



# Empirical Study On Effectiveness Of The Implementation Of The Maternity Leave On Private Higher Educational Institutions

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**Citation:** Dr. Shashi Punam (2024), Empirical Study On Effectiveness Of The Implementation Of The Maternity Leave On Private Higher Educational Institutions, *Educational Administration: Theory And Practice*, 30(5), 12249 - 12254  
Doi: 10.53555/kuey.v30i5.5081

## ARTICLE INFO

## ABSTRACT

Studies on the impact of maternity benefits on fertility, infant/child health, and women's labour force participation in developing countries are few and conflicting. However, understanding the implementation of maternity benefits is critical, since such policies have the potential to considerably enhance the well-being of women and children. In acknowledgment of the essential role played by women, governments must shift away from archaic legislation and fight for social justice, both in the organised and unorganised sectors. The Maternity Benefits Act of 1961, as amended, exemplifies the principle of social justice. Maternity Benefits should try to limit women's employment in specified institutions during specific periods before and after delivery, in addition to providing maternity and other benefits. Maternity has long been seen as a handicap condition that precludes women from working during the weeks before and after delivery. After the establishment of the wage labour system in industrial operations, many employers inclined to terminate the services of female employees when they realised that pregnancy interfered with the performance of ordinary responsibilities by female workers. As a consequence, in order to preserve their employment, many female employees were obliged to take unpaid vacation during this time period. The purpose of this research study is to examine the implementation of maternity leave in private higher educational institutions in Himachal Pradesh. This study's sample consists of 35 randomly chosen female workers from private higher educational institutions in Himachal Pradesh. The primary goal of the study is to identify the challenges that women confront while leaving for or returning from maternity leave, as well as to assess the degree of knowledge among female workers about the current regulation on maternity leave.

**Keywords:** maternity benefits, maternity Leave, health, woman, educational institutions

## Introduction

Throughout history, women have been limited and forced to do many things in societies where men were in charge. The problem of her repression is not limited to one place, religion, or group of people; it has crossed all of these boundaries. Basically, it looks like sex discrimination was one reason why she was in a bad position. Since the world became more industrialised, this kind of discrimination has been very clear in the workplace. Almost half of the world's people are crushed under the huge wheels of industrialization, which is also a form of tyranny. But as time went on, women's knowledge grew, and more and more women's groups and the idea of a "civilised society" were created, the situation gradually got better. Many constitutions, including the Indian Constitution, included special protections for women. The International Labour Organization (ILO) took some of the first steps in this direction by passing many Conventions and Recommendations to protect working women, especially pregnant women. The Maternity Benefit Act of 1961 and India's labour laws have also helped protect women workers. The ILO has defined the words "woman" and "child" in a way that makes it clear that an unmarried woman is a "woman" and that a child who was not born to a married couple is a "child." The Maternity Benefit Act of 1961, on the other hand, only says that

"child" includes a stillborn child and "woman" means a woman who works for pay in any business, either directly or through an agency. Because of this, the Maternity Benefit Act doesn't care if a woman is married or not, or if her child is legitimate or not. This Act was made so that women could work in certain places during certain times before and after giving birth, and so that they could get maternity benefits and other benefits. Because of this Act, women who work now have a lot more protection. The Act applies to any factory, mine, or plantation, as well as government institutions and places where people are hired to do equestrian, acrobatic, or other activities. It also says that female employees must be given maternity leave and certain money benefits during this time.

### Research Statement

Participation in the labour force isn't always seen as a good thing, though, because it can be caused by economic pressure, inequality, or poverty, and it can put more work on women who are responsible for all the housework in the home. Because of this, it is said that employment benefits, especially maternity benefits, are an important part of women's paid work. As per the law giving a woman worker maternity leave makes it easier for her to balance work and family life. Traditionally, being pregnant has been seen as a disability that keeps women from working in the weeks before and after giving birth. After the wage labour system was put into place, many employers fired women workers who couldn't do their regular jobs because they were pregnant. During this time, this meant that many women workers had to take time off without pay in order to keep their jobs. To solve this problem and protect the economic rights of women, maternity benefits for women employees are needed not only govt sector but private also. In this research paper, the main issue arise that whether private higher educational institutions properly follow the implementation of the maternity leave rules or not.

### Research Objectives

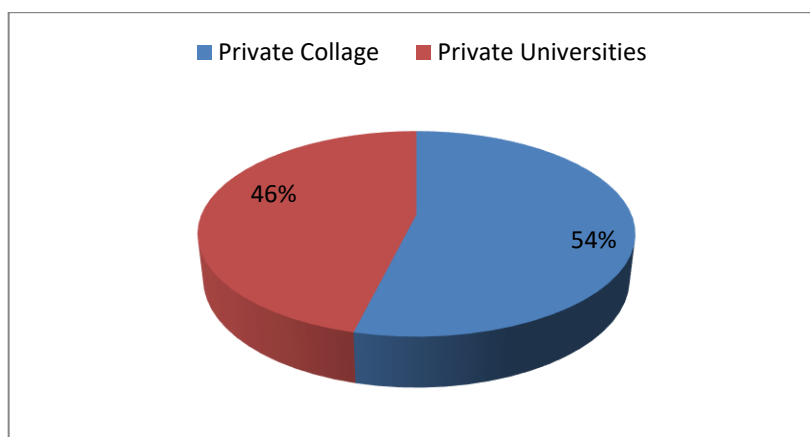
1. To learn about the attitude of private higher educational institutions towards the Maternity leave rules.
2. To bring out the difficulties faced by women employees leaving before or returning after maternity leave.
3. To analyze the level of awareness among the women employees regarding the existing law.

### Research Methodology

The sample in this study consist of 35 randomly selected women employees who work in a private higher educational institutions (private colleges and private universities) in Himachal Pradesh. The interview question in the different sections of the questionnaire has been designed and the main focus on the rules and practices regrinding Maternity leave.

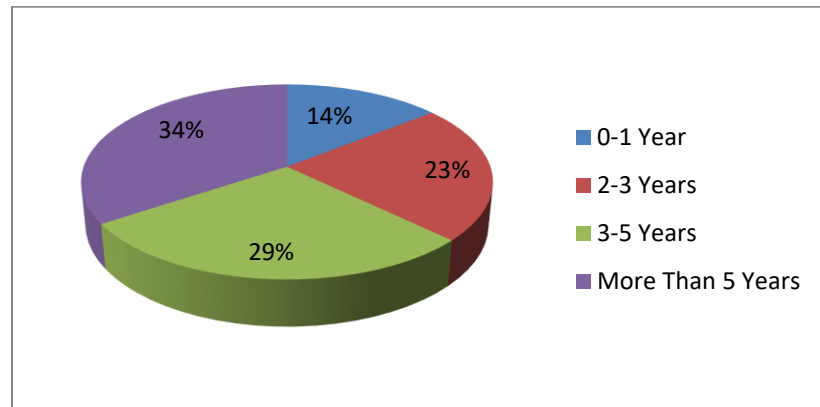
### Result and Discussion

#### a. Area of Study



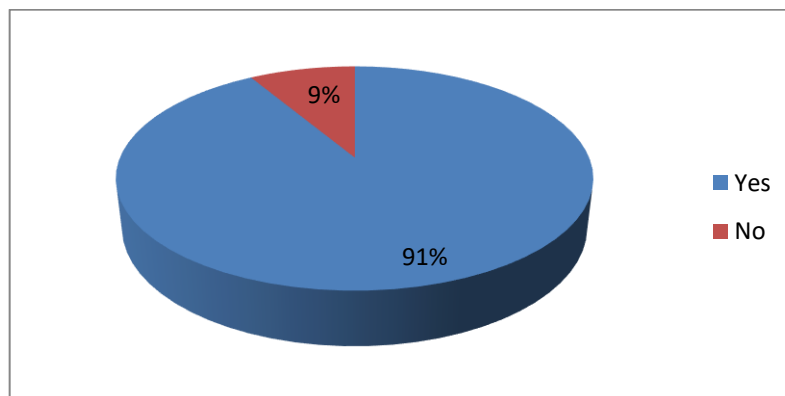
The study covers private colleges and private universities of himachal pradesh. As can be seen in figure 01, 54 per cent of the women who participated in the study work in the private collages, 46 per cent in the private universities.

### b. Number of years in the organisation



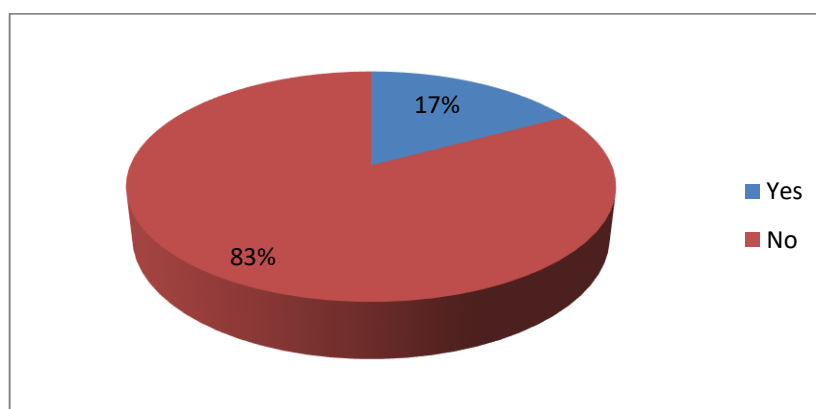
This figure highlights the women different amount of work experience at their workplace. As figure 2 shows, about 14 per cent of the participants have worked at their organisation for 0-1 years, about 23 per cent for 2-3 years, 29 per cent 3-5 years. The groups who worked more than 5 years in their organisation, each make up about 34 per cent of the participants.

### c. Ever applied for maternity leave



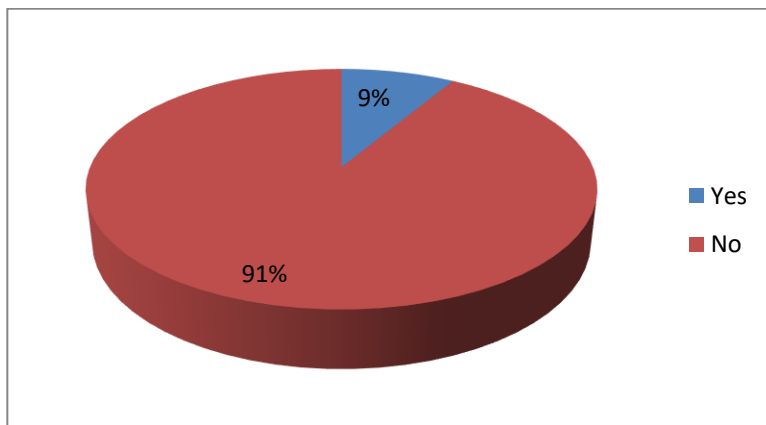
Among the women who have ever applied for maternity leave, a majority 91 per cent have taken leave, which is in accordance with the Maternity Benefit Act. As can be observed in figure 03, 9 per cent of the women have not applied for maternity leave.

### d. Paid or Unpaid Maternity Leave



As can be seen in figure 04, only 17 per cent of the participants answered that they are allowed to take paid maternity leave and 83 per cent have unpaid as they may take leave.

**e. Free medical care for pregnant employee**



According to the Maternity Benefit Act, a pregnant woman has the right to 2500 rupees in medical bonus. In order to find out to what extent this part of the Act is implemented, one has to first find out whether some of the participants are entitled to free medical care during their pregnancy. A medical bonus would be unnecessary for these women, since their employer covers all medical costs. Out of the 35 women, 9 per cent women answered that pregnant employees have access to free medical care. As can be seen in figure women 92 per cent pregnant employees have access to no free medical care.

**f. Medical bonus**

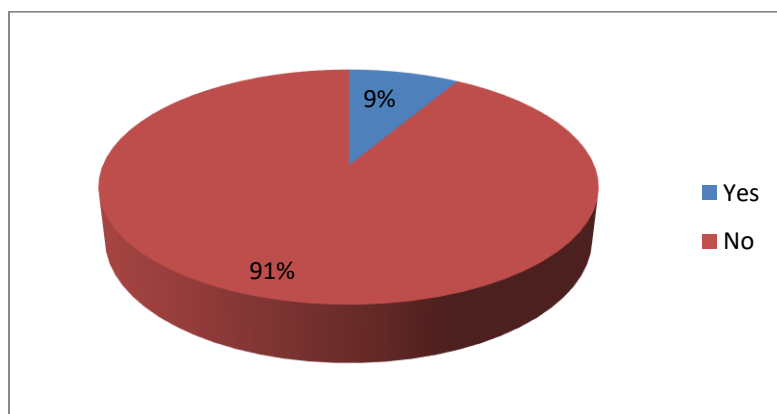


Fig no. 06 shows that 91 per cent participations are neither entitled to medical bonus while they are pregnant. In fact, only 9 per cent of these women have answered that their employer provides medical bonus. The fact that such a high extent of employers seem to breach this part of the Maternity Benefit Act is troublesome and should be taken seriously.

**g. Ever filed a complaint for denial of maternity rights**

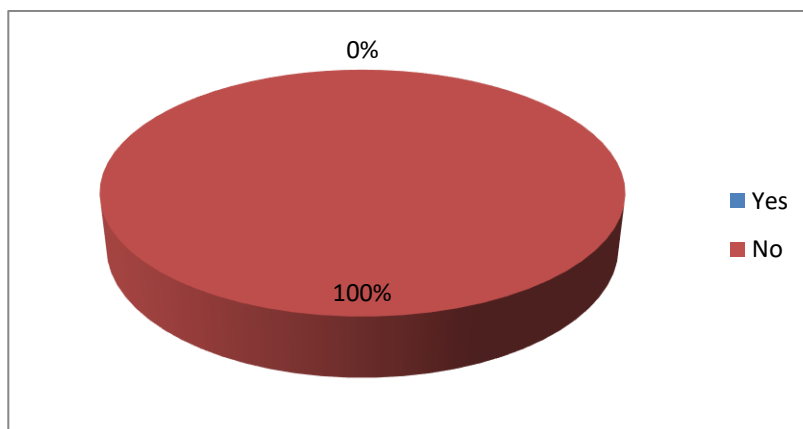
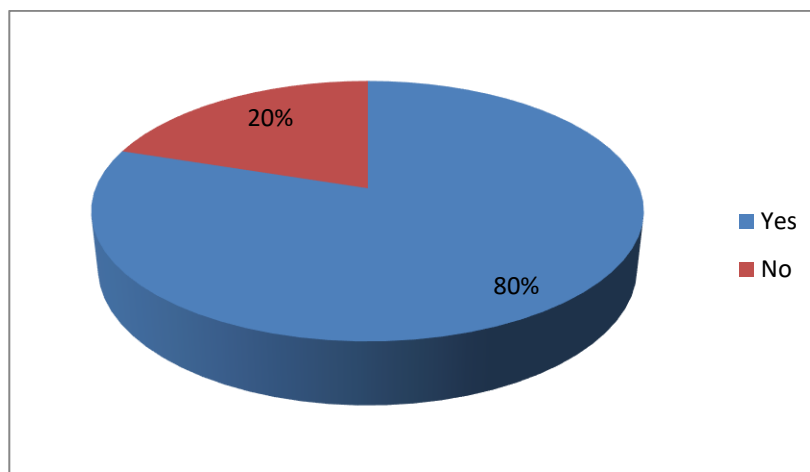


Fig No 07 shows that none of the women who have ever applied for maternity leave have filed a complaint for denial of their maternity rights. One reason for this could be that such an option does not exist in the organisation. Finally, it could also be that employees have chosen to not complain because of potential difficulties that might appear as a consequence of complaining, concern about a long process of filing a complaint, fear of more damage to career etc.

#### h. Awareness of the existence of a maternity benefit law in India



The participants in this study have answered questions related to their awareness of the law. First of all, they were asked if they are aware that there exists a law in India that gives pregnant working women the right to certain benefits. As is shown in figure no. 08, an 80 per cent of the participants answered that they are aware of the existence of the law. Although this is a majority of the women in this study, little less than 20 per cent of the women do not seem to be aware of it. As awareness is one of the first steps when it comes to claiming rights, this finding is highly problematic.

#### Findings

This study consists of 35 working women from private higher educational institutions from Himachal Pradesh India. They have a variety of years of experience in their respective organisation, and there is a mix of women with and without the experience of having applied for maternity leave. The study has found that a majority of the women that have the experience of having applied for maternity leave. These findings show that the Maternity Benefit Act has been implemented to some extent only in private higher educational institutions, but that there is room for improvement. As per participants in regards to organisational maternity leave policy, three fourth of the participants in this study have answered that such a policy exists in their organisation. Among these women, only 9 per cent are entitled to at least three months maternity leave and for others 45 days. Some private higher educational institutions provide at least three months maternity leave in their maternity policy, it has been noted that 83 per cent per cent of the policies do not grant full payment for women on maternity leave. Further, another important finding is that only about one 9 per cent of the women in this study have accesses to maternity leave as paid, while most are to take leave unpaid. In regards to access to medical bonus and free medical care, the implementation of the Maternity Benefit Act is more flawed. In this study, only 9 per cent of the participants have answered that pregnant women in their organisation are entitled to medical bonus. Thus, there is great need to improve the implementation regarding these parts of the Act. As always when it comes to implementation of a law, high awareness among those the law concerns can be very helpful in order to push for the implementation. In the case of the Maternity Benefit Act, this study has found that a most of the working women are aware of the existence of the law. These findings show that awareness about the law has to be great. Study also shows that none of the women who have ever applied for maternity leave have filed a complaint for denial of their maternity rights. One reason for this could be that such an option does not exist in the organisation. Finally, it could also be that employees have chosen to not complain because of potential difficulties that might appear as a consequence of complaining, concern about a long process of filing a complaint, fear of more damage to career etc.

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