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COMPLIANCE OF MATERNITY BENEFIT ACT IN PRIVATE SECTOR: ARE PROMISES DELIVERED?

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ABSTRACT

The Maternity Benefit Act, 1961, stands as a cornerstone of women's welfare legislation in India, designed to protect the employment and financial security of women during maternity. The Act guarantees paid maternity leave, health benefits, job protection, and other welfare measures to ensure that women do not suffer discrimination or hardship due to pregnancy and childbirth. However, the real challenge lies in the implementation and compliance of this Act—particularly within the private sector, which employs a large proportion of women in both formal and informal roles.

This study critically examines whether women in the private sector are actually receiving the rights and benefits promised under the Maternity Benefit Act. Despite several progressive amendments, including the 2017 extension of paid leave from 12 to 26 weeks and the introduction of crèche facilities, compliance remains inconsistent. Many companies discourage maternity leave through subtle discrimination in hiring and promotion. Lack of awareness among women employees about their rights, insufficient monitoring by labour authorities and the absence of stringent penalties for non-compliance also exist. The study also highlights the socio-economic dimensions of the issue. Women often fear job loss or career stagnation if they choose to avail maternity leave and contractual or gig-economy workers are frequently excluded from coverage altogether. This gap between legislative intent and ground reality underscores the need for stronger enforcement mechanisms, better corporate accountability, and awareness programs to empower women workers. In conclusion, while the Act promises equality, dignity, and security to working women, the practical scenario in the private sector indicates partial fulfillment at best. True compliance requires not only adherence to legal provisions but also a cultural shift in workplace attitudes toward maternity and women's rights. Ensuring that women genuinely receive what the law promises is essential for achieving gender justice and inclusive growth in India's workforce.

Keywords

Private sector; Women employees; Workplace rights; Gender equality; Paid maternity leave; Employment protection; Workplace discrimination; Labour law; Corporate responsibility; Implementation gap; Crèche facility; Work-life balance; Women empowerment; Gender justice; Social welfare; Legal awareness; Policy enforcement; Labour welfare.



Introduction

The Maternity Benefit Act, 1961, is a landmark legislation in India that seeks to protect the employment and dignity of women during one of the most crucial phases of their lives—maternity. It was enacted with the objective of regulating the employment of women in certain establishments before and after childbirth and to provide them with maternity and other related benefits. The Act embodies the principle of gender equality and social justice, recognizing maternity as a natural and social function that should not become a cause of economic or professional disadvantage for women. It ensures that women are not forced to choose between their career and motherhood by guaranteeing paid maternity leave, health benefits, and job security during and after pregnancy.

Over the years, several amendments have strengthened the Act, the most significant being the Maternity Benefit (Amendment) Act, 2017, which extended paid maternity leave from 12 weeks to 26 weeks, introduced work-from-home options, and made it mandatory for establishments with 50 or more employees to provide crèche facilities. These provisions marked a progressive step toward promoting women's participation in the workforce and safeguarding their reproductive rights. However, the real challenge lies in the implementation and compliance of these provisions, particularly in the private sector, where the majority of women are employed.

Despite the law's good intentions, many women in the private sector continue to face barriers in accessing the benefits guaranteed by the Act. Reports and surveys have revealed that some employers hesitate to hire or promote women of childbearing age due to perceived financial burdens. Others adopt indirect discriminatory practices, such as temporary contracts or lack of job security, to avoid compliance. Moreover, awareness among women employees regarding their rights remains limited, and enforcement mechanisms are often weak or

ineffective. This gap between the law and its practical application raises an important question—are women in the private sector truly getting what the law promises?

The issue is not merely legal but also social and ethical. Ensuring maternity benefits is vital for the broader goals of women empowerment, gender equality, and workplace inclusivity. It is a reflection of how a society values the contribution of women both as professionals and as mothers. A workplace that supports maternity rights creates a healthier, more productive and equitable environment. Therefore, examining the compliance of the Maternity Benefit Act in the private sector is essential to understand the effectiveness of labour laws in promoting gender justice and protecting women's rights in India's growing economy.

Review of Literature

The Maternity Benefit Act, 1961, is a key Indian law aimed at protecting women's employment and well-being during maternity. It ensures paid maternity leave, health benefits, and job security to prevent women from facing economic or professional setbacks due to pregnancy. The 2017 amendment extended paid leave from 12 to 26 weeks, introduced work-from-home options, and mandated crèche facilities for companies with 50+ employees, promoting women's workforce participation and reproductive rights. However, compliance in the private sector, where most women work, remains inconsistent.

Studies, including Kaur (2018) and Bhatia (2019), highlight that many private firms, especially small and medium enterprises (SMEs), view maternity benefits as a financial burden, leading to non-compliance or indirect discrimination, such as avoiding hiring women of childbearing age. The Ministry of Labour and Employment (2018) notes that many women in the private sector lack awareness of their rights. Joshi (2020) points out that fear of job loss or career stagnation prevents women from taking full leave. Weak enforcement, overburdened



labor inspectors, and minimal penalties, as noted by Das and Sharma (2021), allow employers to bypass the law easily.

The 2017 amendment, while progressive, has led to unintended consequences, with some firms favoring male or unmarried female hires to avoid costs, as per Nair (2022). The Act also excludes informal and contractual workers, leaving millions without protection, according to the International Labour Organization. Singh (2021) found that only 10–15% of eligible companies provide crèche facilities due to cost and space issues, and work-from-home policies remain underdeveloped. Rao (2020) highlights post-maternity discrimination, like being overlooked for promotions, reflecting persistent workplace biases.

Overall, the literature shows that despite a strong legal framework, compliance is hampered by lack of awareness, weak enforcement, financial concerns, and exclusion of informal workers. Recommendations include stronger enforcement, cost-sharing models, awareness campaigns, and cultural shifts to create supportive workplaces. The Act represents a vital step toward gender equality, but achieving its goals requires legal, social, and institutional efforts to ensure women in the private sector receive their promised rights.

Research Methodology

1. Type of Research

This study follows a descriptive and analytical research design.

- Descriptive, because it seeks to describe the level of compliance with the Maternity Benefit Act in the private sector.
- Analytical, as it evaluates the gap between the legal provisions and the real experiences of women employees based on survey data.

2. Research Objectives

1. To analyze the awareness and understanding of maternity benefits among employees in the private sector.
2. To identify the level of compliance of private companies with the Maternity Benefit Act, 1961 (amended in 2017).
3. To examine the issues and challenges faced by women employees in availing maternity benefits.
4. To explore the reasons for partial or non-compliance by private organizations.
5. To suggest measures to enhance implementation and awareness of the Act.

3. Research Statement / Problem Statement

Although the Maternity Benefit Act guarantees comprehensive maternity protection for women employees, its enforcement in private sector organizations often falls short. Many women either receive partial benefits or face barriers in claiming them. This research investigates whether women in the private sector actually receive the benefits and protections that the law promises, using primary survey data as evidence.

4. Hypothesis

- H_0 (Null Hypothesis): There is no significant difference between the maternity benefits promised under the Maternity Benefit Act and those received by women employees in the private sector.
- H_1 (Alternative Hypothesis): There is a significant difference between the maternity benefits promised under the Maternity Benefit Act and those received by women employees in the private sector.

5. Sample / Population Size

- Population: Women employees working in various private sector organizations across different industries.



- Sample Size: 30 respondents (based on the survey conducted).
- Respondent Demographics: Mostly students of BBA LLB (Hons) who are aware of workplace policies, and some respondents who are working or have been employed in private firms.

6. Sampling Technique

The study employs a purposive sampling technique, as respondents were chosen based on their knowledge or experience with maternity benefit laws and private sector employment. This ensures the data is relevant to the research objective.

7. Data Type and Collection Technique

- Primary Data: Collected using a structured Google Form survey consisting of 13 multiple-choice and short-answer questions about maternity benefit awareness, access, discrimination, compliance, and improvements.
- Secondary Data: Collected from books, academic journals, labour ministry reports, government notifications, and credible online databases related to labour law and women's employment rights.

8. Data Analysis Technique

The responses (30 entries) were tabulated and analyzed using Microsoft Excel / Google Sheets and basic statistical methods (percentage and frequency analysis). The data was interpreted qualitatively to highlight patterns of compliance, awareness, discrimination, and suggestions for improvement.

Data Analysis

1. Awareness of Benefits under the Maternity Benefit Act

Most participants were aware of paid maternity leave of 26 weeks, showing a good level of general awareness about this key provision. A few also mentioned that benefits such as flexible working hours and job protection, while some female respondents highlighted nursing breaks and crèche facilities are not aware of.

9. Research Limitations

1. The sample size (30) is relatively small and may not fully represent the diversity of private sector organizations across India.
2. Some respondents were students, which might limit practical workplace experience.
3. The responses are self-reported and may include biases or limited awareness of legal procedures.
4. The study does not separately categorize responses by sector, location, or organization size.
5. Time and resource limitations restricted deeper statistical or regional comparisons.

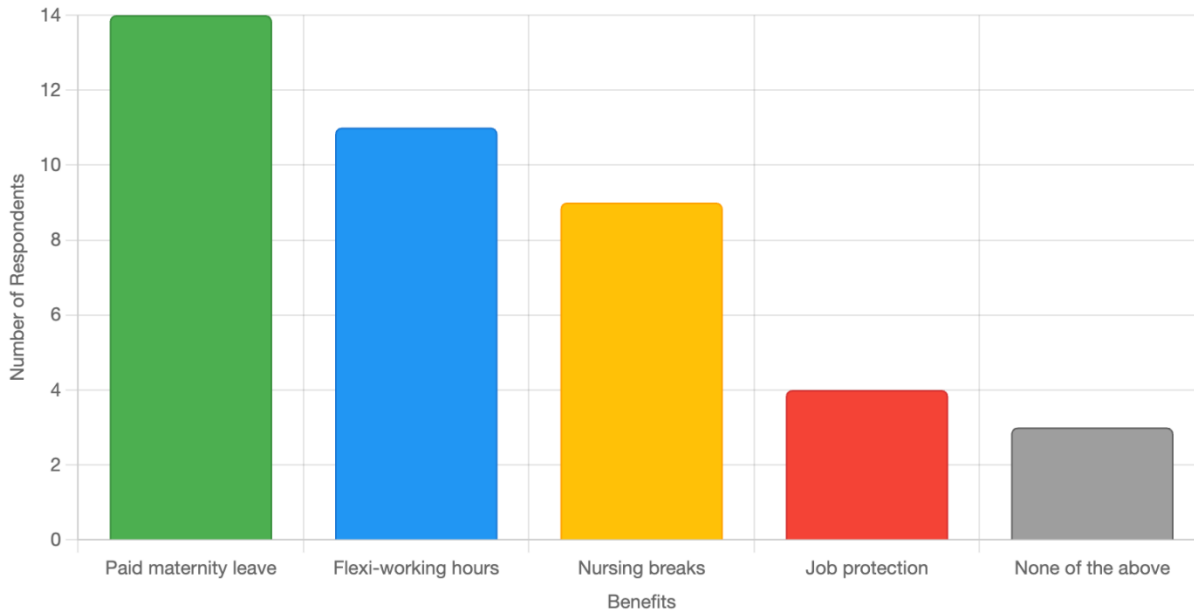
10. Research Gap

- Limited research exists on the practical implementation of the Maternity Benefit Act within private firms, especially after the 2017 amendment.
- Most studies focus on public sector compliance, leaving a gap in understanding private sector realities.
- There is inadequate empirical evidence on women's actual access to maternity benefits versus the law's theoretical promises.
- This research bridges that gap by providing primary survey-based insights on compliance, challenges, and women's perceptions in private organizations.



This indicates that while the core provision (paid leave) is well known, the auxiliary rights like flexible work and childcare facilities are less recognized among employees.

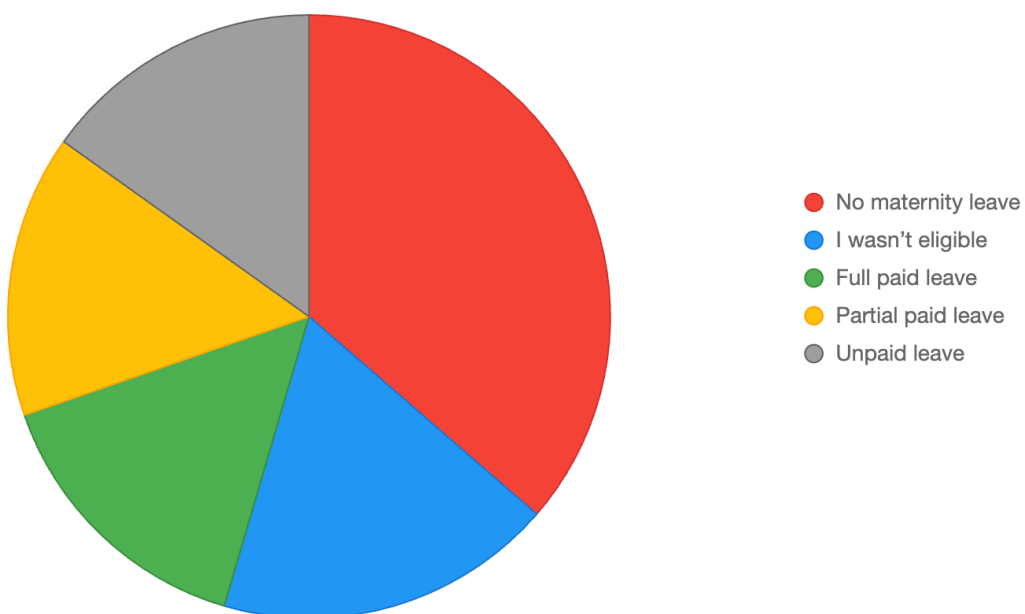
Awareness of Maternity Benefits



2. Type of Maternity Leave Received

When asked about the type of leave received, several participants responded that they were not eligible for maternity leave, either due to gender or employment type. Some reported no maternity leave or unpaid/partial paid leave. This pattern shows that even though the law provides clear entitlements, practical access remains limited, particularly among employees in smaller organizations or contract roles.

Types of Maternity Leave Received



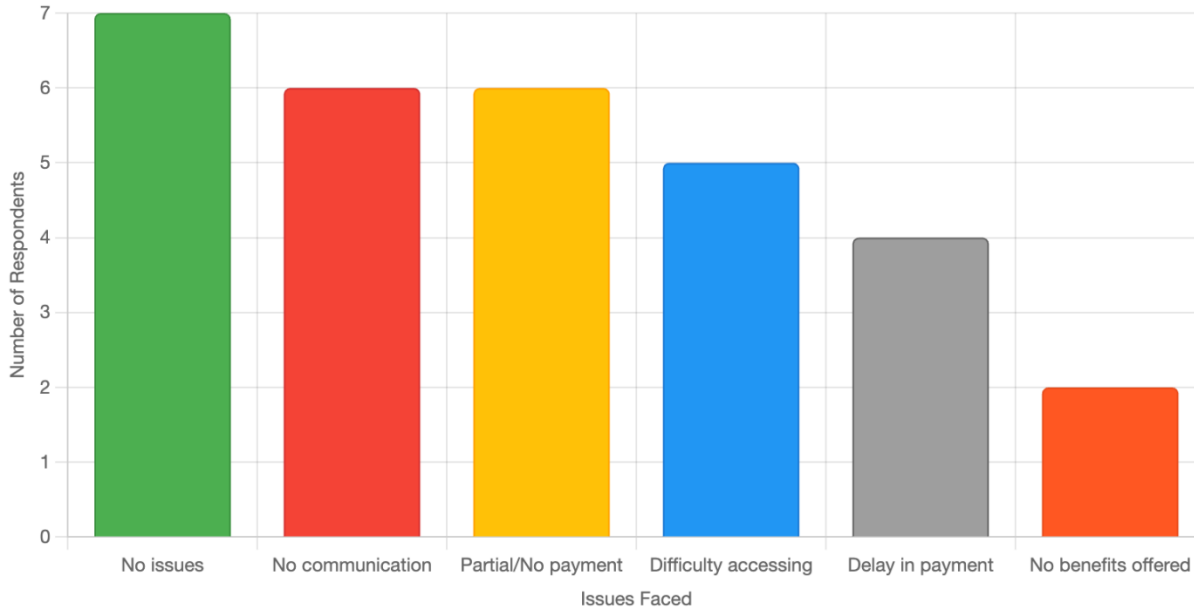
3. Issues in Receiving Maternity Benefits

Common issues faced by respondents included difficulty in accessing leave and partial or no payment during maternity leave. A smaller group reported no issues, suggesting that compliance



varies widely between employers. The data reveals that administrative and procedural barriers continue to hinder the full realization of maternity benefits.

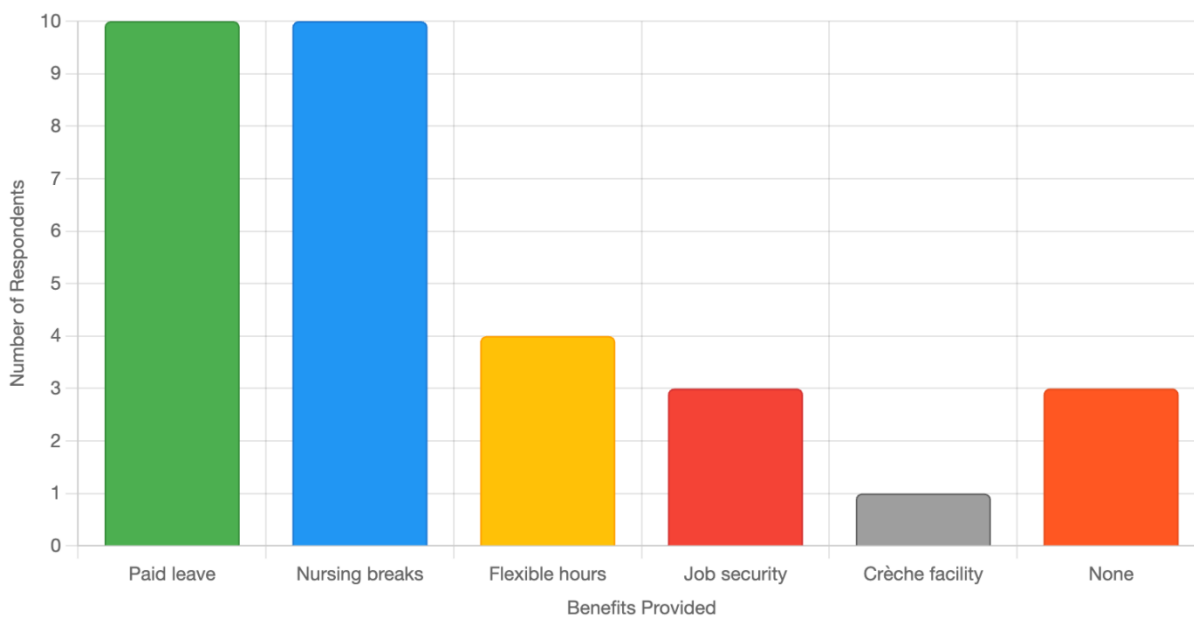
Issues in Receiving Maternity Benefits



4. Facilities Provided by Employers

The most frequently provided facilities were paid leave for the full maternity duration and job security after return, while a few mentioned crèche facilities or nursing breaks. This suggests that while core benefits like paid leave are provided in some workplaces, childcare support and nursing facilities are still lacking, which is just partial compliance of the Act.

Benefits Provided by Employer



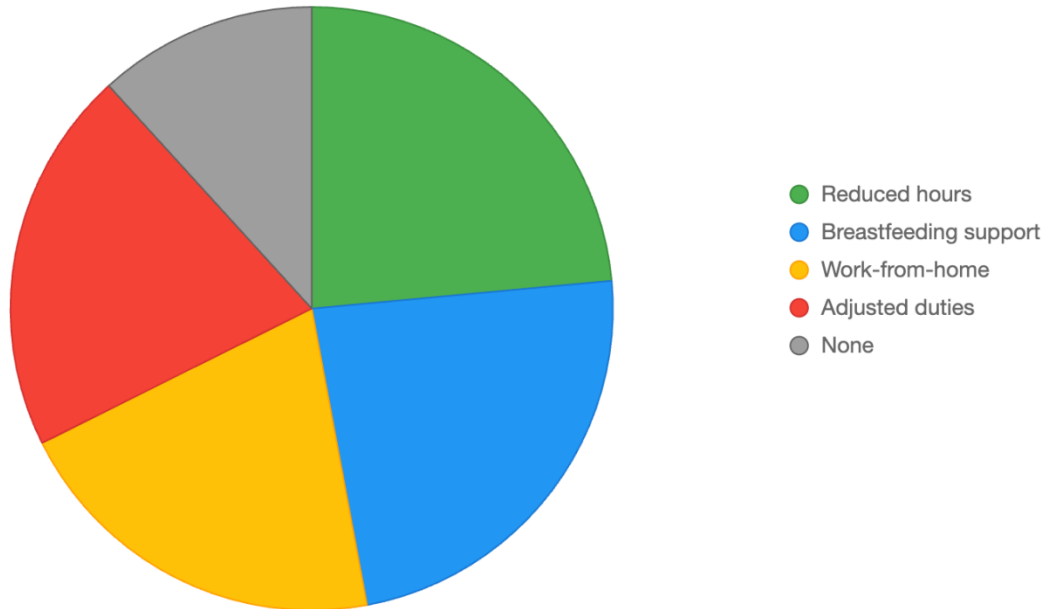
5. Support after Returning to Work

Post-maternity support was mainly in the form of work-from-home options and reduced working hours, followed by adjusted duties for some respondents.



This indicates a growing acknowledgment of the need for workplace flexibility for new mothers, though such accommodations appear inconsistent across organizations.

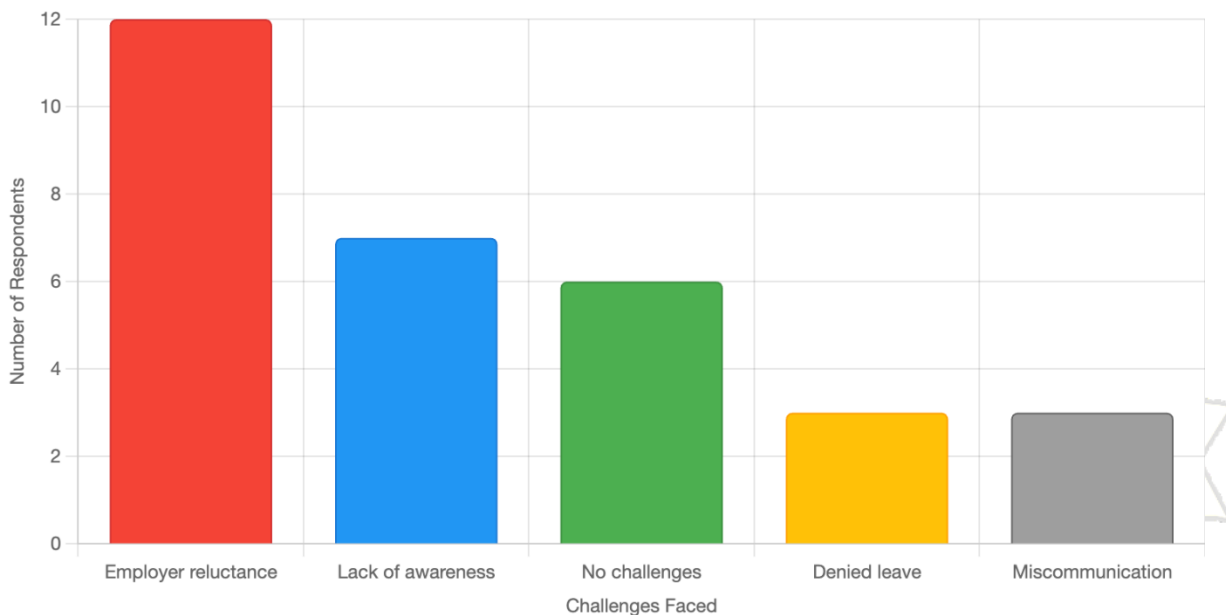
Post-Maternity Support Received



6. Challenges Faced When Requesting Maternity Benefits

Respondents commonly cited lack of awareness about their rights, employer reluctance, and denial of leave as challenges. A few said they faced no issues. This reflects that while the legal framework is robust, implementation gaps and employer attitudes still act as barriers to women’s welfare.

Challenges in Requesting Maternity Benefits



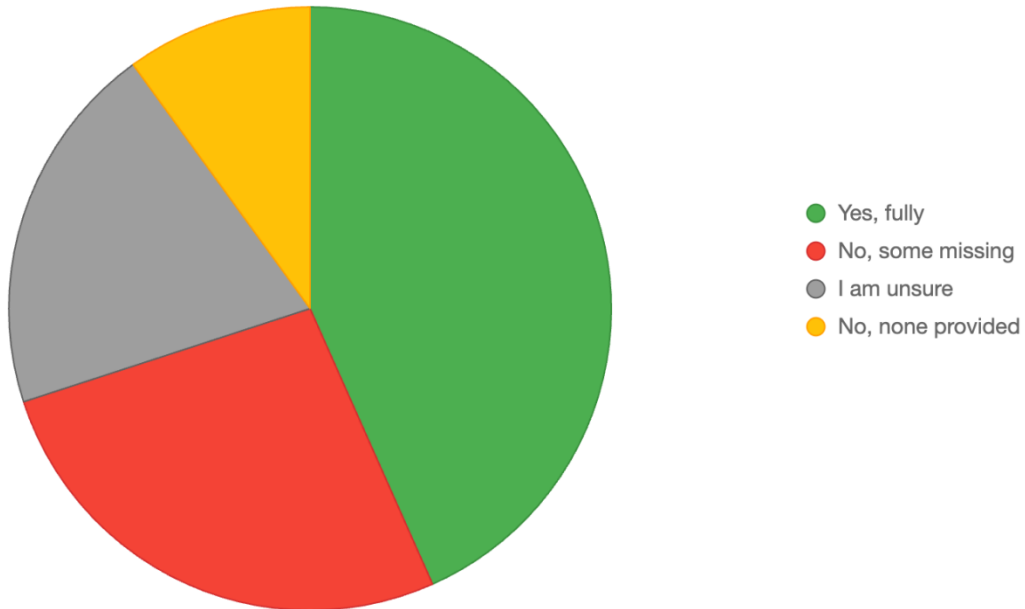
7. Belief in Receiving All Promised Benefits

Many participants believed that women in their company receive all benefits fully, but a considerable number were unsure.



This uncertainty points to a communication gap—employees may not be fully informed about what benefits are legally mandated or whether their workplace complies with them.

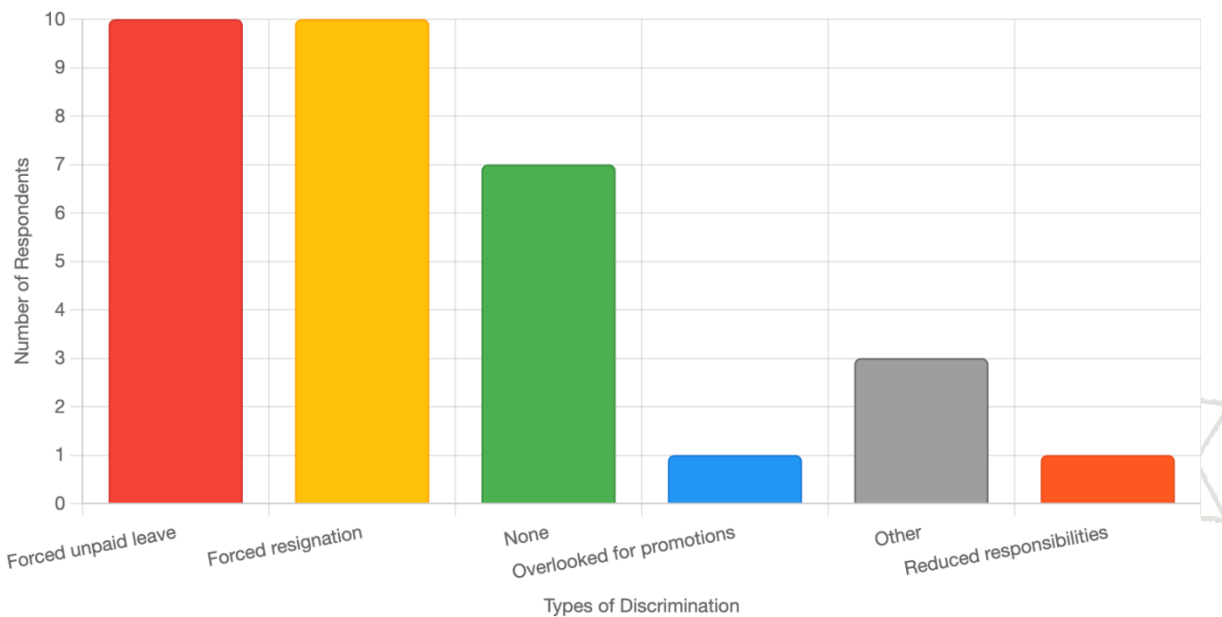
Belief in Full Maternity Benefits Provision



8. Experience of Maternity-related Discrimination

Several respondents stated that they faced no discrimination, while others reported forced resignation or quitting, and a few mentioned other forms of unfair treatment. These findings highlight that while open discrimination is reducing, indirect discrimination—such as pressure to resign or reduced roles after maternity—still persists.

Maternity-Related Discrimination Faced



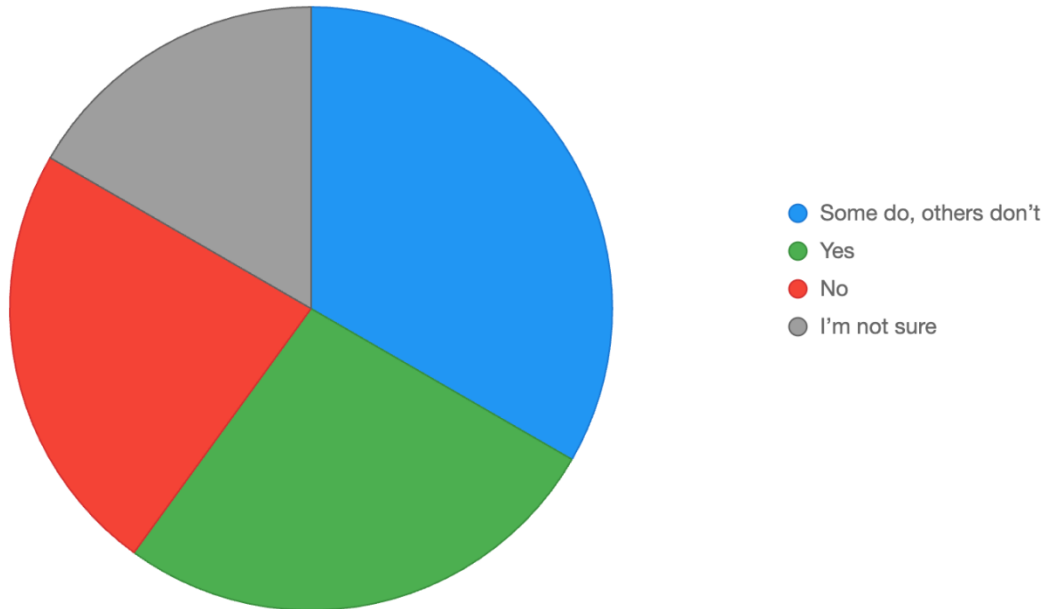
9. Opinion on Whether Most Women Get What the Law Promises

Responses were divided: many believed “some do, but others don’t,” while some said “yes” and others were unsure.



This mixed view underscores that compliance with the Maternity Benefit Act is inconsistent, with better enforcement seen in larger or formal organizations.

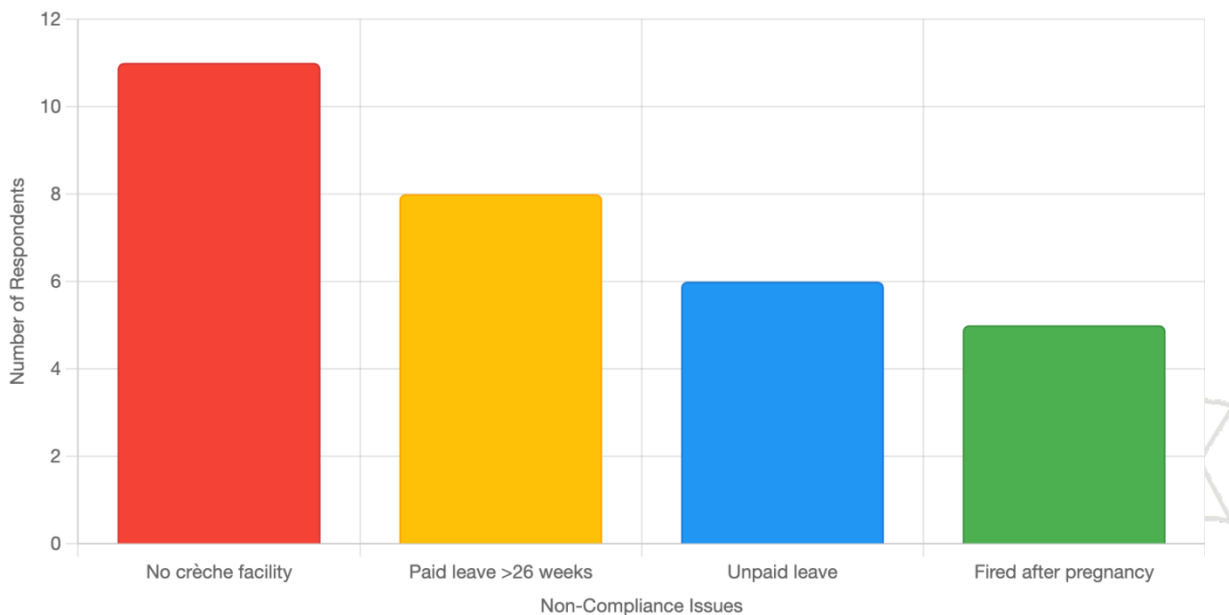
Opinion on Maternity Benefits Provision



10. Signs of Non-Compliance with the Act

Respondents identified issues such as absence of crèche facilities, firing of women after announcing pregnancy, and inconsistent leave duration as clear signs of non-compliance. This shows that participants understand practical indicators of violation, linking real workplace experiences to statutory provisions.

Indicators of Non-Compliance with Maternity Benefit Act



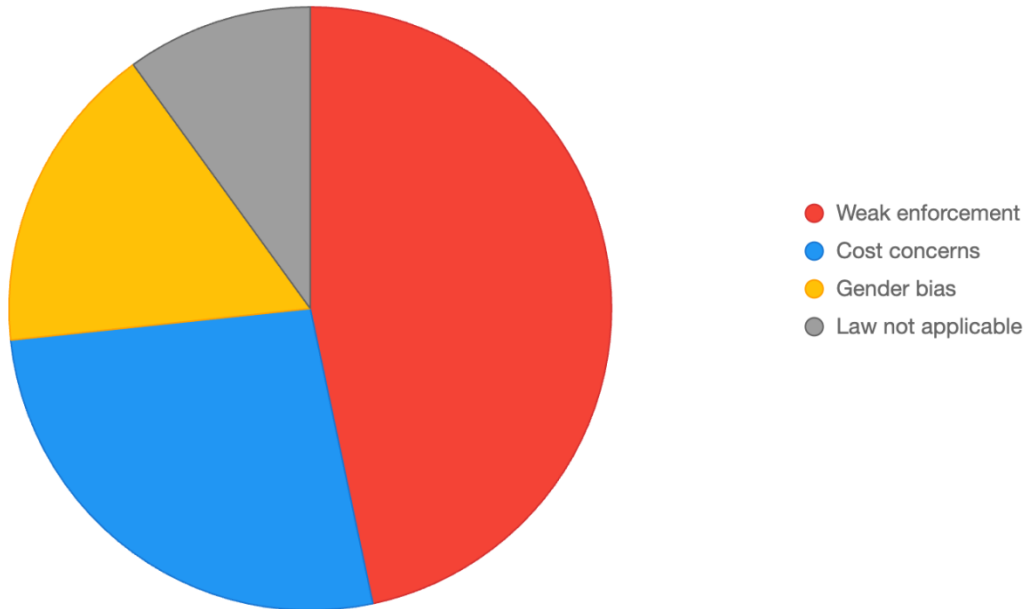
11. Reasons for Non-Compliance among Private Companies

The two main reasons mentioned were cost and budget constraints and weak enforcement by authorities. Some also felt that private sector employers do not take the law seriously.



This reveals that financial burden and lack of strict oversight are the biggest obstacles to full compliance in private enterprises.

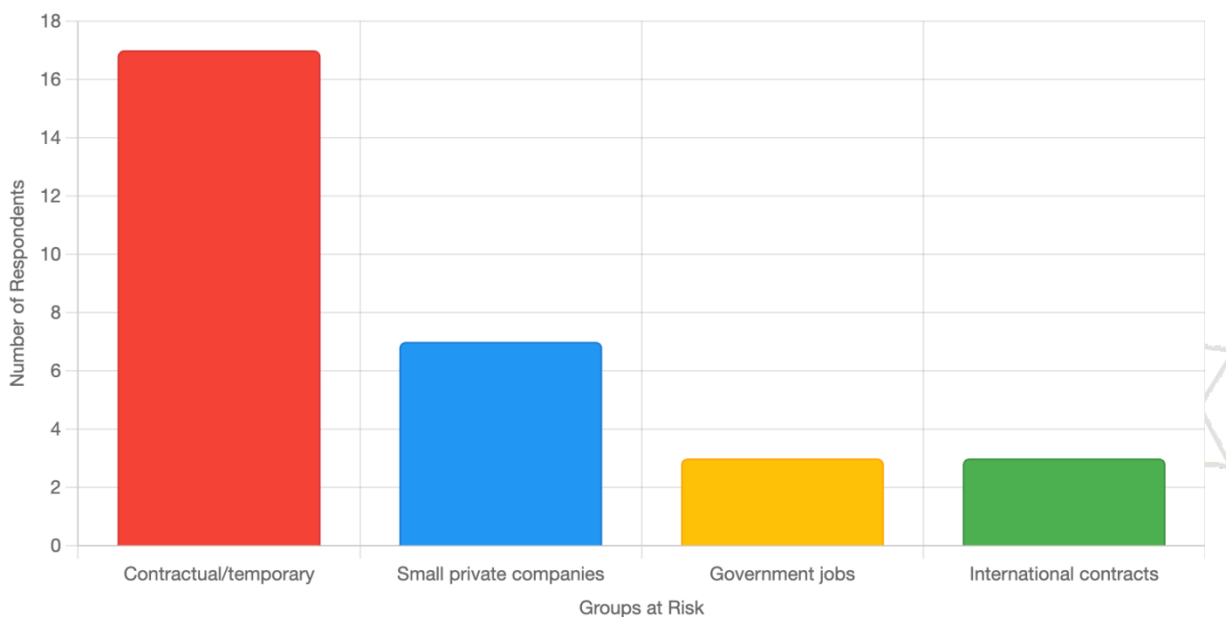
Reasons for Non-Compliance by Private Companies



12. Groups Most at Risk of Missing Maternity Benefits

Most participants identified contractual or temporary employees as the most vulnerable group, followed by women in small private companies. This reflects a structural issue: informal or short-term workers remain excluded from many labor protections, even though they form a significant part of the female workforce.

Groups Most at Risk of Not Receiving Maternity Benefits



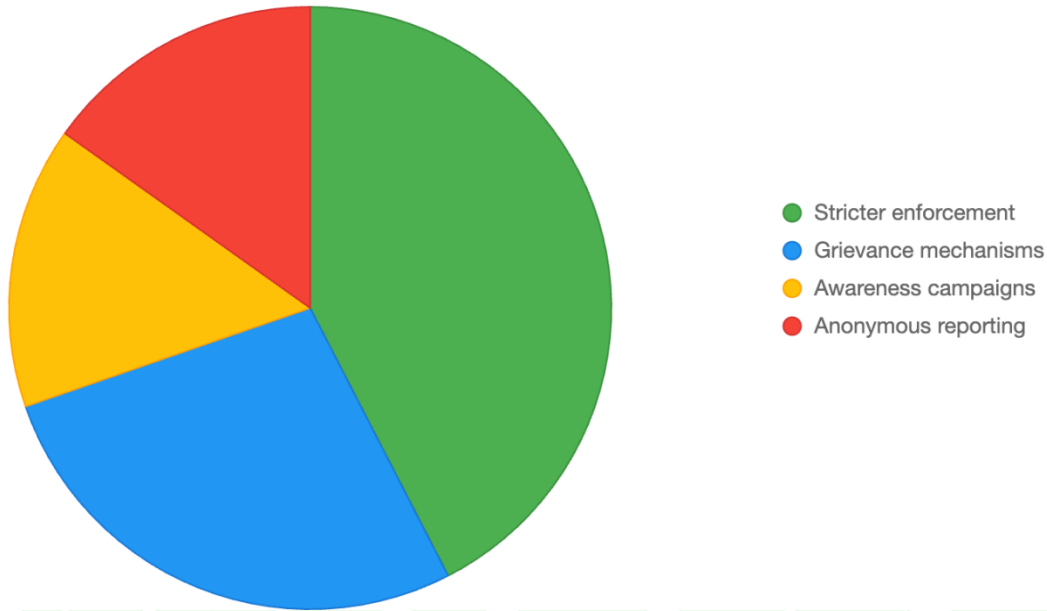
13. Suggested Improvements to Ensure Compliance

Common recommendations included better grievance redressal mechanisms, stricter enforcement by labor authorities, and awareness campaigns for employees and employers alike.



Respondents also suggested anonymous reporting systems for non-compliance. These ideas highlight a strong call for practical enforcement tools and awareness-building to make the Act more effective.

Suggested Improvements for Maternity Benefits Compliance



Findings

1. Awareness of Maternity Benefits (Research Objective: Analyze awareness among employees)

- **Finding:** Most respondents were aware of the 26-week paid maternity leave provision, indicating strong recognition of this core benefit. However, awareness of auxiliary benefits like flexible working hours, nursing breaks, job protection, and crèche facilities was lower.
- **Implication:** While the primary provision of paid leave is well-known, lesser-known benefits such as crèche facilities and work-from-home options are under-recognized, suggesting a need for broader awareness campaigns to educate employees about their full entitlements under the Maternity Benefit Act.

2. Access to Maternity Leave (Research Objective: Identify compliance levels)

- **Finding:** A significant portion of respondents reported not receiving maternity leave, either due to ineligibility

(e.g., gender or employment type, such as contractual roles) or employer denial. Some received unpaid or partially paid leave, while only a few benefited from full paid leave.

- **Implication:** Practical access to maternity leave is limited, particularly for employees in smaller organizations or those in non-permanent roles, highlighting a gap between the legal entitlement of 26 weeks of paid leave and its actual provision in the private sector.

3. Issues in Receiving Benefits (Research Objective: Examine challenges faced)

- **Finding:** Common issues included difficulty in accessing leave, partial or no payment during leave, and lack of proper communication from employers. A smaller group reported no issues, indicating inconsistent compliance across employers.
- **Implication:** Administrative, procedural, and communication barriers hinder the full realization of maternity benefits,



pointing to the need for streamlined processes and better employer accountability to ensure compliance.

4. Employer-Provided Facilities (Research Objective: Identify compliance levels)

- **Finding:** The most common benefits provided by employers were paid leave for the full maternity duration and job security upon return. However, crèche facilities and nursing breaks were rarely provided, with only a few respondents reporting access to these.
- **Implication:** While some core benefits like paid leave are implemented in certain workplaces, the lack of childcare facilities (mandatory for establishments with 50+ employees) indicates partial compliance with the 2017 amendment, particularly in smaller firms.

5. Post-Maternity Support (Research Objective: Examine challenges faced)

- **Finding:** Post-maternity support included work-from-home options, reduced working hours, and adjusted duties for some respondents, but such accommodations were inconsistent across organizations.
- **Implication:** The variability in post-maternity support reflects a lack of standardized policies for new mothers, limiting the effectiveness of the Act's provisions for work-life balance and reintegration into the workplace.

6. Challenges in Requesting Benefits (Research Objective: Examine challenges faced)

- **Finding:** The primary challenges were employer reluctance or denial (most common), lack of awareness about rights, and outright denial of leave. A smaller group faced no challenges.
- **Implication:** Employer attitudes and lack of employee awareness are significant barriers to accessing maternity benefits, underscoring the need for cultural shifts

in workplaces and better legal education for employees.

7. Perception of Full Benefit Provision (Research Objective: Identify compliance levels)

- **Finding:** Many respondents believed women in their companies received all promised benefits, but a considerable number were unsure, and some believed benefits were partially or not provided.
- **Implication:** The uncertainty and mixed perceptions suggest a lack of transparency in workplace policies, with employees often unaware of whether their organization fully complies with the Act.

8. Maternity-Related Discrimination (Research Objective: Examine challenges faced)

- **Finding:** While some respondents reported no discrimination, others experienced forced resignations, pressure to take unpaid leave, or other subtle forms of unfair treatment (e.g., being overlooked for promotions or reduced responsibilities).
- **Implication:** Indirect discrimination persists in the private sector, particularly post-maternity, indicating that workplace biases continue to undermine the Act's goal of protecting women from professional disadvantages due to motherhood.

9. Opinion on General Compliance (Research Objective: Identify compliance levels)

- **Finding:** Responses were mixed, with many believing that "some women receive benefits, but others don't," while others were unsure or believed most women do not receive full benefits.
- **Implication:** The inconsistent provision of benefits across organizations suggests that compliance is stronger in larger, formal companies but weaker in smaller or less regulated firms, highlighting uneven implementation.



10. Indicators of Non-Compliance (Research Objective: Explore reasons for non-compliance)

- **Finding:** Respondents identified the absence of crèche facilities, firing women after pregnancy announcements, and forcing unpaid leave as key signs of non-compliance.
- **Implication:** Employees are aware of practical violations of the Act, such as the lack of mandatory crèche facilities, but some misconceptions (e.g., viewing extended leave as non-compliance) indicate a need for clearer education on the Act's provisions.

11. Reasons for Non-Compliance (Research Objective: Explore reasons for non-compliance)

- **Finding:** The primary reasons cited were cost and budget constraints and weak enforcement by labor authorities. Some respondents also noted that private sector employers do not take the law seriously.
- **Implication:** Financial burdens and lack of regulatory oversight are the biggest obstacles to compliance, suggesting that cost-sharing mechanisms and stricter enforcement could improve adherence.

12. Vulnerable Groups (Research Objective: Examine challenges faced)

- **Finding:** Contractual or temporary employees were identified as the most vulnerable to missing maternity benefits, followed by women in small private companies.
- **Implication:** Informal and non-permanent workers, who form a significant portion of the female workforce, are largely excluded from the Act's protections, exacerbating economic vulnerability and inequality.

13. Suggested Improvements (Research Objective: Suggest measures for improvement)

- **Finding:** Respondents recommended better grievance redressal mechanisms, stricter enforcement by labor authorities, awareness campaigns for employees and employers, and anonymous reporting systems for non-compliance.
- **Implication:** There is a strong demand for practical enforcement tools and increased awareness to bridge the gap between legal provisions and their implementation, emphasizing both regulatory and educational interventions.

Exhortations

Strengthen Enforcement Mechanisms

- To address the weak oversight highlighted by 46.7% of respondents, labor authorities should intensify inspections, particularly in small and medium enterprises (SMEs), and impose stricter penalties, such as substantial fines or public disclosure of violations. Regular audits and a dedicated task force to monitor compliance can ensure employers adhere to the Act's provisions, reducing instances of partial or non-compliance and fostering accountability across the private sector.

Establish Effective Grievance Redressal Systems

- The study noted that 30% of respondents recommended better grievance mechanisms to address barriers like employer reluctance or denial. Establishing centralized, accessible grievance systems with anonymous reporting options would empower employees to report non-compliance without fear of retaliation. This would provide a clear channel for addressing violations, ensuring women can seek recourse and employers are held accountable for adhering to the Act.



Launch Awareness Campaigns

- Limited awareness of auxiliary benefits, such as nursing breaks (30% awareness) and crèche facilities, underscores the need for comprehensive awareness campaigns. Nationwide initiatives, including workshops, digital platforms, and NGO partnerships, should educate both employees and employers about the Act's full provisions. By enhancing legal awareness, women can better demand their rights, and employers can align policies with legal requirements, reducing knowledge-related barriers.

Introduce Cost-Sharing Models

- Cost constraints, cited by 26.7% of respondents as a reason for non-compliance, deter many private firms, especially SMEs, from implementing benefits. Government-backed social insurance or subsidy programs should be introduced to share the financial burden of maternity benefits. Such models would alleviate employer resistance, making compliance more feasible and encouraging smaller firms to provide mandated benefits like paid leave and crèche facilities.

Extend Coverage to Informal and Contractual Workers

- Contractual and temporary employees, identified as the most vulnerable group by 56.7% of respondents, are often excluded from the Act's protections. Amending the Act to include these workers or creating parallel schemes for informal and gig-economy employees would address this structural gap. Extending coverage ensures equitable access to maternity benefits, reducing economic vulnerability for a significant portion of the female workforce.

Mandate and Monitor Crèche Facilities

- The absence of crèche facilities, noted by 36.7% as a non-compliance indicator,

reflects a major gap in implementing the 2017 amendment's mandate for establishments with 50+ employees. Strict enforcement through regular audits, coupled with guidelines or subsidies to address space and cost constraints, would ensure compliance. Functional crèches support working mothers, enhancing work-life balance and adherence to the Act.

Promote Flexible Work Policies

- Inconsistent post-maternity support, with only 23.3% receiving work-from-home options, highlights the need for standardized flexible work policies. Employers should be encouraged, through incentives like tax benefits, to institutionalize work-from-home and reduced-hour options for new mothers. Clear policies would facilitate reintegration, reduce career disruptions, and align with the Act's provisions for flexible arrangements.

Address Workplace Discrimination

- Discrimination, such as forced resignations (33.3%) and unpaid leave (33.3%), persists in private workplaces. Mandatory training programs for employers to combat gender biases, combined with enforced anti-discrimination policies, would address these issues. By fostering inclusive workplace cultures, such initiatives can mitigate subtle discrimination, ensuring women are not penalized professionally for motherhood.

Enhance Data Collection and Research

- The study's small sample size (30 respondents) limits its generalizability, necessitating larger, sector-specific studies to assess compliance across industries and regions. Comprehensive research involving diverse samples would provide deeper insights into compliance variations, informing targeted policies. This would address the



research gap noted in the document, enhancing evidence-based policymaking for maternity benefits.

Foster Cultural Change in Workplaces

- Persistent workplace biases, reflected in indirect discrimination, require a cultural shift to view maternity as a natural function. Diversity and inclusion programs should promote workplace attitudes that value women's contributions as professionals and mothers. By fostering supportive environments, employers can align with the Act's spirit, reducing discrimination and enhancing compliance through cultural transformation.

Implementation Considerations

- To ensure effective implementation, collaboration with government agencies, industry bodies, and women's organizations is essential. A national task force should monitor compliance, focusing on vulnerable groups like contractual workers and SMEs. Regular employee surveys and compliance audits can evaluate progress, ensuring continuous improvement in delivering maternity benefits and achieving gender equity in the private sector.

Conclusion

The study on the Maternity Benefit Act, 1961 (Amended, 2017) reveals a significant gap between its progressive provisions and their implementation in India's private sector. While awareness of core benefits like 26-week paid maternity leave is high, auxiliary provisions such as crèche facilities and flexible work arrangements are underutilized due to limited awareness, employer reluctance, and weak enforcement. Contractual and temporary workers, along with those in small firms, face the greatest barriers, often excluded from protections, while indirect discrimination, such as forced resignations and unpaid leave, persists. The suggested measures—stricter enforcement, effective grievance systems,

awareness campaigns, cost-sharing models, extended coverage for informal workers, mandatory crèche facilities, flexible work policies, anti-discrimination training, enhanced research, and cultural change—offer a comprehensive approach to bridge this gap. By integrating regulatory oversight, financial incentives, and cultural transformation, these interventions can ensure women in the private sector receive their entitled benefits, fostering gender justice, workplace inclusivity, and equitable economic growth in India.

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