

Maternity leave constitutional guarantee, says SC, junks HC order denying it for 3rd childbirth

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New Delhi: Observing that the concept of maternity leave is not just a matter of fair play and social justice but also a constitutional guarantee to women employees, Supreme Court Friday set aside a Madras HC order denying the leave to a govt teacher for birth of her third child.

A bench of Justices Abhay S Oka and Ujjal Bhuyan said maternity leave is intended to achieve the objective of delivering social justice to women workers, to enable a woman to

not only subsist but also make up her dissipated energy, nurse her child, preserve her efficiency as a worker and maintain the level of her previous efficiency.

The bench said, "Women now constitute a sizeable portion of the workforce, & must be treated with honour and dignity... The HC went on to explain the impact of pregnancy on the physiological and psychological state of a woman employee undergoing pregnancy. It is not just motherhood but also childhood that requires special attention."

The HC had denied the

benefit, citing a state govt policy not to grant the leave in case of birth of more than two children as a measure to control population.

Quashing the HC's order, SC noted that the woman's third child was born out of her second marriage. "The right of every woman to make reproductive choices without undue interference from the State is central to the idea of human dignity and deprivation of access to reproductive healthcare or emotional and physical well-being also injures the dignity of women," it said.