



WOMEN LABOUR FORCE AND CHILDCARE LEAVE - GS I AND III MAINS

Q. Discuss the role of child care leave policies in enhancing women's participation in the workforce. Evaluate how the recent Supreme Court ruling on child care leave as a constitutional right could transform employment dynamics in India. (15 marks, 250 words)

News: *Denying childcare leaves to mother of disabled child violates State's constitutional duty: Supreme Court*

What's in the news?

- The Supreme Court has recently declared that denying Child Care Leave to mothers of disabled children violates women's constitutional rights.
- According to Periodic Labour Force Survey (PLFS) 2023-24, Female Labour Force Participation Rate (LFPR) in India has been significantly increasing over the years and around 1/3rd of women have joined the labour force.

Key takeaways:

The Supreme Court directed the Himachal Pradesh government to:

- Review its policies on Child Care Leave (CCL) for mothers, ensuring alignment with the provisions of the Rights of Persons with Disabilities Act 2016, especially concerning mothers of children with special needs.
- Form a committee comprising the state commissioner appointed under the RPWD Act, the secretary of the Women and Child Department, and the secretary of the Social Welfare Department to examine all aspects of the issue.
- Ensure that the panel's findings are presented to the competent authorities for prompt policy decisions.

Provision of Child Care Leave in India:

Central Civil Services (Leave) Rules, 1972:

1. Section 43-C - Child Care Leave:

- Female Government servants and single male Government servants (unmarried, widowers, or divorcees) may be granted child care leave for a maximum period of seven hundred and thirty days during their entire service, to take care of their two eldest surviving children.
- This includes duties such as rearing, education, attending to sickness, and similar needs.

2. Section 43 - Maternity Leave:

- Female Government servants (including apprentices) with fewer than two surviving children may be granted maternity leave for a period of 180 days from the commencement date.

3. Section 43-A - Paternity Leave:



- Male Government servants (including apprentices) with fewer than two surviving children may be granted Paternity Leave for 15 days during their wife's childbirth, starting from 15 days before the delivery date or up to six months after the child's birth.

4. Definition of "Child":

- A child is considered to be below 18 years of age or up to 22 years with a minimum disability of forty percent, as detailed in the Ministry of Social Justice and Empowerment notification issued on June 1, 2001.

Female Labour Force Participation Rate:

- According to the latest PLFS report, approximately 35.8% of females of working age (15 years and above) were in the labour force in 2022-23, compared to just 23.3% in 2017-18, marking a surge of 9.5 percentage points during this period.

Factors Responsible for Low Female Labour Force Participation in India:

1. Society and Social Norms:

- Social norms are informal, unwritten rules of behaviour and social conduct that determine acceptable and appropriate behaviour in a given social context.
- The prevailing social norms for females are the "Female Homemaker norm," while for males, it's the "Male Breadwinner norm."

2. Female Labour Force Participation:

- Approximately 3.4% of women were outside the labour force due to social reasons, with much of women's work being home-based, such as caregiving.

3. Unpaid Care Work:

- A significant social and cultural norm is the experience of "time poverty" among married women, who are often engaged in domestic activities without receiving payment for their labour.
- Around 49% of females are engaged in domestic duties, childcare, and various tasks like sewing and weaving for household use.

4. Gender Biased Social Norms:

- Women face numerous barriers, including societal expectations and legal and economic constraints, in their pursuit of employment.
- For example, some companies have policies that prohibit women from working night shifts.

5. Caste Discrimination:

- In lower-caste households, there is higher female labour force participation in the informal sector due to economic constraints and limited social mobility.
- Historically, individuals from lower castes have been expected to engage in manual and domestic work regardless of gender.



6. Salary/Wage Disparity:

- Statistics reveal a significant pay disparity between men and women engaged in similar types of jobs, with men earning more across all forms of work.
- In 2023, male self-employed workers earned 2.8 times more than women. Male regular wage workers earned 24% more than women, while male casual workers earned 48% more.

7. Education Levels:

- Education plays a crucial role in women's access to employment.
- Women from higher castes, historically having better access to education due to economic conditions, have better employment opportunities.
- Higher educational attainment leads to increased labour force participation and productivity.

8. Impact of Pandemic:

- During the pandemic, around 64 million women globally lost their jobs, twice as many as men.
- This is attributed to the fact that women are more likely to work in informal, temporary, and part-time jobs.

Significance of Supreme Court Ruling for CCL to Women:

1. Addressing Systemic Challenges:

- The ruling addresses the challenges women face in balancing careers and caregiving, particularly for children with disabilities.

2. Gender Disparity and Child Welfare:

- It highlights how denying childcare leave perpetuates gender gaps in the workforce and compromises the rights of disabled children to proper care.

3. Societal Perceptions:

- The ruling brings attention to societal attitudes regarding caregiving, gender roles, and the inclusion of individuals with disabilities.

4. State and Employer Responsibilities:

- It underscores the importance of implementing inclusive policies that promote gender equality and support working parents, including those with disabled children.

Needs and Benefits of Child Care Leave:

1. Enhancing Employee Retention and Productivity:

- Providing child care leave boosts retention rates and productivity, leading to higher female labour force participation rates and contributing to economic growth and stability.

2. Supporting Working Mothers:



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- Child care leave offers crucial support for working mothers to effectively balance their professional and personal responsibilities, recognizing their dual roles as caregivers and employees.

3. Fulfilling Constitutional Mandates:

- Empowering Women through Special Provisions under Article 15(3) of the Constitution helps recognize the disproportionate burden of childcare on women.
- The state is obligated to consider and address such issues hindering women's participation in productive sectors.

4. Increasing Women's Labor Force Participation:

- Given the current low labour force participation rate of women, denying childcare leave could further decrease their participation.
- Upholding Article 42 of the Indian Constitution, which emphasises maternity relief, promoting childcare leave aligns with the welfare state model in the Directive Principles of State Policy.

Government Initiatives to Improve Female Labour Force Participation in India:

1. Codification of Labour Laws:

- The Government has enacted four Labour Codes, including the Code on Wages, 2019, the Industrial Relations Code, 2020, the Code on Social Security, 2020, and the Occupational Safety, Health and Working Conditions Code, 2020.

2. The Code on Social Security, 2020:

- It includes provisions for enhancing paid maternity leave from 12 to 26 weeks, mandatory crèche facilities in establishments with 50 or more employees, and allowing women to work night shifts with adequate safety measures.

3. The Code on Wages, 2019:

- It prohibits discrimination based on gender in matters relating to wages for work of similar nature.

4. Beti Bachao Beti Padhao Scheme:

- It is launched to ensure the survival, safety, and education of female children.

5. For Safe and Convenient Accommodation:

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, ensures safe working spaces and protects women against workplace harassment.

6. Support for Women Affected by Violence:

- One Stop Centre (OSC) and Universalization of Women Helpline offer immediate response and support to women affected by violence.



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7. Skill India Mission:

- It provides training to enhance female employability through Women Industrial Training Institutes, National Vocational Training Institutes, and Regional Vocational Training Institutes.



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