

# **Increased Maternity Leave in India: Managing Redundancy for Women Employees**

**Rituparna Dutta**

*Economic dependence of women is what gives rise to their subordination in society today. Hence to remove such subordination and to lay the foundation of equality women too must be made economically independent and must take an active role in all sectors of business today. To support such initiative the Government must provide some conditions which are suitable for the needs of women. One of the most important needs of working women is Maternity Benefit. The fundamental purpose for providing maternity benefits is to preserve the self-respect for motherliness, protect the health of women, complete safety of the child etc. This paper discusses the amendment made by the federal government in the Maternity Benefits Act, 1961, to deal with the redundancy of the women employees in public sector in India.*

A maternity benefit is one that every woman is entitled to, and her employer is liable for, the payment of maternity benefit. Maternity Benefits aims to regulate employment of women employees in certain establishments for certain periods before and after childbirth and provides for maternity and certain other benefits. Post Maternity, women work participation rate is negatively affected in labour market. In India there is still a very low presence of women employees in the labour market. It is disheartening to observe that the proportion of women employees is significantly low to 10.04% of the total central government employees as per the 2012 census. The representation is particularly poor in semi-urban and rural areas.

It is important to recognize that women participation in labour market has significantly increased in recent years, particularly in urban areas. Further, most of the increase in women participation in labour market is contributed by young women in urban areas. Since India is committed to creating a gender friendly labour market environment, there is increasing realization to provide a conducive working environment. Looking at the large number of women employment in broad occupational categories, it was but natural to protect and safeguard their health in relation to Maternity and the children.

Due to the increasing number of women employees in the government and private sector, it became necessary to grant maternity leave and other maternity allowances to working women. The fundamental purpose for providing of maternity benefits is to protect the dignity of "Motherhood" by providing the complete & health care to the women & her child when she is not able to perform her duty due to her health condition. There is need for maternity benefits so that a woman is to be able to give quality time to her child without having to worry about whether she will lose her job and her source of income. But there are no uniform rules for female employees in organizations and they are treated by varying standards when it comes to essential benefits like maternity and child care leave (CCL).

Poverty might be the biggest contributor to malnutrition in India. But policy-makers seem to believe that it is mainly due to the inability of many working women to spend enough time with their newborn babies. Malnourishment in newborns is as high as 47 per cent and the infant mortality rate in the country is 59 deaths for every 1,000 births. A Planning Commission document highlights lack of enough breastfeeding in the first six months as the cause for the high rate of infant deaths. So the federal government amended the Maternity Benefits Act, 1961, to enable working women to get maternity leave for six months with full pay. It is believed that by increasing the maternity leave, this challenge can be dealt with to some extent. The Act extends to the whole of India and is applicable to:

- Every factory, mine or plantation (including those belonging to Government),
- An establishment engaged in the exhibition of equestrian, acrobatic and other performances, irrespective of the number of employees,
- To every shop or establishment wherein 10 or more persons are employed or were employed on any day of the preceding 12 months.

This is one rule that could turn women in India Inc green with envy. The Centre has not only increased maternity leave for its employees to six months but has also cleared paid leave for two years to take care of children. A parliamentary panel thus has suggested that all government departments and organizations should ensure 180 days of maternity leave and child care leave (CCL) of 730 days to all its women employees. Adding to the bonanza, a woman employee can avail of child care leave in any combination till her two children are 18 years of age. In line with the Sixth Pay Commission, the new leave regime for women means that during their stint with the government, they can avail paid leave of as much as three years, provided they do it only for two children.

Recently in a major policy decision affecting the well-being of its women employees, Bihar government has increased the duration of maternity leave for its women employees. It was realised by the government that there was no provision for child care leave for women government employees in the Bihar Service Rules. Thus the government has decided not only to increase the maternity leave to 180 days, but also to provide 730 days leave to tend to the children during their illnesses, examinations or to raise them up.

While 180 days of maternity leave is authorised for government employees there is no law that instructs the private sector to make it obligatory. When it comes to maternity leave, the public sector appears to be more sympathetic to a woman's needs than the private sector. Of course, some private sector companies do have women-friendly policies in this regard but most of the private organisation provides 90 days of maternity leave to its women employees. Some organizations also permit their women employees to extent leave upto one year (with or without pay). Women in the private sector are often hard-pressed for such leave beyond the maternity break, besides the regular quota of earned, casual and medical leave. Maternity benefits are, thus open to interpretation by individual companies.