

MATERNITY LEAVE AS REPRODUCTIVE RIGHT: POLITY

NEWS: Reproductive rights, population control, and more: What Supreme Court said on maternity leaves in recent ruling

WHAT'S IN THE NEWS?

The Supreme Court ruled that denying maternity leave for a third child violates reproductive rights, affirming that such leave is integral to a woman's dignity and protected under constitutional and human rights frameworks. The verdict overrides state rules conflicting with the central Maternity Benefit Act, 1961.

Context: Supreme Court Ruling on Maternity Leave as Reproductive Right

- The **Supreme Court of India** has ruled that **maternity leave is an essential component of a woman's reproductive rights**, thus reinforcing women's constitutional and human rights.
- The decision came in response to the case **K. Umadevi v. Government of Tamil Nadu**, where a woman was denied maternity leave for her third child.

Case Background: K. Umadevi v. Government of Tamil Nadu

- **Petitioner:** A government school teacher from Tamil Nadu denied maternity leave for her **third child**.
- **Government's Argument:** Denial was based on **Tamil Nadu Fundamental Service Rule 101(a)**, which limits maternity leave to the **first two surviving children**.
- **Madras High Court's Judgments:**
 - **Single Bench:** Granted maternity leave; held that state rule was **in conflict with the Maternity Benefit Act, 1961** (a central law), and hence void under **Article 254 of the Constitution**.
 - **Division Bench:** Reversed the decision, stating that **state employees are governed by state service rules**, not the central act.
- **Supreme Court Verdict:**
 - Overturned the Division Bench decision.
 - Held that **maternity leave is part of reproductive rights** and is protected under **international human rights frameworks**.
 - Reaffirmed that **statutory maternity benefits** are integral to **women's health, dignity, and equality**.

About Maternity Leave Policy in India

A. Legal and Constitutional Basis

- **Constitutional Provision:**
 - **Article 42** (Directive Principles of State Policy): Calls for **just and humane working conditions** and **maternity relief**.

- **Legal Framework:**
 - Governed by the **Maternity Benefit Act, 1961**, amended in 2017.
 - Applicable to **public and private sector organisations** with **10 or more employees**.

B. Key Provisions

- **First and Second Child:** 26 weeks of paid maternity leave, with **8 weeks allowed pre-delivery**.
- **Third Child and Beyond:** Entitled to **12 weeks** of maternity leave.
- **Adoption Leave:** 12 weeks of leave for **adopting mothers** (child must be below 3 months).
- **Miscarriage/Abortion:** 6 weeks of leave post-event; in some cases, **up to 12 weeks** may be allowed.
- **Work-from-Home Option:**
 - Should be encouraged during or after maternity leave if the nature of work permits.
 - Subject to **mutual agreement** between employee and employer.
- **Crèche Facilities:**
 - Mandatory for workplaces with **50 or more employees**.
 - New mothers can **visit the crèche up to four times daily**.
- **Job Protection:**
 - Women **cannot be dismissed** during maternity leave.
 - Must be **reinstated to the same or equivalent position** post-leave.

Need and Significance of Maternity Leave

- **Recovery and Health:** Provides physical and emotional healing post childbirth.
- **Caregiving and Bonding:** Enables a mother to establish **emotional bonds** and care for her newborn.
- **Workforce Participation:**
 - Encourages **women's continued employment**, preventing dropouts after childbirth.
- **Retention and Productivity:**
 - Enhances **employee morale, loyalty, and overall well-being**.
- **Work-Life Balance:**
 - Supports **healthy coexistence of professional and personal responsibilities**.

About Reproductive Rights

- **Definition:** Reproductive rights are **human rights related to sexual and reproductive health and freedom**.
- **Scope:** Includes rights related to:
 - **Contraception and family planning**
 - **Safe abortion and fertility treatments**
 - **Access to sexual and reproductive healthcare and education**
 - **Right to bodily autonomy and informed choice**

Categories of Reproductive Rights:

1. Reproductive Self-Determination:

- Right to decide the number, spacing, and timing of children.

2. Access to Services and Information:

- Includes reproductive healthcare, education, and counselling.

3. Equality and Non-Discrimination:

- Ensures reproductive health is not denied based on caste, class, gender, or disability.

Conclusion

- The Supreme Court's verdict underscores that **maternity leave is not just a welfare provision but a fundamental right**, deeply tied to a woman's **dignity, autonomy, and reproductive choices**.
- The ruling reinforces India's **constitutional values and global human rights obligations**, paving the way for more **inclusive and gender-sensitive governance**.

Source: <https://indianexpress.com/article/india/reproductive-rights-population-control-supreme-court-maternity-leaves-ruling-10033931/>