

Social Security of Women in the form Maternity Benefits: A Human Rights Perspective

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Abstract:

After Industrialization an “Employee” was considered as a mere factor of production both in organized and unorganized sector. Social Security of the workman who contributed mentally and physically in the production was not given importance legally as well as socially. History witnessed the fact that employees demanded only just and humane conditions of work and the social and economic protection in the times of sickness, old age, death, retirement, unemployment, pregnancy and similar conditions. Thus, Social Security lateris recognised as a Human Right and every employee is entitled to it’s realisation through national effort and international cooperation.

Labour, all over the country play a vital role as it is considered an important source of production, creation both in private and public sectors. So their protection against risks and contingencies at workplace is utmost important. Due to urbanisation and industrialisation, the rights of the working class were exploited. Thus, social security based on social justice, social equity and human dignity was in demand to protect their interest. The right of the workers to social security is also protected by the Indian Constitution and other Labour Legislations.

Legislation, therefore becomes an instrument of social and economic justice to secure it.The Maternity Benefits Act, 1961 is especially designed to protect the interest of female workers and to provide them security at the time of pregnancy and delivery¹.Social Security is subject of Concurrent List so the central government constituted enactments and the State government bears the responsibility of their effective enforcement.

India, being a welfare state, has taken upon it’s shoulders the responsibility of extending various Social security benefits and social assistance to it’s population. The Social Security has it’s backbone in the form of the Directive Principles of State Policy as contained in the Constitution and from which it derives its strength and spirit. The goal of a welfare state can be achieved not only by improving the working conditions of the employees but also by guiding and protecting them against the uncertainties of the future. This economic and social security is important to enable every worker to become more efficient and to avoid the man -days lost due to sickness and disability. Lack of Social Security hinders the formation of stable and efficient labour force.

Social Security, therefore is a wise investment which yields good dividends in long run. Feeling of Security enhances employee’s efforts to develop them for future. In the above context this paper attempts to analyse the evolution and development of social security in the form of Maternity Benefits to females working in any sector.

Keywords: Social Security, Female Employees, Maternity Benefit

¹ 26 weeks maternity leave, maternity bonus, work from home option etc. advantages are given through the Maternity Benefits(Amendment) Act,2017.

Introduction

A man or a woman, all have a basic right to life and of dignity in a civilised society. The idea of justice and of equality has always been the focus of all the concerned since ages. In the present day society, the concept of social security has attained a special reference in the recent years in the light of growing economic independence of women. Social security is a major institution in all industrialised societies aiming to protect the population from grave financial risks.

The idea of Social Security has developed over an undefined time period. In our India, the traces of social security provisions or programmes have been in existence from long ago. Guilds, Joint families, Panchayats, various religious or charitable institutions have always been found at the forefront and have continued to provide help to the people in need for various risks owing to misfortunes or calamities. Kautilya's Arthshastra and Manusmriti stood as evidence to the fact that even in those days the social fabric and the Codes were so evolved and formulated as to provide social security to everyone.

In the ancient times the joint family system was the one that dealt with the social security needs. It was the first line of defence which was able only to meet the limited misfortunes of the society. Whenever there is a major harm, an appeal was preferred to the neighbouring guilds whose reference could be found in Rigveda, Upanishads and in other ancient literatures. The main purpose and objective of the all together was to provide security of life, property against miseries and calamities². But the organised social security measures are a development of recent times provide by our Constitution.

Rapid industrialisation resulted in separation of family set up, urging the need of social security. With the development of the system wage labour in industries, many employers tend to remove a female pregnancy will interfere with the performance of her normal duties at work place. Therefore, a female worker had to go on unpaid leave in order to save her job. As a result,

²Pramita Gurung, *Evolution and Development of the Concept of Social Security in Organized Sector in India*, available at [IJSR1905035.pdf](#) (last visited on November 22, 2021).

maternity was treated as a step back and a state of disability in female working class from undertaking the responsibility of any job during the period of few weeks immediately before and after delivering a baby. In this way the idea of social security continued developing and enlarging as there is no commonly accepted definition of the term social security³.

Definition by Fried Lander

According to Friedlander Social Security is a security which is to be provided to the society in individual in order to deal with various events and occurrence in life⁴.

Definition by Giri (V.V)

V.V Giri defines Social Security as "Social Security, as currently understood, is one of the dynamic concepts of the modern age which is influencing social as well as economic policy. It is the security that state furnishes against the risks which an individual of small means, cannot, today stand up to himself or even on private combination with his fellow countrymen⁵.

Sinfield describes Social Security situational i.e., as a state of complete protection against the loss of resources.⁶

Essential Features of Social Security

Social Security envisages that each member of the society shall be protected against social risks being sickness, old age, maternity, invalidity, death which cause undue hardship to meet the adequate need through available resource. This can be achieved only through collective action in order to help such an individual. The following are the attributes that should be incorporated in

³ Government of India, "Report of the Working Social Security for the Eleventh Five Year Plan" 17(Planning Commission 2007-2012).

⁴Friedlander defines Social Security as "a programme of protection provided by society against the contingencies of modern life –sickness, unemployment, old age, sickness, dependency, industrial accidents and invalidism against which the individual cannot be accepted to protect himself and his family by his own ability or foresight.

⁵V.V Giri, *Labour Problems in Indian Industry* 269 (Asia Publishing House, Bombay,1972).

⁶Danny Pieters, *Social Security: An Introduction to the Basic Principles 2* (Kluwer Law International, 2006).

various schemes that may be introduced time and again by the government.

- Firstly, and the foremost, any such schemes should incorporate provision on monetary
- benefits to an individual in case he suffers any loss owing to happening of any event.
- These schemes should be endorsed by way of an enactment.
- It should also clearly mention the obligations of the State and any enforcement agency towards implementation of said schemes.
- It should be managed both by the public as well as private organisation.
- The benefit of the scheme should be available as and when required by a person in need⁷.

Women's Right to Social Security: A Vital Issue

Today, women have stepped out of houses to earn and are dominantly part of any work organisation. The increasing number and participation of women in the labour market has not seen a reduction in their caring responsibilities. In fact, increased life expectancy has meant that women are now caring for both children and elderly relatives while also needing to earn an income – a 'triple burden'.⁸ The need is to share/ reduce the burden.

To get rid of this problem and to protect the economic rights of a woman, maternity benefits to her is must. Women are in dire need of these benefits as child delivery is a painful process and this would in return affect her efficiency and decrease her productivity at work as an employer. So, whatever be the nature of work, women must be provided with all the benefits they are entitled to for rearing a baby.

Social Security and the Indian Constitution

⁷Amoriand Doshi, *Labour Problems and Social Welfare in India*,333 (Kitab Mahal Pvt. Ltd., Allahabad, 1966)

⁸ShahraRazvi and Shireen Hassim(eds), *Gender and Social Policy in a Global Context: Uncovering the Gendered Structure of 'the Social'* 7 (Palgrave Macmillan, 2006).

Right to life and Personal Liberty as provided by the Indian Constitution⁹ do not merely means to protect one's body but is much wider in scope. The right to life guaranteed by constitutional provisions are not limited to only survival or animal existence. It means to the right to lead the life in a meaningful, complete and dignified manner. Therefore, it is the duty of the State to guarantee a working woman all the facilities and assistance required by her while protecting her job as well as her own and her child's health.

The word Social Security is not explicitly mentioned in the Indian Constitution but the framers of the law of the land leaves no doubt that they are concerned about the right of citizens to enjoy social security by the provision of Fundamental Rights and Directive Principles of State Policy¹⁰. Thus the concept of Social Security is implicit in the Constitution.

Under Article 41, the Constitution provides that the State shall within the limits of its economic capacity and development, make effective provisions for securing the right to work, to education, to maternity relief and to public assistance in case of unemployment, old age, sickness, disablement and in other cases of underserved want. It also provides under Article 42 that the State shall make provisions for securing just and humane conditions of work and for maternity relief. Apart from these two provisions, the Articles 38¹¹, 39¹², 43¹³, 47¹⁴ of

⁹The Constitution of India, art. 21.

¹⁰ To implement the ideals in the Directive Principles of State Policy both the Central and State Government are empowered to enact legislation in relation to 'labour' as embodied in the Concurrent List of the Indian Constitution.

¹¹According to this Article, "the state should to promote the welfare of the people by securing and protecting as effectively as it may be social order in which justice- social, economic and political shall inform all the institutions of the national life". M.P Jain, *Indian Constitutional Law*, (Wadhwa and CO., Nagpur, 2003)

¹²According to Constitution of India, Article 39 "the State should in particular direct it's policy towards securing, interalia, that the health and strength of workers, men and women and the tender age of children are not abused and that the citizens are not forced by economic necessity to enter avocations that are unsuited to their age or strength". M.P Jain,

the Directive Principles of State Policy of the Indian Constitution in Part IV refers to the State's obligation to make laws and assure Social Security and socio-economic justice to the citizens.

The obligations that are casted on the State by the Constitution in the above mentioned provisions, secures the Social Security to the old age persons, women, child and the industrial worker.

Evolution and Development of Maternity Laws in India

India is a nation where it has always been a belief that a woman has always been considered as the home – maker, family – maker and the spine of a family hierarchy. They have always been treated with much respect both within the family as well as society. However, this situation drastically changed during the 16th and 17th century when women had begun to be considered as nothing more than a servant or slave. Education and employment for women were a distant and forbidden dream for them and they were at the mercy of their husband and patriarchal guardians.

But during the 19th century, when mass revolution started against the British forces in India, the then leaders spread awareness about women empowerment. Women learnt to put forth their opinions and raise their voices against the injustices of the society. But their employment was still a major concern. Women continue to

face dismissal and discrimination in getting work pertaining to their maternity¹⁵.

For a great length of time, women struggled for their true rights and what they truly deserved. Due to high social pressure and unsupportive families they often had to choose marriage over their careers.

Nevertheless, clocks rolled bringing a significant change in the industrial sector as women paved their way into the industrial workforce and established themselves as an irreplaceable part of the industries. Laws, regulations and schemes framed by the Central and State Governments helped women sustain their employment along with managing their family.

The Maternity Benefit Act was legally pioneered in India for the very first time in the Bombay Legislative council on 28th July 1928 wherein it had been championed and defended by Dr. B. R. Ambedkar himself. The Act was enacted by the Parliament in the 12th year of Republic of India on 12th December 1961 as Act no.53 of 1961 and got further amended in the year 2017. With the enactment of **Maternity Benefit Act, 1961**, many laws have been amended in the industrial legislations providing facilities and safeguards to women during their pregnancy, delivery of child, lactation and in case their child dies during pregnancy or during lactation. Maternity Benefit Act was created as an umbrella legislation to safeguard women's rights against arbitrary rules of industries as a means of lay – offs.

The Maternity Benefit (Amendment) Act, 2017: A National Effort

The Act, is especially for the women workers to provide them security at the time of pregnancy and delivery¹⁶. The Act received the assent of President of India on March 27, 2017.

Key features:

Indian Constitutional Law, (Wadhwa and CO., Nagpur, 2003)

¹³This Article provides that “the State should endeavour to secure to all workers work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.” M.P Jain, *Indian Constitutional Law*, (Wadhwa and CO., Nagpur, 2003)

¹⁴According to Constitution of India, Article 47: the State should regard the raising of level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. M.P Jain, *Indian Constitutional Law*, (Wadhwa and CO., Nagpur, 2003)

¹⁵Shipra Dwivedi, *Evolution of Maternity Benefit laws in India*, available at <https://www.lawcolumn.in/evolution-of-maternity-benefit-laws-in-india/> (last visited on February 9, 2022).

¹⁶The Maternity Benefit Act and the Gratuity Act are handled at departmental level and factory inspectors check the proper implementation of these Acts.

- Paid maternity leave stands increased to 26 weeks as against 12 weeks under the earlier Act.
- Maternity Benefit of 12 weeks is available to a woman who adopts a child of the age of less than 3 months, or a commissioning mother i.e., the one who uses her egg to create an embryo implanted in any other woman. This benefit is available from the date the child is handed over to the adopting mother or the commissioning mother.
- The Amended Act mandatorily provides for a crèche facility in every establishment with 50 or more employees and a woman is allowed to visit it 4 times a day which will include the time interval of rest provided to her.
- The Act provides that at the time of initial appointment of a woman, every establishment is required to inform her of every benefit available to her.
- The woman shall be informed at priority about the work from home facility as provided by the amended Act.

Maternity Benefits: The Journey of Indian Judiciary

The evolution and development of maternity benefits in India is also the result of the various judicial interpretations and sanctions¹⁷. Since the origin of the Maternity Benefit Act, 1961, courts in India have been attempting very hard to expand the scope of this women welfare legislation by passing judgements that capitulated positive impact over the women and their work organisations. Even the courts of India have by their important judgements clearly specified the need of maternity care for working women whether regular or adhoc in any organisation. A study of few cases has limelighted the frustration level of working women in India due to the court's inability to increase the period of maternity leave as it was limited by the law.

¹⁷Mallika Kapoor, *Evolution and Development of Maternity Policies*, available at [https://lawtimesjournal.in/evolution-and-development-of-maternity-policies/#:~:text=The%20Maternity%20Benefit%20Act%20was,B.%20R.&text=The%20Act%20was%20enacted%20by,December%201961%20as%20Act%20no.\(last visited on February 9, 2022\).](https://lawtimesjournal.in/evolution-and-development-of-maternity-policies/#:~:text=The%20Maternity%20Benefit%20Act%20was,B.%20R.&text=The%20Act%20was%20enacted%20by,December%201961%20as%20Act%20no.(last%20visited%20on%20February%209,%202022).)

*Shah vs. Presiding Officer, Labour Court, Coimbatore and others*¹⁸The Hon'ble court has held that the performance of the biological role of childbearing inescapably necessitates the disengagement of a woman from the workforce for some period. During this period, she is not only unable to work for her living but needs an extra income for her medical expenses. The assistance provided by the Act read in the light of Article 42 of the Constitution endeavors at allowing the woman worker to make up for her dissipated energy, nurse her child, conserve her efficiency as a worker and perpetuate the level of her previous productivity and output.

*Air India v.NargeshMirza*¹⁹In this case, the Supreme Court had avowed that pregnancy is not any disability but it is a “*natural consequence of marriage*” and any intolerance or distinction made on the ground of pregnancy is exceedingly vexatious, manifestly arbitrary and unconstitutional as being violative of Article 14 and is therefore liable to be repudiated straight away.

*Rattan Lal and Ors.v. State of Haryana and Ors.*²⁰In the above-mentioned case, the Supreme Court had vehemently deplored the state policy of denying salary and other allowances to the ad hoc teachers for the period of the summer vacations and ordered the payment of maternity benefits along with the above-mentioned privileges to them.

*Anuradha Arya v. The Principal Government Girls Senior Secondary School*²¹, In this case, the petitioner was a guest lecturer at a school and was denied maternity leave as it was available only to the regular employees. She was orally terminated after she requested for the maternity leave. The Central Administrative Tribunal examined her case and directed the school to reinstate her and pay her the back wages and consequential benefits.

In *Municipal Corporation Delhi v. Female Workers and Another*²², the Hon'ble Supreme Court explicitly mandated for the entitlement of

¹⁸(1977)4 SCC 384

¹⁹(1981)4 SCC 335

²⁰1985 (3) SLR 548

²¹(1987)2 SCC 165

²²(2000)3 SCC 224

maternity leave to be made available to all the women employees whether working on permanent, contractual or casual basis in any organisation. Whatever be the nature of their duties, their avocation and the place where they work; they must be provided with all the facilities to which they are entitled.

A woman employee, at the time of advanced pregnancy, cannot be impelled to undertake hard labor as it would be pernicious to her health and also to the health of her child. The employer has to be sympathetic and cooperative towards her and must acknowledge the physical intricacies which a working woman would face in performing her duties at the workplace while carrying a baby in the womb or while rearing up the child after birth.

*Municipal Corporation of Delhi v. Female Workers (Muster Rolls) & Anr*²³, In this case the Supreme Court held that women wage workers are eligible to be granted the maternity leave and the Hon'ble court extended the benefit to them.

*Tanuja Tolia v. State of Uttarakhand*²⁴, is an important full bench judgement wherein, the petitioner was a female Ayurvedic doctor employed in the SMHS²⁵ under contractual basis of 1 year which had been consistently renewed. After the expiry of her maternity leave, she applied for CCL²⁶ and the same was denied to her on the ground of her being a contractual employee. The court whilst deciding the matter examined the history of maternity and child care leave and observed that the rights of a woman and a child are closely interconnected and dependant. The Hon'ble court held that a female employee whose entire job is for one year and if she has two children of less than 18 years of age, he/she will be entitled to CCL amounting to a paid leave of 31 days.

*Dr. Ariben R. Thakkar v. Delhi Pharmaceuticals, Science & Research University & Anr*²⁷. In this case, the petitioner was a contractual employee and despite the end of her contractual employment she sought the

benefit of paid 26 weeks under the Amendment Act of 2017. The Delhi High Court held that once the tenure of service is completed, the benefits attached to it also ends. So, the petition was dismissed.

In *Mangalore Ganesh Beedi Workers v. Union of India*²⁸, the Supreme Court held that women working from home or home – workers could not be excluded on availing benefits of Maternity Benefit Act, 1961 as they require restrain from work before and after some period of delivery.

Since the judicial activism in empowering women, especially working women, has played a vital role, the legislation has too stepped up and revised the laws governing women working in public and private sector, which is to provide comfort amidst the high pressure and even higher demanding jobs.

The Government of India has launched various schemes for women to help them efficiently manage their home as well as work, such as:-

- Pradhan Mantri Matru Vandana Yojana Scheme- It enables the beneficiaries to receive the scheme benefitted through Direct Benefit Transfer (DBT) in furtherance of the objectives of encouraging improved health seeking behaviour among pregnant and lactating mothers.
- Working Women Hostel- To promote availability of safe and conveniently located accomodations for working women with day care facilities for their children.
- Rajiv Gandhi National Crèche Scheme- To provide nursery where babies and young children are cared for during working days.
- NandGhar Yojana-To provide supplementary nutrition to children in the age group of 0 – 6 years and to pregnant or lactating mothers with the main objective to fight the problem of malnutrition.
- Maternity Benefit Programme-To promote appropriate practice, care and institutional service utilization during pregnancy, delivery and lactation.^[7]

Such programmes have helped women to work even if they are away from their homes or

²³ 2000(2) SCR 171

²⁴2020 SCC Online Utt 337.

²⁵State Medical and Health Services

²⁶Child Care Leave

²⁷ 201 LLR 1293 (Del.HC)

²⁸ 1974 (4) SCC 43

hometowns. However, there still remains an acute problem of providing benefits to working women as they do not get to avail these benefits because of socio – economic conditions. After the **2017 Amendment**²⁹, certain provisions regarding the number of days of leave before and after the delivery and women on maternity leave were amended and therefore, it increased the scope of opportunities along with security for women in their professional spheres.

International Instruments safeguarding Social Security as a Human Right

“There does not have to be trade-off between growth and social protection. A democracy does not mean much if it doesn't respond to the needs and will of its people.”

Michelle Bachelet, UN High Commissioner for Human Rights

The right to social security is recognized in numerous human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and is crucial for guaranteeing a life in dignity. It aims to provide income security and support at every stage of life for everyone, with particular attention to the most marginalized.³⁰

Universal Declaration of Human Rights, 1948: -The framers of the Declaration recognized in 1948 that gender equality was essential. Article 2 of the UDHR expressly held that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as [...] sex.”³¹

The United Nations Universal Declaration of Human Rights of 1948 asserts that social

security is an inalienable human right. **Article 22** of the Declaration is unequivocal as regards the inalienable human right to social security.

International Covenant on Economic Social and Cultural Rights: -The right to social security is most explicitly articulated in Article 9 of the **International Covenant on Economic Social and Cultural Rights** that recognizes the right of everyone to “social security, including social insurance.” These rights are particularly complex, and are subject to a series of legal provisions that ensure their implementation. States have an underlying obligation to respect, protect and fulfil economic, social and cultural rights: -³²

- The obligation to *respect* means that States must refrain from interfering with or curtailing the enjoyment of the human right to social security.
- The obligation to *protect* requires States to protect individuals and groups against human rights abuses.
- The obligation to *fulfil* means that States must take positive action to facilitate the enjoyment of social security.

International Labour Organisation: -

However, in the truest of its sense, the exigency to facilitate maternity benefits to the women was raised at the international level by the endeavors of the **International Labour Organization**, which proposes to ensure that women's reproductive roles do not come in the way of their economic and employment security and that women's work does not jeopardize the health of the women and her children.

The first Convention on Maternity protection, **Convention concerning the Employment of Women before and after Childbirth, 1919 (Convention No. 3)** was espoused during the first International Labour Conference (ILC) in 1919. It proffers that no woman shall be allowed to work in any

²⁹The Maternity Benefit (Amendment) Act, 2017, Sec.5.

³⁰United Nations Human Rights Office of The High Commissioner, available at <https://www.ohchr.org/en/issues/rightsocialsecurity/pages/socialsecurity.aspx> (last visited on September 15,2021)

³¹Gordon Brown, *The Universal Declaration of Human Rights in the 21st Century: A Living Document in the Changing World*, 40 (Open Book Publishers) available at <https://www.jstor.org/stable/j.ctt1bpmb7v.10> (last visited on September 4th,2021)

³²*Social Protection: Human Rights*, available at <https://socialprotection-humanrights.org/social-security-as-an-economic-social-and-cultural-right/> (last visited on August 22,2021)

industrial or commercial undertaking for a period of six weeks after in any confinement. She must be capacitated to leave the work for the duration of six weeks before her confinement, by producing a suitable medical certificate-seeking the same. During the period of her absence, the employee is liable to receive paid benefits sufficient for the full and healthy maintenance of herself and her child, and free attendance by a doctor or certified midwife. Guaranteed nursing facilities, reinstatement in employment after leave and income security has to be provided during this period by the competent authority in each country, and the cost of the scheme is to be defrayed out of public funds unless otherwise provided under a scheme of insurance.

The above Convention was followed by two other conventions³³: -

Convention concerning Maternity Protection (Revised), 1952 (Convention No. 103) which provides that every woman irrespective of age, nationality, and status in public or private, industrial or commercial undertaking was allowed to be absent for a period of six weeks prior to childbirth and required to be absent for a period of six weeks after the childbirth and for such absence she has to be allowed full benefits sufficient for the healthy and comprehensive maintenance of herself and her child. Additional benefits like two nursing breaks of half an hour per day and free attendance by doctors and midwives were also mentioned in this Convention.

The Convention concerning the revision of the Maternity Protection Convention (Convention No.183) in 2000, which progressively augmented the realm and entitlements of Maternity protection at work. It enunciates the different aspects of Maternity protection such as Scope; Health protection; Employment protection; Maternity leave; Cash and medical benefits; Leave in case of illness or complications and non-discrimination etc.

The Conventions and Recommendations which make up the ILO's standards framework on social security are unique as they set out minimum standards of protection to guide the

development of benefit schemes and national social security systems, based on good practices from all corners of the world. They are therefore based on the principle that there is no single model for social security, and that it is for each country to develop the required protection. To fulfill this purpose, they offer a range of flexibility clauses for the progressive achievement of the objective of the universal coverage of the entire population and of social risks by providing numerous and adequate benefit levels and adopted a new instrument in 2012, the Social Protection Floors Recommendation (No. 202)³⁴.

Conclusion

The concept of Social Security is not new in India. It existed in Indian in different forms but with the advent of industrialization and urbanisation it has undergone a sea change. It is no longer confine to the right of an individual and an individual issue but has become an issue to safeguard human value and interest, more particularly the female working class. The word social security is implicit in the Indian Constitution and the framers of have left no doubt they are concerned about the right of individual to enjoy social security by the laying the provisions of Fundamental Rights and the Directive Principles of State Policy.

Although Social Security is recognised as a human right and every person is entitled to its realisation through national effort and international cooperation.³⁵ But still there is a need to watch whether these social security objectives are accomplished through the provision of benefits, in cash or in kind, intended to ensure access to medical care and health services, as well as income security throughout the life cycle, particularly in the event of illness, unemployment, employment injury, maternity, family responsibilities, invalidity, loss of the

³³Supra note 17.

³⁴R202 - Social Protection Floors Recommendation, 2012 (No. 202), available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3065524 (last visited on February 8, 2022).

³⁵The Universal Declaration of Human Rights, art.22.

family breadwinner, as well as during retirement and old age.

Thus, it is evident that the legislations enacted provide the benefits only to a specified class and do not extend to the entire working class. Though women, including those working in the informal sector, are granted paid maternity leave and benefits for an adequate period but it must be checked if the organizations and the States parties ensure that women and men have an equal right to family benefits. Thus, the comprehensive labour law covering the entire working class is the need of the hour.