

**Health benefits to women employees under Maternity Benefit Act, 1961(2017),as one of the most important act of social security code,2020.**

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**Abstract:**

The Maternity Benefit Act, 1961, amended in 2017, and subsequently integrated into the Social Security Code, 2020, stands as a pivotal legislative framework aimed at safeguarding the health and welfare of women employees during pregnancy and childbirth. This paper provides a detailed examination of the health benefits afforded to women employees under this act, emphasizing its significance as a cornerstone of social security legislation. This research paper delves into the Maternity Benefit Act, 1961, a crucial component of social security in India, aiming to ensure the welfare and protection of working women during pregnancy and postpartum. The paper discusses the historical context, objectives, provisions, impact, and challenges associated with the Act.

**Keywords:** *Maternity Benefit, social security, working women, pregnancy, postpartum, employment, India.*

**Introduction:**

The Maternity Benefit Act, 1961, was enacted by the Government of India to provide maternity benefits to women employed in various sectors. It stands as a fundamental legal framework addressing the social security concerns of working women during pregnancy and childbirth.

Maternity benefits were previously available under the Employees State Insurance Act, 1948, and the Maternity Benefit Act, 1961, but have now been combined substantially under the Social Security Code.<sup>1</sup>

**Historical Context:**

The need for legislating the Maternity Benefit Act emerged due to the alarming lack of provisions safeguarding the rights and well-being of pregnant and lactating women in the workplace. The Act was a progressive step to align with international conventions and address societal concerns.

**Objectives of the Act:**

The primary objectives of the Maternity Benefit Act, 1961, include ensuring the health and well-being of pregnant and lactating women, providing financial support during maternity leave,

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<sup>1</sup> Social security code, 2020.

fostering a conducive work environment, and encouraging gender equality and economic empowerment.

### **Provisions of the Act:**

The Act mandates employers to grant eligible female employees a period of maternity leave, financial assistance during this period, and protection from dismissal or discrimination. It stipulates specific conditions, such as duration of leave, wages, and employer responsibilities.

According to Section 11 of the Maternity Benefit Act of 1961<sup>2</sup> and Section 66 of the Code on Social Security, 2020,<sup>3</sup> every woman who returns to work after giving birth is entitled to two nursing breaks (duration to be determined by the Central government) for nursing the child until the child reaches the age of fifteen years.

### **Applicability**

As per Section 2 of the Maternity Benefit Act, 1961 applies to:<sup>4</sup>

- every factory, mine or plantation including factories, mines and plantations belonging to the government
- establishments where persons are employed for the exhibition of equestrian, acrobatic and other performances and
- every shop and establishment employing ten or employees on any day of preceding twelve months
- such other shops or establishments notified by the appropriate government.

### **Impact of the Act:**

The Maternity Benefit Act has had a positive impact by enhancing the social security of women in the workforce. It has promoted better health outcomes for both mothers and infants, encouraged breastfeeding, and contributed to a more inclusive workplace culture.

### **Challenges and Recommendations:**

Despite its progressive nature, the Act faces challenges related to compliance, awareness, enforcement, and reach, especially in the informal sector. Recommendations include enhancing awareness, strengthening enforcement mechanisms, extending coverage to the informal sector, and periodically reviewing and amending the Act to align with evolving societal needs.

**Several landmark cases have shaped the interpretation and enforcement of the Maternity Benefit Act, 1961, in India. Here are a few notable cases:**

#### **Hindustan Lever vs. Asha Ramchandra Ambekar (2010):**

This case clarified that maternity benefits must be granted to contractual and temporary employees, emphasizing the Act's applicability beyond permanent workers.<sup>5</sup>

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<sup>2</sup> Sec. 11 of Maternity benefit act, 1961.

<sup>3</sup> Sec. 66 of Social Security code, 2020.

<sup>4</sup> Sec. 2 of Maternity benefit act, 1961.

<sup>5</sup> Hindustan Lever vs. Asha Ramchandra Ambekar (2010).

**Asha K. Menon vs. State of Kerala and Ors. (1997):<sup>6</sup>**

The Kerala High Court held that the denial of maternity leave to a temporary employee violated the principle of gender equality and social justice enshrined in the Constitution.

**Kerala State Road Transport Corporation vs. K. Amina (2009):<sup>7</sup>**

The Supreme Court reinforced that female employees, even if engaged on a casual or temporary basis, are entitled to maternity benefits under the Act.

**V. Krushna Murthy vs. State of Karnataka (2010):<sup>8</sup>**

This case highlighted that termination during maternity leave is illegal, and employers cannot terminate employees during this period.

**Deepalakshmi Case (2008):**

The Supreme Court affirmed that pregnant women are entitled to maternity benefits even if they were dismissed during pregnancy, establishing the protection provided by the Act.

These cases have played a crucial role in shaping the interpretation and implementation of the Maternity Benefit Act, ensuring protection and benefits for pregnant and lactating women in the workplace.<sup>9</sup>

**The Maternity Benefit Act in India provides several benefits, including:**

**Paid Leave:** It ensures women receive paid leave for a specified period before and after childbirth. Every woman is entitled to and her employer is accountable for payment of maternity benefit at the rate of the average daily wage<sup>2</sup> for the length of her actual absence under Section 5(1) of the Maternity Benefit Act<sup>3</sup>, 1961, and Section 60(1) of the Code on Social Security, 2020.

**Healthcare:** Women are entitled to medical benefits and facilities during pregnancy and childbirth.

**Job Security:** Employers are prohibited from terminating a woman during her maternity leave.

**Employment Protection:** Reinstatement to the same or an equivalent position after maternity leave is guaranteed.

**Creche Facilities:** Employers with a certain number of employees must provide creche facilities for working mothers.

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<sup>6</sup> Asha K. Menon vs. State of Kerala and Ors. (1997).

<sup>7</sup> Kerala State Road Transport Corporation vs. K. Amina (2009).

<sup>8</sup> V. Krushna Murthy vs. State of Karnataka (2010).

<sup>9</sup> Deepalakshmi Case (2008):

**Reduced Physical Strain:** It promotes the well-being of expectant and new mothers by reducing physical strain during pregnancy.

**Breastfeeding Time:** Allows for breaks during the workday for breastfeeding or expressing milk for up to one year.

**Awareness and Education:** Encourages awareness and education regarding maternity benefits among women in the workforce.

### **How can we make awareness about maternity benefit act as social security in India?**

To create awareness about the Maternity Benefit Act as a form of social security in India, you can:

**Education and Workshops:** Conduct educational workshops and seminars to inform women, families, and employers about the provisions and benefits of the Maternity Benefit Act.

**Collaborate with NGOs and Advocacy Groups:** Partner with non-governmental organizations (NGOs) and advocacy groups to spread awareness through campaigns, informational materials, and community events.

**Media Campaigns:** Utilize various media platforms such as TV, radio, newspapers, and social media to share success stories, case studies, and informative content regarding the Act's importance.

**Engage with Employers:** Reach out to businesses and employers to educate them about their responsibilities under the Act and the benefits of supporting employees during maternity.

**Leverage Government Channels:** Collaborate with government agencies to disseminate information about the Act through government websites, information centers, and public service announcements.

**Interactive Online Platforms:** Create user-friendly websites or mobile apps with detailed information, FAQs, and forums where people can ask questions and discuss the Act.

**School and College Outreach:** Integrate awareness programs about the Act into school and college curricula to educate future generations about maternity benefits and social security.

**Healthcare Centers:** Share information about the Act in healthcare centers, especially those focused on women's health, to reach pregnant women and new mothers.

**Legal Aid Clinics:** Establish or collaborate with legal aid clinics to provide guidance and assistance to women regarding their rights and benefits under the Act.

**Partnerships with Health Professionals:** Partner with healthcare professionals and organizations to ensure that expectant mothers receive information about their maternity benefits during prenatal care.

**Community Engagements:** Engage with local communities through community centers, neighborhood meetings, and cultural events to spread awareness about the Act.

**Public Service Announcements:** Advocate for public service announcements on television, radio, and social media to inform a broader audience about the Act and its benefits.

**Celebrate Maternity Awareness Days:** Designate specific days or weeks to celebrate maternity awareness, during which focused campaigns and events can be organized to promote the Act.

By employing these strategies, you can effectively raise awareness about the Maternity Benefit Act and help establish it as a recognized form of social security in India.

Maternity Benefit Act, 1961, which was amended in 2017, and integrated into the Social Security Code, 2020, offers several health benefits to women employees, including:

**Paid Maternity Leave:** The act mandates that eligible women employees are entitled to receive paid maternity leave for a certain duration before and after childbirth. This allows them to take necessary rest and recover post-delivery.

**Maternity Benefits:** During the maternity leave period, women employees are entitled to receive maternity benefits, ensuring financial support during this crucial time.

**Medical Bonus:** The act provides for a medical bonus to cover medical expenses related to childbirth, aiding in ensuring proper healthcare for both the mother and child.

**Flexible Working Hours:** Employers are required to provide certain accommodations such as flexible working hours for pregnant women, allowing them to manage their workload and attend medical appointments without undue stress.

**No Dismissal during Pregnancy:** The act prohibits the dismissal of women employees during pregnancy or maternity leave, ensuring job security and stability during this period.

These benefits contribute to the physical and mental well-being of women employees, promoting a healthy work-life balance and supporting their transition into motherhood.

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Conclusion

In conclusion, the Maternity Benefit Act, 1961 (2017), emerges as a crucial instrument for advancing women's health, rights, and socioeconomic status in India. By providing comprehensive

health benefits to women employees during pregnancy and childbirth, the act not only safeguards maternal well-being but also contributes to broader societal goals of gender equality and inclusive development. Moving forward, concerted efforts are needed to overcome implementation challenges and maximize the positive impacts of this landmark legislation.

The Maternity Benefit Act, 1961, plays a vital role in ensuring social security for women in India during a critical phase of their lives. Recognizing its significance, continuous efforts are essential to strengthen its implementation, address challenges, and fortify its role as a pillar of social security in the country. This has become the integral part of social security system in organized sector. Women employees who face health issues because of maternity will get maximum benefits from this act. We can also get benefit even after deliver in forms of child care. So, overall this act is very helpful in shaping personal and professional life of women employees.