOR MATERNITY PROTECTIONS IN INDIA

As a signatory to several international instruments on women's rights, India has provisions in its Constitution pertaining to gender equality and the freedom to work without discrimination.<sup>28</sup>

One DPSP that has been specifically acknowledged is women's access to maternity benefits. The state is responsible for protecting women from economic abuse that is coercive in nature and from other negative circumstances where they are forced by financial necessity to pursue occupations that are typically not appropriate for their age or strength. The state has been entrusted with the duty of ensuring women's health and strength to work. The Constitution directs the state's policies to ensure that everyone has an equal right to a means of subsistence. DPSP contains a provision for ensuring equal pay for equal work.

According to Article 41, the state must, to the extent that it has the financial means, establish adequate measures to guarantee the right to employment, education, and public support in cases of unemployment, disability, old age, illness, etc. In order to offer special attention to the educational and economic advancement of the poorer

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<sup>28</sup> Shashi Bala, "Impact of the Maternity Benefit (Amendment) Act, 2017 in the IT/ITES Industry," NLI Research Studies Series No. 132/2019' < [www.vvgnli.gov.in](http://www.vvgnli.gov.in) > accessed May 29, 2025

segments of society, emphasis has been placed on their predicament. To increase employment possibilities and working conditions, they require government support. In accordance with Constitutional provision, which declares that "the State shall make provision for securing just and humane conditions of work and for maternity relief,"<sup>29</sup> The state has also pledged to guarantee maternity leave arrangements.

It is clear that the touchstone of Article 42 can be used to evaluate the legality of any service rule and any executive or administrative action that denies maternity protection. This clause can be used to determine the legal implications and effectiveness of the service rule and the activity in question, even though it is not directly enforceable. DPSP has been expanded to include early childhood care in addition to maternity benefits. Furthermore, article 47 states that "the state shall regard the improvement of public health and the raising of the level of nutrition and the standard of living of its people as among its primary duties."

India has passed several laws for working women in accordance with the constitutional mandate, with a particular emphasis on child care and maternity protection.

Maternity Benefit Act, 1961; Employee's State Insurance Act, 1948; Central Civil Services Rules, 1972; Mines Act, 1952; Factories Act, 1948; Plantations Labour Act, 1951; Infant Milk Substitutes; the Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992; National Food Security Act (NFSA), 2013. NFSA acknowledges maternity protection as a legal right, requiring all women to receive a minimum amount as a maternity entitlement. Women from the unorganised sector are included in this as well. On the basis of the Sixth Pay Commission's recommendations, India has also implemented executive measures.

Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, plays a significant role in expanding maternity protections. A woman's reproductive options, including the freedom to procreate, refrain from procreating, and even end a pregnancy under certain conditions, are recognized by Article 21. The

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<sup>29</sup> The Constitution of India, art. 42.

constitution guarantees this right, which is regarded as a component of individual liberty. The right to dignity and life, which includes having access to healthcare and basic necessities when pregnant, is also included in the right to life as guaranteed by Article 21. This guarantees that a woman's health and well-being are safeguarded throughout this crucial time. The Supreme Court has continuously broadened the application of Article 21 to cover maternity rights and reproductive rights. The Court acknowledged the right to make reproductive decisions as a component of Article 21 in cases such as *Suchita Srivastava v. Chandigarh Administration*.<sup>30</sup> Similar to this, in *K. Uma Devi v. State of Tamil Nadu*<sup>31</sup>, the Court acknowledged the first child of a subsequent marriage as a component of reproductive autonomy and broadened the definition of maternity leave to cover it.

In India, the Directive Principle of State Policy related to maternal protection is operationalized through legislation. Article 42 of the Indian constitution mandates the state to ensure just and humane working conditions and maternity relief; thus, the Maternity Benefit Act provides for the provision of paid leave.<sup>32</sup> The Code on Wages, 2019, explicitly prohibits discrimination on the ground of gender, thus ensuring equal pay for the same or similar work.<sup>33</sup> Thus, by operationalizing the Directive principles state ensures social justice to all mothers who are working and also contribute to child welfare.

### **XIII. LEGISLATIVE AND POLICY FRAMEWORK DUTY OF STATE**

National laws pertaining to certain topics, like maternity protection, are essential because they transfer globally recognised concepts to national and regional levels. It aids in establishing minimal requirements for both the national and subnational levels. By creating new legislation to be implemented at the workplace level, governments have been tasked with the primary responsibility of improving maternity protection and adopting work-family policies. It becomes the primary duty of the competent authorities to make sure that the relevant draft legislation is created

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<sup>30</sup> *Suchita Srivastava v. Chandigarh Administration* AIR 2010 SC 235.

<sup>31</sup> *K. Uma Devi v. State of Tamil Nadu* 2025 SCC Online SC 1204.

<sup>32</sup> The Maternity Benefit (Amendment) Act, 2017, sec. 5.

<sup>33</sup> The Code on Wages, 2019, sec. 3(1).

following a thorough examination and properly submitted to the relevant legislative authorities in order to either create new laws or change or repeal existing ones.<sup>34</sup>

The state is likewise required by Article 21 to safeguard the health and life of a pregnant mother and her unborn child. Accordingly, it is the state's duty to guarantee that expectant mothers have access to safe, high-quality healthcare, including prenatal, birth, and postnatal care.

#### **XIV. MATERNITY BENEFIT ACT AND AMENDMENTS MADE AS PART OF THE SOCIAL SECURITY CODE 2020**

Standards that have emerged as a novel paradigm for the scope and establishment of maternity protection for working women have led India to formulate the Maternity Benefit Act of 1961, which was subsequently revised through the Maternity Benefit (Amendment) Act of 2017 (hereinafter referred to as the Amendment Act), introducing substantial modifications. The Maternity Benefit Act, in conjunction with several other legislative frameworks, has been integrated into the 'Code on Social Security' (CSS). This Code seeks to amend and unify the laws related to social security, with the principal aim of ensuring that the protective umbrella of social security encompasses all employees and workers. Moreover, these employees and workers may originate from organized, unorganized, or various other sectors, with the CSS intending to address all related or incidental matters. This legal framework is applicable for a specified duration both prior to and following childbirth. Additionally, the Act encompasses supplementary benefits, such as leave granted to a woman who has experienced a miscarriage or who is afflicted with health complications resulting from pregnancy, childbirth, or premature delivery of a child. To qualify for maternity benefits, the following classifications of women employees are encompassed: women who are currently pregnant, women claiming benefits for childbirth, women desiring to take leave due to miscarriage, and women experiencing

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<sup>34</sup> Assessing National Legislation on Maternity Protection at Wor <<http://mprp.itcilo.org/allegati/en/m12.pdf>> accessed May 15, 2020.

health issues related to pregnancy, childbirth, premature delivery, medical termination of pregnancy, miscarriage, or tubectomy.

A woman is entitled to receive maternity benefits if she is an employee who has been engaged either directly or via a contractor and has actively worked within the establishment for a minimum of eighty days in the twelve months immediately preceding the anticipated date of delivery. The following are the main highlights of the Maternity Benefit Act.

**Maternity Leave Duration:**

- Maximum paid leave: 26 weeks
- Up to 8 weeks prior to the expected date of delivery.
- For women bearing two or more children: a maximum of 12 weeks of leave, with up to 6 weeks permitted before delivery.

**In the event of a woman's demise, if a woman passes away during childbirth or while on maternity leave:**

- The employer is mandated to disburse the full maternity benefit.
- If the child also passes away, the benefits are restricted to the date of the child's death.

**Other leave entitlements:**

- Tubectomy operation: 2 weeks of paid leave.
- Medical termination of pregnancy or miscarriage, 6 weeks of leave.
- Additional illness resulting from the aforementioned circumstances or delivery: 1 month of paid leave.

Health protection and work restrictions on employment/work for women are prohibited for 6 weeks following delivery, miscarriage, and medical termination of pregnancy. This regulation is instituted to safeguard both mother and child from occupational hazards. Medical Bonus of ₹3,500 or more, as specified, shall be disbursed if the employer fails to provide complimentary prenatal and postnatal care.

- Nursing & Childcare Provisions
- Nursing breaks: Required for all female employees.
- Crèche facility
  - Mandated for establishments employing 50 or more individuals.
  - Women are permitted to visit the crèche four times a day, including during rest intervals.
  - It is incumbent upon employers to inform women (both in writing and electronically) regarding maternity benefits at the time of appointment.
  - The display of an abstract of maternity provisions and regulations should be in local languages at prominent locations within the establishment.

There are certain challenges that come along when it comes to the implementation of maternity protections.

- Small businesses may find it difficult to comply with the Act due to the costs associated with providing maternity leave and providing crèche facilities.
- In the eyes of the employer, absence from work may lead to a negative impact on productivity if the employee is key personnel.
- There may be a significant decrease in women's employment as employers may be unwilling to hire women who could potentially take maternity leave.
- Some employers are not aware and may fail at implementing complex provisions.

This issue can be resolved, though, if the government provides aid to small organisations and organisations provide the option of work from home, telecommuting, which will help female employees and employers as well, and will benefit them both.

## XV. VARIOUS CENTRALLY SPONSORED SCHEMES

Pradhan Mantri Matru Vandana Yojana (PMMVY)<sup>35</sup> Started in January 2017 and expanded across the country. The goal is to promote rest both before and after the birth of the first live child and to offer partial income compensation. The target audience includes expectant mothers and nursing moms, exclusively for their first delivery. To receive the first installment, pregnancy registration must be completed within 150 days of the latest menstrual period.

The second installment, which can be claimed after 180 days of pregnancy, requires at least one prenatal visit. The third installment is only made available following registration for childbirth and completion of the initial vaccination cycle. More than 3.11 crore beneficiaries have been enrolled under PMMVY since its launch, and more than 12150 crore rupees have been disbursed to over 2.77 crore beneficiaries.<sup>36</sup>

National Creche Scheme<sup>37</sup> is yet another centrally supported program. The National Creche Scheme (NCS) has been operational since January 2017, and the State Governments and UT Administrations have been implementing it. The primary goal of this program is to offer daycare services to children between the ages of six months and six years whose moms are employed. The program includes an integrated package that includes, among other things, health screening and vaccinations, early stimulation for children under three, sleep facilities, supplemental nutrition, pre-school instruction for children aged three to six, and growth tracking.

Janani Suraksha Yojana JSY<sup>38</sup> Launched in the year 2005, financed by a fully centrally subsidised program. This program, under the aegis of the National Health Mission, aims at reducing maternal and neonatal mortality rate by promoting institutional

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<sup>35</sup> Ministry of Women and Child Development, 'Pradhan Mantri Matru Vandana Yojana Guidelines' (Government of India, 2017).

<sup>36</sup> Ministry of Women and Child Development, "More than 3.11 crore beneficiaries have been enrolled under PMMVY since its launch, more than 12150 crore rupees have been disbursed to over 2.77 crore beneficiaries" 2022, <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1884218>> accessed 5 June 2025.

<sup>37</sup> Ministry of Women and Child Development, 'National Creche Scheme' (Government of India, 2017).

<sup>38</sup> National Health Mission, 'Janani Suraksha Yojana' (Government of India, 2005).

deliveries amongst poor pregnant women. The program provides financial assistance pre and post delivery

The National Rural Health Mission (NRHM), which is now a division of the National Health Mission (NHM), oversees the Parent Program. All pregnant women are eligible, regardless of whether they are above or below the poverty line. The program concentrates on states with low performance (LPS).<sup>39</sup> Janani Shishu Suraksha Karyakaram (JSSK), is one of the significant projects. Insofar as it encouraged institutional delivery among low-income expectant mothers and combined financial incentives with delivery and postpartum medical care, JSY has been successful. Another significant and improved program is JSSK, which was implemented to get all states to agree to offer free and cashless services to pregnant women regardless of whether they are having a caesarean or regular delivery, as well as to unwell newborns for up to 30 days following delivery.

### **A. Role ASHA Workers**

Accredited Social Health Activist (ASHA) workers serves as a vital conduit between government services and expectant mothers.

**Their duties are:**

- Recognising expectant mothers
- Helping with the registration
- Making sure you get at least three prenatal exams
- Directing distribution to government health facilities
- Advice on safe childbirth and lactation
- Women are being escorted to delivery and postpartum care
- Organising vaccinations for children

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<sup>39</sup> National Health Mission, 'Janani Shishu Suraksha Karyakaram' available at: <http://nhm.gov.in> (last visited on May 17, 2025).

## **B. Odisha Government's Initiative: MAMTA Program<sup>40</sup>**

The Odisha government introduced the MAMATA Program.<sup>41</sup>, a conditional cash transfer maternity assistance program. Pregnant and nursing women are eligible for financial assistance under this program, which is primarily intended to help them escape the trap of undernutrition for both mothers and infants. The program's overarching goal is to give worried mothers partial pay compensation so they can have enough time to recover before and after childbirth without worrying about their financial future. Additionally, it seeks to improve mother and child care practices, with a particular emphasis on the exclusive breastfeeding and supplemental feeding of infants who are advised. Furthermore, emphasis has been placed on increasing the use of mother and child health services, such as prenatal, postnatal, and immunisation care.

## **C. Tamil Nadu Government's Initiative: MMBS<sup>42</sup>**

The Tamil Nadu government has introduced MMBS. Beneficiaries of this program receive some of the greatest financial aid available. The goal of MMBS is to give expectant and nursing moms the best possible nutrition. Additionally, it makes up for the lost wages before and after childbirth. The scheme's eighteen thousand dollars in financial aid has been split up into five installments. Each installment's payment is contingent upon the conditions specified for each installment's receipt being met. In addition to the monetary benefits offered by the program, a nutrition kit is also given twice at predetermined intervals as a benefit in kind<sup>43</sup>.

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<sup>40</sup> Department of Women and Child Development, 'Mamta' (Government of Odisha 2011).

<sup>42</sup> Health & Family Welfare Department, 'Muthulakshmi Reddy Maternity Benefit Scheme' (Government of Tamil Nadu, 2011)

<sup>43</sup> Dr. Muthulakshmi Maternity Benefit Scheme <available at: <https://krishnagiri.nic.in/scheme/dr-muthulakshmi-maternity-benefit-scheme>> accessed April 19, 2025.

## XVI. ACTIVE ROLE OF THE JUDICIARY IN SUPPORTING MATERNITY BENEFITS

*K.Umadevi v. Govt. of Tamil Nadu*<sup>44</sup>, in this recent judgment Justice Abhay S Oka and Justice Ujal Bhuiyan clearly stated that, right to maternity leave is a fundamental entitlement that cannot be denied by institution. This judgment widened the meaning and reach of maternity benefits.

In the case of *Kavita Yadav v. Secretary Ministry of Family and Health Welfare*<sup>45</sup>, Court in this landmark judgment ensured maternity benefits for contractual women workers. The judgment extends benefits beyond contract expiration, promoting gender justice.

In the matter of *Neera Mathur v. Life Insurance Corporation of India*<sup>46</sup> A substantial transformation in the employer's approach towards expectant female employees has been necessitated. The challenges associated with the termination of employment of pregnant women continue to persist. In the case of Neera Mathur, an individual on probation was terminated from her position while she was on medical leave. The employer's rationale for the dismissal suggested that she had intentionally attempted to obscure her pregnancy when completing the declaration form prior to her employment with LIC. The court directed her reinstatement, concurrently observing that the solicitation of personal information pertaining to pregnancy or menstrual cycles from applicants constitutes a violation of a woman's right to privacy.

In the case of *Rohini Balakrishnan v. State of Kerala*<sup>47</sup>, the Kerala High Court ruled that maternity benefits could not be denied based on the number of children thus emphasizing the importance of maternal health. The judgment reaffirmed the purpose of Maternity Benefit Act is safeguarding maternal and child health irrespective of the family size.

In the case of *Delhi Gymkhana Club Ltd v. Employees State Insurance Corporation*<sup>48</sup> The issue under deliberation was related to the provisions of the ESI Act, 1948, and the

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<sup>44</sup> *K.Umadevi v. Govt. of Tamil Nadu* 2025 SCC Online SC 1204.

<sup>45</sup> *Kavita Yadav v. Secretary Ministry of Family and Health Welfare* 2023 SCC Online SC 1067.

<sup>46</sup> *Neera Mathur v. Life Insurance Corporation of India* AIR 1992 SC 392

<sup>47</sup> *Rohini Balakrishnan v. State of Kerala*, WP(C) No. 24217 of 2018.

<sup>48</sup> *Delhi Gymkhana Club Ltd v. Employees State Insurance Corporation* (2014) 10 SCC 853.

judiciary expressed the viewpoint that this legislation serves as a mechanism for social welfare, safeguarding the rights of workers in circumstances such as maternity, illness, and occupational injuries, among others.

Given that motherhood is the most natural event in a woman's life, the employer must be more understanding and compassionate when protecting female employees in this regard and must comprehend the practical challenges these workers face during this significant and taxing time in their lives, according to the ruling in the *Municipal Corporation of Delhi v. Female Workers case*.<sup>49</sup>

In *Neetu Bala v. Union of India*<sup>50</sup>, the respondent's decision to deny the petitioner's appointment to the "Short Service Commission only because she was pregnant was contested. The court noted that it was unlawful and arbitrary to deny employment to women just because they were pregnant, and as such, it may have violated pertinent statutes, namely articles 14, 16, and 42 of the Constitution. Furthermore, it was noted that discrimination of this nature would negatively impact India's adherence to related international conventions, particularly CEDAW and UDHR.

When deciding whether the petitioner could still receive maternity benefits despite being a contractual employee, the Supreme Court noted in *Mandeep Kaur v. UOI*.<sup>51</sup> Women employees must be granted maternity leave regardless of whether they are employed on a contract, casual, or permanent basis.

In the case of *K. Chandrika v. Indian Red Cross Society*<sup>52</sup>, the Delhi High Court observed that even if the maternity benefits have been allotted to the employees as per the law, it does not mean that, subsequently, the employer would be free to terminate or remove the beneficiary illegally through arbitrary ways. This subsequent consequence of the benefits provided by the employer has not been captured by the law as yet.

*Rama Pandey v. Union of India* <sup>53</sup>In this decision, the court held that motherhood encompasses more than just the birth of a child; it also includes child rearing, which

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<sup>49</sup> *Municipal Corporation of Delhi v. Female Workers (Muster Roll) and Anr.* 2000 SC 224.

<sup>50</sup> *Neetu Bala v. Union of India* 2016 SCC OnLine P&H 602.

<sup>51</sup> *Mandeep Kaur v. UOI* 2020 [C.W.P.no. 1400 of HP].

<sup>52</sup> *K. Chandrika v. Indian Red Cross Society* 131 (2006) DLT 585.

<sup>53</sup> *Rama Pandey v. Union of India*, 2015 SCC OnLine Del 10484.

calls for the help of parents, particularly mothers. Because a commissioning mother obtained the child through surrogacy, she cannot be subjected to discrimination. Continuous care and attention are necessary for a newborn. A newborn's first year of life is extremely important and requires a great deal of care and education. According to the court, any alternative interpretation might contradict the purpose of the welfare statute.

## **XVII. CONCLUSION**

Gender equality in the workplace is greatly aided by maternity protection, which is an essential component of gender-sensitive social protection. It guarantees families' financial stability throughout maternity leave and promotes the health of both moms and children. The breadth of maternity protection has been gradually increased by national laws and international labour standards in acknowledgement of women's growing contribution to economic development. Governments are urged by the Convention on the Rights of the Child (CRC) to assist parents by establishing facilities and services that facilitate child care. Important elements of maternity protection consist of paid time off, availability of reasonably priced healthcare, good and secure working circumstances, facilities for childcare, and adaptable work schedules.

The paper tried to describe the idea of maternity protection and how it relates to development objectives and fundamental rights. Following the development of legal and policy frameworks that increase the number of women in the workforce, particularly those who are responsible for raising children. Addressing the research questions that were posed in the paper following conclusion has been drawn.

The progression of maternity benefit legislation in India, spanning from the pre-constitutional to the post-constitutional epoch, epitomizes a gradual yet resolute transition towards the acknowledgment of motherhood as both a personal and societal obligation that warrants legal and institutional safeguarding. During the colonial era, statutes such as the Factories Act and the Mines Act established rudimentary protections for women, primarily motivated by economic imperatives and public health considerations rather than a framework grounded in rights. Nevertheless, subsequent to the promulgation of the Constitution of India, the

discourse surrounding maternity protection evolved into an issue of social justice and gender equity, deriving impetus from constitutional mandates delineated in Articles 14, 15(3), 39, and 42. This constitutional foundation empowered the legislative body to formulate more extensive statutes, exemplified by the Maternity Benefit Act of 1961 and its subsequent amendment in 2017, which markedly broadened the scope and duration of compensated maternity leave while integrating supportive measures for health and childcare.

Despite the existence of this comprehensive legal architecture, the degree to which contemporary statutes and welfare initiatives provide inclusive and efficacious protection to all women remains a subject of scrutiny. While employees within the formal sector are afforded statutory benefits such as paid leave, childcare facilities, and occupational security, a substantial proportion of Indian women engaged in the informal sector remain systematically excluded from these safeguards. The rollout of initiatives like the Pradhan Mantri Matru Vandana Yojana and Janani Suraksha Yojana indicates advancement; however, their restricted outreach, eligibility criteria, and bureaucratic obstacles considerably undermine their practical efficacy. Consequently, the tangible situation reveals a significant disparity between legislative aspirations and actual implementation on the ground, highlighting systemic inefficiencies and social inequalities that necessitate immediate attention.

International labor standards, particularly those delineated by the International Labour Organization and the Convention on the Elimination of All Forms of Discrimination Against Women, have profoundly shaped India's maternity benefit framework. These global obligations, in conjunction with constitutional principles, have steered the augmentation of legal entitlements and delineated state responsibilities. However, compliance with international standards remains inconsistent, particularly concerning universality, financial coverage, and occupational safety, indicating that although India is progressing towards alignment, substantial efforts are required to fulfill global standards in practice.

The judiciary has assumed a crucial role in fortifying and extending maternity benefit rights. Landmark judicial decisions have consistently emphasized that maternity

protection constitutes not merely a privilege but a fundamental right intrinsically linked to dignity, equality, and non-discrimination. Courts have invalidated employment practices that impose penalties on women due to pregnancy, affirmed maternity benefits for contract workers and commissioning mothers, and challenged gender-discriminatory policies that contravene constitutional guarantees. Through these judicial interventions, the judiciary has materially advanced the broader conceptualization of maternity as an aspect of womanhood and labor rights that is constitutionally protected. In summary, the research elucidates that while India's maternity benefit framework has evolved in terms of both scope and intent, its inclusivity, accessibility, and enforcement continue to pose significant challenges. The State, employers, and civil society must collaborate synergistically to bridge the chasm between legal provisions and lived realities, ensuring that maternity protection is recognized as a universally accessible right.

It is important that strong legislations continue to be formulated for mothers and children for their better health and growth.

## **XVIII. SUGGESTIONS**

India must progress beyond a fragmented and welfare-oriented maternity framework towards a rights-based, inclusive, and care-sensitive structure, one that recognizes motherhood as both a social obligation and an economic necessity. The future of maternity protection does not solely reside in the augmentation of leave provisions but rather in the reformation of societal institutions to honor and support the dual responsibilities women fulfill as earners and caregivers. As mentioned in the paper, there are various challenges that come along when it comes to the implementation of legislation and schemes therefore, there is a need for a proper roadmap and future policy development is required to provide maternity protection.

- To commence, there exists an imperative necessity to standardize maternity protection across all sectors, particularly within the informal workforce, where a significant proportion of Indian women are engaged and frequently marginalized from statutory entitlements.

- The scope of the Maternity Benefit Act and the Code on Social Security should be broadened through the establishment of enabling regulations that explicitly delineate eligibility criteria for casual, part-time, home-based, and gig economies.
- Furthermore, the enhancement of institutional infrastructure is crucial for effective implementation. Labour inspectorates and welfare boards must be sufficiently staffed, trained, and technologically advanced to oversee compliance, particularly within small and medium-sized enterprises.
- The introduction of a unified digital compliance platform for registration, grievance resolution, and benefit distribution could enhance transparency, mitigate bureaucratic delays, and empower women to assert their rights without apprehension of retribution. A centralized grievance mechanism, readily accessible in regional languages, should be instituted, accompanied by legal assistance and advocacy support.
- Financial viability and the incentivization of employers are pivotal in ensuring that maternity protection does not precipitate labor market discrimination against women. The government ought to contemplate a shared contribution framework for maternity benefits, incorporating contributions from employers, the state, and potentially an employee welfare fund.
- Small enterprises should be afforded tax incentives or subsidies for compliance, and formal collaborations with microfinance institutions and cooperatives could facilitate outreach to self-employed women.
- Programs such as PMMVY and JSY necessitate restructuring to encompass second and third births, with an expansion of their coverage achievable through streamlined registration processes and awareness initiatives spearheaded by ASHA workers and local governance entities. There is also a compelling argument for the portability of these benefits across states and employers, given the transient nature of India's female labor force.

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