
THE ACTUAL SITUATION OF FEMALE EMPLOYEES UNDER THE 1961 MATERNITY BENEFITS ACT

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ABSTRACT:

The cornerstone of the fundamental freedoms in our Constitution is "social justice". In order to fit into the social structure, social justice underwent several changes throughout its history. This essay examines whether the amendment improved the shortcomings of the Maternity Act and whether it helped working women in general. He does this through empirical research. The main purpose of maternity is to ensure the health and safety of the mother and child, as well as the self-respect associated with motherhood. Maternity benefits are essential to maintaining women's financial freedom and self-sufficiency. Legislation protecting mothers' rights must be implemented to establish national and regional minimum standards. It achieves this by enshrining a widely accepted idea into domestic law. This essay discusses whether the amendment received a passing grade. This article discusses the uncertainty of the new law, the government's inability to fulfill its constitutional obligations, and the need for legislative reform to resolve the unusual situation. In an unknown sea, our country steers the boat over extremely high tides. The final final analysis is done keeping the existing cycles linear to find a solution using special suggestive models. The main point of this essay is that maternity law needs to be changed.

Keywords: childbirth, protective discrimination, maternity rule, pregnancy, birth.

INTRODUCTION:

Maternity benefits in the workplace are necessary to ensure job security, protect women's economic rights and support their maternity responsibilities. In India, the Maternity Benefit Act, 1961 provides for maternity benefits in the form of maternity leave for all female employees. Maternity is paid leave for expectant or pregnant women who can use it before and after childbirth. All employers or organizations in India must provide maternity leave to pregnant women. It is essential to ensure the general well-being of the newborn child and the mother. In India, maternity leave and benefits are governed by the Maternity Benefits Act, 1961 ("the Act"). The law provides for comprehensive maternity benefits, including sickness benefits, paid holidays and nursing breaks. The law supports women during childbirth. It protects and secures the livelihood and benefits of women workers and gives them time to take care of their newborns while they take care of themselves. According to the law, women working in recognized organizations and factories can take maternity leave up to six months. Female employees can take a maximum of 6 months of maternity leave before and after the birth of a child. During this leave, the employer must pay the employee the full salary.

JUSTIFICATION FOR MATERNITY BENEFITS:

The economic dependence of women leads to their subjugation in society today. To eliminate such subjugation and create equality, women must be financially independent and actively participate in all business fields. To support such an initiative, the government must create conditions that meet the needs of women. One of the problems that women face in the economy is discrimination based on their biological role, such as having a child. Women are entitled to these benefits because childbirth is extremely painful and can cause bodily harm. This can prevent a woman from continuing to work as an employee and weaken her productivity, which is why maternity benefits for working women are necessary.

Maternity benefits are necessary to protect the rights of working women to financial independence and self-sufficiency. Only when differences are eliminated and everyone gets what they are legally entitled to will a just social order emerge. If they, who make up about half of our society, need to be respected and treated with dignity in the workplace, they see themselves as breadwinners. They must be given access to all amenities to which they are entitled, regardless of the nature of their work, hobbies or employment. The most natural Event

in a women's life is to have a child. The employer must be considerate and compassionate towards the working woman and understand the physical challenges she faces in the workplace while carrying a child or raising a child after birth. The employer must do everything possible to facilitate the delivery of a working woman. In maternity there is traditionally a condition that prevents women from doing any work in the week before and after childbirth. As wage labor became more common in industrial settings, many employers dismissed female workers when they realized that pregnancy prevented them from performing their normal duties. Others had to endure during these gestation periods to maintain productivity. The idea of maternity benefits is necessary to relieve this burden on female workers and enable them to continue their social role by giving birth and growing up without disproportionate health risks or loss of wages. Most women want to have children at some point in their lives. Due to previous financial arrangements they had to give up their work and family aspirations.

INDIAN CONSTITUTION AND MATERNITY BENEFITS:

According to the Constitution of India, women have the following rights and privileges for improvement: right to equality in law, right to discrimination, right to equality in public employment, right to adequate livelihood, right to equal pay. for equal work the right to fair and humane working conditions and maternity leave and the right to better opportunities and working conditions. Article 15(3) of the Constitution of India states that "nothing prevents the State from making special provisions for women. and children". The primary purpose of Article 15(3) is "defensive discrimination" that takes into account the fragile physical positions of women. According to the rationale, "a woman's physical structure and fulfilment of maternal duties puts her at a disadvantage in the struggle for a living, and her physical well-being becomes the object of public attention and ensures the preservation of the strength and vigor of the race. . This clause enabled the country to create unique legal provisions that focus only on the welfare of women. India Article 21 of the Constitution guarantees the right to life and personal liberty, which goes beyond the basic need to ensure physical well-being. The right to live a full, complete and dignified life is known as the right to life. It has no limited meaning. It is more than just living or existing as an animal. Life has an infinite meaning that cannot be limited and is within the reach of every nation. Therefore, the state must ensure that all the necessary resources and support are available to the pregnant woman while protecting her employment, personal health and the health of the unborn child. According to Articles 41 and 42 of Part IV of the document. Directive of the Constitution of India According to the principles

of state policy, the state must implement effective provisions to ensure the right to work, education and maternity leave. Article 41 also states that the state must ensure fair and humane working conditions. Since Article 42 specifically refers to "just and humane working conditions" and "maternity condition", all service rules and implementing or administrative measures prohibiting maternity benefits must be evaluated under Article 42, which, although not legally enforceable, remains available. review the service rule and the legality of this action to determine.

SAFEGUARDING WOMEN WORKERS' RIGHTS UNDER MATERNITY BENEFIT ACT, 1961:

1. PAID LEAVE (SECTION 5):

The Maternity Benefit Act 1961 is a cornerstone of protecting the rights of women in the workplace, especially during pregnancy and childbirth. The main section 5 of this Act states that female workers are entitled to paid leave to meet their maternity needs. This section ensures that female workers receive up to 26 weeks of maternity leave from their first job. two surviving children. However, the duration of maternity leave for subsequent children will be reduced to 12 weeks. This provision is important because it recognizes the different needs and conditions of women at different stages of motherhood. The law eases the financial burden on women during pregnancy and childbirth by providing paid leave. It recognizes the importance of this period for the health of both mother and child and emphasizes the need for adequate rest and care. In addition, it reflects a commitment to gender equality in working life by providing women with the necessary support to balance their professional and personal responsibilities. This provision not only benefits individual women, but also contributes to wider social goals such as the promotion of mothers and children. health The law plays a critical role in promoting a healthier and more just society by ensuring that women have the time and resources to prioritize the well-being of themselves and their newborns.

2. HEALTHCARE PROVISIONS (SECTION 4):

Section 4 of the Maternity Benefit Act 1961 plays a key role in protecting the health and well-being of working women during pregnancy and childbirth. This section emphasizes the importance of providing comprehensive health services so that pregnant women receive the necessary medical care and support during pregnancy and childbirth. Section 4 states that

employers must provide essential medical services to female employees during pregnancy. This includes access to prenatal care, which includes doctors, prenatal exams, and tests to monitor the health of both the mother and the developing fetus. Prenatal care is essential to identify and treat potential health problems or complications at an early stage, which promotes a healthy pregnancy and reduces the risk of adverse effects for both mother and baby. In addition, the law requires employers to expand health services. include postnatal care. Postnatal care includes the medical care and support given to women after childbirth and deals with issues such as postnatal recovery, breastfeeding support and advice on newborn care. Access to postnatal care is essential to ensure the physical and emotional well-being of mothers in the postnatal period, ease their transition to motherhood and promote optimal health outcomes for both mother and child. And Section 4 also emphasizes that employers must treat all. other things. medical needs may arise during the delivery period. This provision emphasizes the importance of providing pregnant women with timely and appropriate medical care for health problems or complications that may arise during pregnancy or childbirth. By expanding medical facilities to cover various possible needs, the law aims to ensure comprehensive health care for women workers, thus prioritizing their health and well-being in the workforce.

3. JOB SECURITY (SECTION 12):

Section 12 of the Maternity Benefit Act 1961 is a cornerstone in ensuring job security for women workers during maternity leave. This provision protects against discriminatory practices or unfair treatment that women may encounter in the workplace due to pregnancy or childbirth.

Section 12 of the Constitution prohibits employers from dismissing a female employee during maternity leave. This protection is necessary to ensure continuity of employment and financial stability for women at a time when they need to focus on their health and the well-being of their newborns.

In enacting the Employment Insurance Act, Section 12 reinforces the principle of equality. in the workplace and claims that pregnancy and motherhood should not be the cause of the negative effects of women's employment. This provision helps combat stereotypes and prejudices that can undermine women's participation in the workforce and promote a more inclusive and supportive work environment. Section 12 also plays a key role in protecting the

financial security of families. By ensuring that women can take necessary time off without fear of losing their jobs, this provision empowers families to make decisions that prioritize the health and well-being of both mother and child, promoting stronger and healthier families and communities. 12. The provision of the Maternity Act of 1961 is a sign of protection for working women, ensuring their job security and ensuring that they are treated fairly and equally in the workplace during the critical period of maternity.

4. EMPLOYER OBLIGATIONS (SECTION 6):

Section 6 of the Maternity Benefit Act 1961 sets out employers' obligations to pregnant workers and emphasizes the importance of providing an encouraging and supportive working environment for women during pregnancy and childbirth. One of the main duties set out in Section 6 is that employers must inform female employees on its Act on the resulting rights. This includes providing clear and comprehensive information on rights such as maternity leave, sick pay and other provisions aimed at supporting women during pregnancy and childbirth. In addition, clause 6 obliges employers to ensure compliance with the provisions of the Maternity Act. This includes several aspects, including the provision of maternity leave according to the prescribed duration, the provision of necessary medical services and the maintenance of a safe working environment suitable for pregnant women. Defining these obligations, Clause 6 emphasizes the importance of preventive measures. of employers. protect and promote the rights of pregnant workers. It emphasizes the role of employers in creating a workplace culture that respects and supports women's reproductive rights and recognizes the unique challenges they may face during pregnancy and motherhood.

DR. MUTHULAKSHMI REDDY MATERNITY BENEFIT SCHEME (MRMBS):

The Maternity Benefit Scheme in Tamil Nadu was launched in 1987 with the aim of reducing IMR and MMR. Dr. Muthulakshmi Reddy Ninaivu Mahapperu Uthavi Thittam Rs.200/- cash assistance was given to pregnant mother from 03.06.1989 Rs.200/- cash assistance was increased to Rs.300 from 01.05.1992 According to the state aid. Under the Maternity Benefit Scheme, a one-time payment of Rs 300 was made to pregnant women of at least 19 years of age belonging to a below poverty line family for the first two live births. W.e.f.02.10. 1995 The benefit under the National Maternity Benefit Scheme was increased from Rs.500/- to Rs.300/- with effect from 01.08.1998. Assistance can be given to pregnant women whose

application is received on or after 01.08.1998 The National Maternity Benefit Scheme has been renamed as "Dr. Muthulakshmi Reddy Maternity Benefit Scheme". Under the scheme, poor pregnant women were paid 1,000 rupees per month for 11.09 months to 7 months of pregnancy (3 months before delivery and 3 months after delivery). as per the terms of G.O(Ms) No. 184 dated. .2006 and later it was increased to Rs.12,000 per beneficiary from 01.06.2011 by Hon'ble Prime Minister (G.O (Ms) No. 276 dated 03.11.2011). This has now been increased to Rs 18,000 per beneficiary Government of India has launched a new scheme Pradhan Mantri Matru Vandana Yojana under 60:40 sharing model between the center and state for all eligible pregnant and lactating mothers. the first child. The Government has decided to implement Pradhan Matru Vandana Yojana (PMMVY) scheme initiated by Government of India along with Dr. Muthulakshmi Reddy Maternity Benefit Scheme (State Scheme) for eligible first time mothers.

CONCLUSION

Maternity benefits aren't just for new mothers; rather, they are an important first step in securing our nation's future. In our nation, pregnancy is both the reason why a mother cannot work after childbirth, as well as some divine origin. In this situation, the state must act to lubricate and strengthen the system, so that it is brave and intelligent enough to recognize the truth that motherhood does not weaken a woman, but gives more courage and confidence to face the outsider. in the world Indian Maternity Regulations have been analyzed in detail in the above document. The Maternity Act was amended in an idealistic way that only looks attractive in the official gazette. We must constantly follow the basic law of nature that nothing is perfect and requires proper adjustments when natural or artificial forces are used.

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