



Motherhood And The Right To Education: Harmonising Statutory Entitlements And Institutional Practice

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Name of Author:

Chaitali Wadhwa^{1*}, Dr Shaharyar Asaf Khan²

Affiliation:

¹ PhD Research Scholar & Assistant Professor, School of Law, Manav Rachna University, Faridabad, Haryana.

Email: chaitaliwadhwa@gmail.com

² Professor, School of Law, Manav Rachna University, Faridabad, Haryana.

Email: shaharyarasafkhan@mru.edu.in

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Abstract

The current legal landscape in India regarding the conflict between a woman's right to education and motherhood presents a complex picture. While the absence of a definitive Supreme Court ruling creates uncertainty, the positive trend of High Courts favouring a harmonious interpretation of these rights offers hope. The paper centres *Renuka v. University Grants Commission & Anr.* (2023 SCC OnLine Del 3210), a judgement delivered by the Delhi High Court, addressing the conundrum between the two rights. While on the one hand, education is pivotal for the growth and development of an individual, on the other hand, it would be unfair to deny a woman her reproductive autonomy and freedom of choice for motherhood. In order to contextualise judicial developments within lived realities, the research incorporates empirical data from a survey of 28 student-mothers in Delhi who availed paid maternity leave during the academic course of their higher education. Analysis of the data provides insights on awareness of key legal provisions, duration of paid leave availed, and availability of creche facility. The findings underscore the urgent need for systematic legal awareness campaigns and strict implementation of statutory requirements within higher educational institutions, particularly for women navigating motherhood alongside academic aspirations. The paper argues that judicial recognition of these intersecting rights must be complemented by institutional compliance and student-centred policy implementation to give substantive effect to both constitutional and statutory protections.

Keywords: maternity benefits, motherhood, right to education, right to life, equality

Introduction

Maternity benefits encompass paid leave and healthcare support during pregnancy, post-delivery, in exceptional cases such as adoption and surrogacy, and in cases of unfortunate circumstances such as miscarriage or illnesses. The provision of benefits is a social investment, which can be seen to have far-reaching consequences. Maternity leave provides a crucial time for physical and emotional recovery from childbirth. This reduces stress, promotes better sleep, and allows for stronger bonding with the newborn. Maternity leave aims to help women during pregnancy and provide prenatal and postnatal care. It assists women with their psychological, physiological, and emotional needs before and following childbirth.¹

The intersection of woman's right to education and her right to motherhood represents a critical axis of inquiry within the Indian constitutional and statutory framework. Both rights are recognised under the broader right to life laid down in Article 21 of the Constitution of India, 1950. Additionally, Article 42 of the Constitution read along with the Maternity Benefit Act of 1961 and its Amendment in 2017, guarantee maternity benefits. However, women, particularly students, often face challenges accessing them. This creates a conflict between their right to motherhood and the pursuit of education. The simultaneous exercise of rights is often complicated by institutional inertia, policy gaps, and inconsistent legal interpretations. The absence of a definitive pronouncement by the apex court of the

¹ (International Labour Organization (ILO) 2012)

country on reconciliation of these rights has left space for fragmented adjudication.

Through its recent judgement, the High Court of Delhi addresses this very concern and highlights the need to restore balance. In *Renuka v. University Grants Commission & Anr.* (2023 SCC OnLine Del 3210), the Court has opened a promising jurisprudential pathway that seeks to harmonise, rather than hierarchise, the competing claims of education and reproductive autonomy. Against this backdrop, the present paper interrogates how the law can be meaningfully reoriented to support working and studying women who face systemic challenges in simultaneously asserting their educational aspirations and maternal rights.

The *aim* of this research paper is to explore the implementation of the Indian legal framework in context of evolving realities of women who decided to continue pursuing their higher education during pregnancy and early motherhood. Using student-mothers as a focused case study, the authors adopt a blend of doctrinal and empirical approaches to assess the institutional compliance with statutory requirements, and study the impact of judicial interpretations. The methodology is driven by the following *research questions* –

How do Indian courts approach the reconciliation of a woman's right to education with her right to motherhood?

What are the lived experiences of student-mothers in navigating institutional policies on maternity leave?

Does the current legal regime sufficiently integrate reproductive justice with the right to higher education?

To address the research questions, the objectives are threefold –

To analyse judicial trends in interpreting the Maternity Benefit Act, 1961 (as amended in 2017) vis-à-vis educational continuance;

To assess how far educational institutions accommodate the dual rights of student-mothers in practice;

To identify gaps in legal awareness and implementation that hinder the effective exercise of these rights.

The paper is divided into five parts, the first being the introduction. In **part II**, the authors examine the legislative framework surrounding maternity entitlements. Moving further, **Part III** focuses on the core component of this paper – the critical analysis of the decision by the Delhi High Court in *Renuka v UGC*. This recent judgement presents a unique moment of judicial engagement by addressing the intersection of two constitutionally protected rights – education and motherhood. By situating *Renuka's* case within the broader fabric of Indian constitutional jurisprudence and

welfare legislation, this part lays the normative groundwork for the empirical inquiry that follows.

In **Part IV**, the researchers transition from a legal analysis to lived experience, and adopt an empirical study, analysing the responses collected from twenty-eight student-mothers who availed maternity leave while pursuing their higher education. This part of the paper studies the impact of the 2017 Maternity Benefit Amendment Act, and its implementation in higher education public and government-aided universities in Delhi, with particular attention to compliance gaps, institutional inconsistencies, and awareness deficits amongst the respondent population. The data reveals a stark disparity between statutory promises of maternity support and the actual infrastructural and procedural realities. This segment not only quantifies the extent of non-compliance but also contextualises these figures within a gender justice framework. Addressing the mismatch between policy and practice, the authors provide suggestions for reform under **Part V** of the paper. They argue for administrative accountability, institutional sensitization, and rights-integrated policy reforms, to meaningfully operationalise both motherhood and education as non-competing, coexistent entitlements for women in India's higher education system.

LEGAL RIGHT TO MATERNITY LEAVE IN INDIA

No discussion about legal provisions in India can begin without first reference to the Indian Constitution. The Directive Principles of State Policy represent a vital normative commitment by the State toward ensuring substantive equality and social justice. Particular reference must be made to Articles 42 and 46. Though neither are enforceable in a court of law, they form a part of the broader constitutional vision that acknowledges the intersection of gender, labour, and caregiving responsibilities.² Maternity relief, expressly mentioned in Article 42, is not a mere welfare measure, and the Constitution through its wording ensures that it is an essential component of a just and humane workplace. Article 46, on the other hand, calls upon the State to promote the educational and economic interests of disadvantaged groups, including women, thereby reinforcing the imperative to create enabling conditions for their full and equal participation in the workforce and educational institutions. When read together, Articles 42 and 46 underscore a constitutional philosophy that recognises maternity not as an impediment to productivity or education, but as a life event that must be supported institutionally and legislatively. Over time, judgements by the High Courts and Supreme Court of India have read the DPSPs in conjunction with

² (Gebeye 2016)

fundamental rights, to create legally enforceable entitlements. For example, denial of maternity benefits and the obstruction of a woman's right to education, livelihood, and equality is a violation of Articles 14, 15 and 21, which protect against discrimination and guarantee dignity, autonomy, and the right to life. Since constitutional governance cannot operate in silos, aspirational provisions like Article 42 guide the interpretation of binding rights and duties.³

The principal legislation governing maternity benefits is the Maternity Benefit Act, 1961 (hereinafter referred to as the "Act"), along with its Amendment in 2017. The Act received presidential assent on December 12, 1961, and applies throughout India. The Amendment Act came into force on April 1, 2017, with the exception of the provision mandating employers to provide creche facilities, which became effective on July 1, 2017. The development of the Maternity Benefit Act reflects progress in addressing the concerns of working women, indicating the Government's recognition of the significance of issues related to women's welfare in the workplace.

It is a welfare-oriented legislation designed to safeguard the dignity of motherhood by ensuring financial security and healthcare for working mothers during a critical and vulnerable phase of their lives.⁴ It paves way for working women to embrace maternity without having to worry about economic insecurity or fear of job loss, by mandating employers to recognise that pregnancy and childbirth temporarily affect a woman's capacity to engage in employment. Applying to every establishment with over ten employees, the Act requires employers to grant paid maternity leave across a range of circumstances including pregnancy, miscarriage, adoption, surrogacy, medical termination of pregnancy, tubectomy, or illness arising out of any of these conditions. Additionally, it entrusts employers with the responsibility of providing creche facilities, nursing breaks, and monetary assistance for pre-natal and post-natal care, further reinforcing the law's commitment to holistic maternity protection.

In addition to the above, the Act imposes protective obligations on employers, prohibiting them from terminating the employment of a woman during the period of her maternity leave, except in cases involving gross misconduct. Any such unlawful termination may be contested by the employee through an appeal to the prescribed authority, which must be filed within sixty days from the receipt of the dismissal notice. Furthermore, the Act safeguards a woman's remunerative rights by prohibiting any deduction in wages during breaks taken for nursing the child or for refusing to perform strenuous or potentially hazardous

work. These provisions underscore the legislation's dual function: not only as a framework for maternity benefits, but also as a protective statute upholding the broader constitutional promise of gender-sensitive employment practices.

This legal framework sets the stage for analyzing how effectively maternity rights are safeguarded in educational contexts. While the statutory provisions appear robust, their implementation in higher education faces obstacles, particularly for student-mothers balancing academic commitments with caregiving responsibilities. The Renuka case highlights the critical intersection of these rights, bringing to light the challenges and ambiguities faced by institutions in interpreting overlapping regulations and duties.

CASE LAW ANALYSIS: *Renuka v. University Grants Commission & Anr.* (2023 SCC OnLine Del 3210)

Facts of the Case

The case concerns a student pursuing a two-year M.Ed. regular course from Chaudhary Charan Singh University who applied for maternity leave before the concerned Dean and vice-chancellor. In February 2023, the petitioner received a reply from the Dean that her request was denied, after which she raised her grievance before the University Grants Commission. Upon not receiving a reply, she approached the Hon'ble High Court of Delhi. In the petition, the petitioner has prayed for directions to the university to allow her maternity leave and to grant her relaxation in attendance for completing her course. She has also prayed for directions to the UGC to frame specific rules and regulations for the grant of maternity leave for UG and PG Courses.

Counsel Arguments

The petitioner's arguments were based on the foundation of the UGC (Minimum Standards and Procedure for Award of M.Phil./Ph.D Degrees) Regulations, 2016 that provide women candidates to avail childcare leaves once during the entire duration of their M.Phil/Ph.D course for up to two hundred and forty days.

The counsel for the respondent opposed the submissions, alleging that the circular relied upon by the petitioner did not have any application in the instant case. Additionally, referring to the provisions of the National Council for Teacher Education Act, 1993 (hereinafter 'NCTE Act, 1993') read with the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014, the counsel stated that there should be at least 200 working days each year for M.Ed. students, which was exclusive of the period of admission and inclusive of classroom transaction, practicum, field study and conduct of the examination.

³ Dr. (Smt.) Hemlata Saraswat v State of Rajasthan & Ors., RLW 2008 (2) Raj 1397

⁴ (Verma 2020)

The Regulations clarify that the attendance requirement for students is 80% for theory courses and practicums and 90% for field attachments. The counsel refers to these regulations to stress upon the argument that neither the Regulations of 2014 nor Appendix-5 of the Regulations (that govern the Master of Education Program Leading to Master of Education (M.Ed.) Degree) lay any provisions for benefits related to maternity leave. In the absence of such provisions, the university cannot consider the petitioner's application.

Legal Principle & Previous Judgements

Maternity relief and related provisions are laid down under the Maternity Benefit Act, 1961. The Act aims to protect the dignity of motherhood by providing certain benefits—health and monetary—to both the mother and the child. The Act received the assent of the President of India on 12 December 1961 and was amended in 2017. The path of the Maternity Benefit Act in India indicates that progress has been achieved in meeting working women's concerns and that the government recognises the importance of working women's welfare issues.⁵

As the High Court pointed out in its judgement, the circular issued by the University Grants Commission cannot be directly applied to the M.Ed. course, as the latter is governed by the provisions of the NCTE Act 1993 and its related regulations. The circular can be applied to M.Phil and PhD courses, which may last up to five or six years and are of longer duration than a two-year M.Ed course. The question that was to be considered by the Hon'ble Court was whether, in the absence of such regulations for an M.Ed course, the same considerations could be directed in favour of the respondent university.

The High Court, in its judgement, drew reference to Entry 26 of List III of the Constitution of India, which Dr BR Ambedkar proposed on September 3, 1949. The amended entry provided for labour welfare, including maternity benefits. This has also been translated to the Directive Principles of State Policy, which, under Article 42, provide for just and humane work conditions and maternity relief.

Though the judgement is recent, the issue has been discussed over the last few years. Over fifteen years ago, the Hon'ble Supreme Court decided on a woman's right to choose motherhood in the case of *Suchita Srivastava & Anr. v Chandigarh Administration*.⁶ A three-judge bench of the apex court established that a woman's right to make reproductive choices is a dimension of personal

liberty enshrined under Article 21. The position held by the apex court was then reiterated by High Courts across India in cases such as *Vandana Kandari v. University of Delhi*⁷, and *Jennifer A. v ESIC College of Nursing & Ors.*⁸ In both cases, the petition was filed by a student who had a shortage of attendance caused by pregnancy. The High Courts of Delhi and Karnataka held that allowing maternity relief under Articles 41 and 42 would protect a female student's right to education implicit under Article 21. Denial of such relaxations would amount to “*making motherhood a crime*”, which would be contrary to the constitutional guarantee of gender equality enshrined under Art. 14.

Contrary to the view held by most High Courts, the High Court of Kerala held that special exemptions should not be given to pregnant students. While the court cited previous judgements, in its dissent, the Court opined that an individual should adjust her priorities for certain courses that train her to become a teaching professional. Pregnancy—an optional choice—should bow down to the larger public interest and social obligations.

Judgement

The Court echoed the vision laid down by the Constitution, that of “*an egalitarian society where citizens could exercise their rights, and the society as well as the State would allow the manifestation of their rights.*”⁹ The Court recognised that its power under Article 226 does not permit it to create a different compartment to relax attendance. Having said that, it is also important to cater to the interests of the candidates seeking maternity leave. By recognising the student's requests as a “*special case*”¹⁰, the court directed the respondent University to allow the petitioner to sit for the examination.

Analysis

The current legal landscape in India regarding the conflict between a woman's right to education and motherhood presents a complex picture. In the absence of a ruling by the Supreme Court, the High Courts across India have interpreted the provisions of the law in different ways. Upholding both rights empowers women to make informed life choices, fostering a more equitable society. Progressive judgements allowing relaxation in educational degree requirements in favour of maternity benefits dismantle the artificial barrier that previously forced women to choose one over the other.

While courts continue to recognise that both rights are of significant importance in a woman's life, there is no uniformity in balancing the conflict arising when a

⁵ (Verma 2020)

⁶ *Suchita Srivastava & Anr. v Chandigarh Administration*, (2009) 9 SCC 1

⁷ *Vandana Kandari v University of Delhi*, 2010 SCC OnLine Del 2341

⁸ *Jennifer A. v ESIC College of Nursing & Ors.*, ILR 2016 Karnataka 4649

⁹ *Renuka v University Grants Commission & Anr.* (2023 SCC OnLine Del 3210), para. 27

¹⁰ *Id.*, para. 30

female student seeks maternity leave from her university or educational organisation. The challenge posed by differing interpretations of the law by some High Courts creates a disparity, creating a patchwork of rights for women across the country.

Private and state-sponsored educational institutions with stricter interpretations of legal provisions may force women to prioritise education over motherhood. Conflicting interpretations erode legal certainty, leaving women unsure of their rights and hindering their pursuit of both motherhood and education. Inconsistencies can also lead to increased litigation as women fight for their rights. Despite grasping at straws, seeking justice for her right to education and motherhood, a woman may ultimately be denied both.

EMPIRICAL RESEARCH

While *Renuka v. University Grants Commission* offers crucial judicial insight into the tensions between reproductive autonomy and educational continuity, the case also brings to light a deeper, systemic issue—the extent to which maternity rights are actually implemented in academic institutions. Judicial pronouncements, though significant, must be supplemented by on-ground realities to understand whether legislative protections are truly accessible to student-mothers. In this context, the following section presents an empirical study undertaken by the authors, which captures responses from twenty-eight students who availed maternity leave while enrolled in higher education programmes. This evidence-based inquiry not only evaluates institutional compliance with the Maternity Benefit (Amendment) Act, 2017 but also assesses the level of awareness, accessibility, and infrastructural readiness within the academic ecosystem. The empirical data thus serves to test the practical translation of legal guarantees into everyday academic life.

Sample population

The researchers adopt an empirical approach by surveying students enrolled in higher education institutions in Delhi NCR, who had availed maternity leave during their academic course. Unlike conventional studies that focus on employees, this survey targets a neglected category of beneficiaries under the Maternity Benefit Act 1961. The sample comprises 28 respondents from government-aided and public institutions, providing an insight on the lived realities of student-mothers in academia.

Question themes

The survey was designed to collect data on the following key themes:

Legal awareness of maternity rights under statutory policies

Timing of maternity leave (pre or post 1st April 2017, the date of the enactment of the Amendment)

Duration of leave availed

Institutional support – availability of crèche facilities

Limitations and Ethical Considerations

The study is limited by the self-reported nature of responses and the relatively small sample size. All participant data was anonymous, and no personally identifiable information was collected. Participation in the survey was voluntary and based on informed consent. The findings have been discussed below.

Date of availing maternity leave

Collecting information on the date of availing leave is relevant, as the Maternity Benefit Amendment Act, which was enforced on 1st April 2017, increased the duration of paid maternity leave from 12 weeks to 26 weeks. It also introduced leave for adoptive and commissioning mothers, and emphasized crèche facilities and work-from-home options. Of the responses collected, the 23 were in the pre-Amendment period, with only 5 respondents having availed leave post-Amendment.

While the gap in the numbers is a stark difference, it should not be interpreted as a temporal trend or indicative of the actual trend before and after the legislative amendment. Rather, the disparity is a reflection of the limited and uneven respondent pool of the present study. The low number of responses post-2017 may stem from restricted outreach, recall bias, or the demographic composition of the surveyed group, and not from a decline in the number of student-mothers or maternity leave availed in the period following the amendment.

Date of availing maternity leave

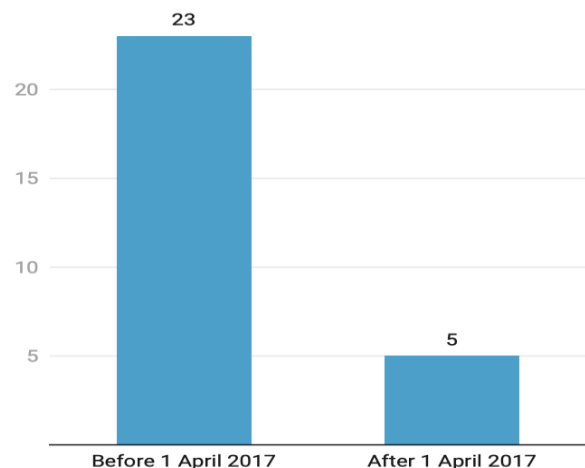


Fig. 1: Date of availing Paid Maternity Leave (based on survey responses)

Given the focus of the research on the intersection of legal rights and experience of student-mothers, the graph underscores a potential lag or institutional opacity in higher education. The limited responses highlight the importance of a broader, more inclusive sampling, across institutions and cohorts to capture a more accurate picture of the post-legislative amendment realities. Despite the limitation, the data collected serves as a useful prompt to examine how enhanced legal entitlements are being implemented, accessed, or communicated within the education sector, an aspect covered in later parts of this research.

Awareness of statutory maternity leave provisions among students under Maternity Benefit (Amendment) Act, 2017

Respondents were provided a list of nine statutory benefits laid down under the Maternity Benefit Act, 1961 read with the 2017 Amendment. They were free to choose more than one option, showing awareness of more than one benefit under the law. The responses have been tabulate below.

Table 1: Awareness of statutory maternity leave provisions among students under Maternity Benefit (Amendment) Act, 2017

Provision	No. of responses received
Women prohibited to do exhausting work during pregnancy (6 weeks before delivery)	6
Paid maternity leaves of 26 weeks (approx. 6 months)	22
Only 12 weeks (approx. 3 months) of paid leave for 3rd child	3
Payment and leave during special circumstances (miscarriage/ surrogacy/ abortion/ death of woman)	10
Employer cannot dismiss employee during maternity leave	8
Crèche facility in the establishment	4
Nursing breaks	0
12 weeks paid leave in case of adoption and surrogacy	3
Provision to work from home	2

The table has been visually represented as a graph, to highlight which legal provisions are more commonly known among respondents (e.g., the 26-week paid maternity leave) and which remain under-recognized (e.g., nursing breaks, work from home provisions), underscoring the need for targeted legal literacy interventions.

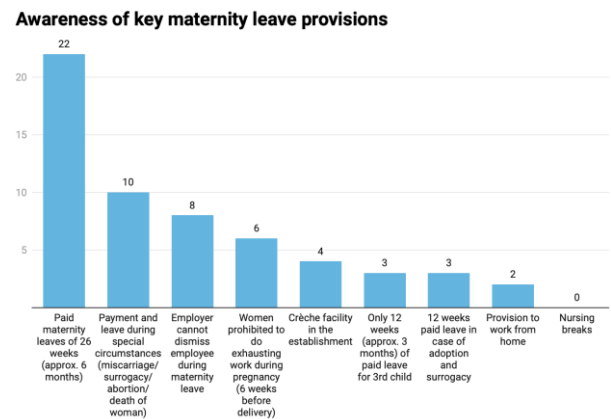


Figure 2: Student awareness of key maternity leave provisions

(based on survey responses)

Displayed in descending order of responses received, the bar chart shows that 79% of respondents (22 out of 28) were aware of the provision of an increase in **paid leave to 26 weeks** introduced by the 2017 Amendment, reflecting widespread dissemination of this flagship reform. This could be due to a direct relevance to student-mothers balancing childbirth and their academic attendance requirements.

36% of respondents (10 out of 28) acknowledged their awareness of **payment and leave during special circumstances**, such as miscarriage, surrogacy, abortion, or death of the woman, suggesting moderate awareness of non-traditional maternal scenarios. Similarly, 8 out of 28 respondents (approximately 29%) were aware that **employers are prohibited from dismissing employees during maternity leave**, reflecting partial understanding of maternity-related employment security. The responses indicate limited understanding of prenatal work protections, with only 21% respondents (6 out of 28) answering in the affirmative that they were aware that **women are prohibited to engage in exhausting work** during six weeks before delivery.

Awareness drops sharply for provisions that cater to postnatal care or non-traditional maternity contexts. **Crèche facility** received only 4 responses (approx. 14%), highlighting limited awareness of supportive childcare infrastructure requirements under the Act. With 3 responses, only 11% respondents had awareness of **provisions related to adoption/surrogacy** and third-child maternity leave. Just 2 respondents acknowledged awareness of the option to **work from home**, indicating that the 7% response could be due to non-applicability to their situation. Strikingly, 0 responses were received for knowledge of the provision on **nursing breaks**, suggesting a complete knowledge gap on this post-natal workplace entitlement.

The findings highlight a pressing imperative to institutionalize reproductive rights education and awareness within higher universities, to ensure that student-mothers not only have the knowledge, but are also empowered to assert them within academic and administrative frameworks. Communication of policies should extend beyond notices by HR or administration, to engage students directly, through orientations or gender sensitization modules.

Duration of paid maternity leave availed by students before and after April 2017

Dividing the respondents into two groups based on date of maternity leave availed is significant as it shows the change in trend after the 2017 Amendment, which increased the mandated paid leave period from 12 weeks to 26 weeks. The responses received are tabulated below –

Table 2: Duration of Paid Maternity Leave availed by students before and after April 2017

Time Period	< 12 Weeks	12 Weeks	>12 & <26 Weeks	26 Weeks	Total Respondents
Before 1st April 2017	1	9	5	8	23
After 1st April 2017	0	2	1	2	5

The chart below graphically represents the tabulated data allowing for a clearer comparison of the distribution of maternity leave durations availed by student respondents before and after the April 2017 amendment. The graphical representation is an aid in quickly identifying shifts in policy impact and the prevalence of different leave durations across the two timeframes. The blue bars indicate paid leave availed before the 2017 Amendment, and those in magenta are the responses by students who availed paid leave after the 2017 Amendment.

Paid maternity leave

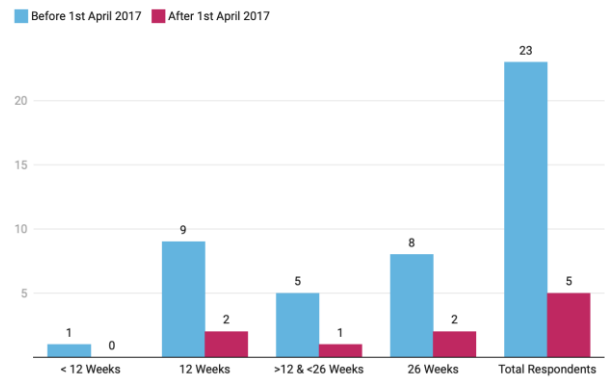


Fig. 3: Duration of Paid Maternity Leave availed by students before and after April 2017 (based on survey responses)

Higher number of responses in blue indicate that the most common leave duration before the 2017 Amendment was **12 weeks**, aligning with the statutory requirement. Out of 23 respondents who availed leave before 1st April 2017, approximately 39% fall in this category, suggesting that while institutions conform to the legal requirements, they did not offer extended support. Only one response in the *less than 12 weeks* category is indicative of statutory compliance, but also highlights the precarious position of instances where minimum entitlements were barely met, and institutional discretion determined access to maternity benefits. Post the 2017 Amendment, no respondent reported receiving less than 12 weeks, indicating a positive shift towards baseline compliance, which may be interpreted as a “deterrent effect of amended legislation.” The category of “*more than 12 weeks but less than 26 weeks*” that forms the third column in the graph shows limited representation in both cohorts, suggestive of institutional rigidities – leave durations are either the statutory minimum of full entitlement, leaving minimal wiggle room for discretionary accommodation.

The prominent takeaway from the graphical representation is the sharp increase in the number of respondents who availed full **26 weeks** of paid leave post the 2017 Amendment. A prima facie reading makes it seem that there has been a dip in numbers – from 8 respondents in blue, to 2 in magenta. However, considering the lower total responses in the post-2017 category, the percentage increase is significant. The percentages have been calculated below:

Prior to the amendment:

8 out of 23 respondents reported receiving 26 weeks of leave.

$$(8 / 23) \times 100 \approx 34.78\%$$

Post-amendment:

2 out of 5 respondents availed the full benefit.

$$(2 / 5) \times 100 = 40\%$$

To find the % increase:

$$(40 - 34.78) / 34.78 \times 100 \approx \mathbf{15.01\%}$$

Therefore, while the absolute number dropped from 8 to 2, there is a relative rise by 15.01% in the proportion of student mothers availing full 26 weeks of leave, highlighting the potential of legislative reform to drive compliance, but the persistence of barriers preventing uniform implementation.

Availability of creche facility

Respondents were asked about the availability of creche facility in their institution. Dividing the respondents into two groups based on date of maternity leave availed is significant as it shows the change in trend after the 2017 Amendment, which increased mandates availability of creche in an establishment having fifty or more employees¹¹. The responses received are tabulated below –

Table 3: Availability of Creche Facility before and after 2017 Amendment

Period of Availing Leave	No. of Respondents	Crèche Not Available	Crèche Available
Before 2017 Amendment	23	14	9
After 2017 Amendment	5	4	1
Total Responses	28	18	10

The data has been represented graphically in a chart, provided below, to help quickly identify the shifts due to policy impact across the two timeframes. The blue bars indicate leave availed before the 2017 Amendment, and those in magenta are the responses by students who availed leave after the 2017 Amendment.

Availability of Crèche Facilities

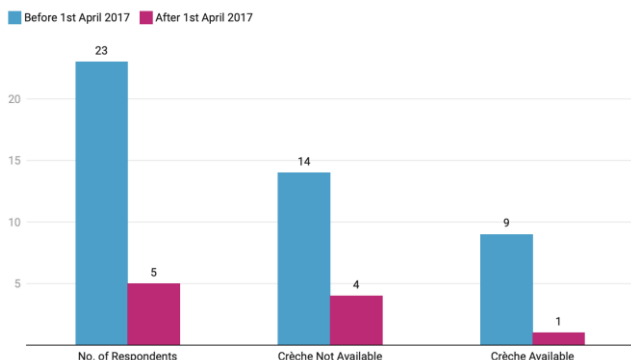


Fig. 4: Availability of Creche Facility before and after 2017 Amendment (based on survey responses)

Of the 23 student-mothers who availed leave before the Amendment, only 9 respondents reported the presence of a crèche facility, indicating that over 60% respondents reported its absence. Among the 5 responses for “after-2017 Amendment”, only 1 reported the presence, and 80% respondents marked “no creche facility available”.

An overview of the graph establishes a trend contrary to the expectation from the 2017 Amendment, which made creche facility compulsory in establishments employing 50 or more people. Though there is a decline in reported availability, the finding needs to be interpreted with caution due to the limited sample size. For better understanding, the change in trend has been calculated below:

Pre-2017 Amendment Creche Presence Rate:

$$(9 / 23) \times 100 = \mathbf{39.13\%}$$

Post-2017 Amendment Creche Presence Rate:

$$(1 / 5) \times 100 = \mathbf{20\%}$$

To find the % change:

$$(20 - 39.13) / 39.13 \times 100 \approx - \mathbf{48.9\%}$$

The negative symbol in the final result indicates a decrease, so there is a 48.9% decrease in reported availability of crèche facilities after the 2017 Amendment.

SUGGESTIONS & CONCLUSION

Through this paper, the researchers add to the existing body of research that study the awareness and execution of Maternity Benefits in India. There is no denying that the positive trend of High Courts favouring a harmonious interpretation of these rights offers hope. However, there is a long way to go before justice can be achieved. Though the amended legislation has been in operation for almost a decade now, full and effective implementation of rights is far from the reality. Achieving a true balance between these rights requires a multi-pronged approach. The findings suggest a need for targeted interventions to improve awareness, particularly amongst women in higher education who are faced with the dilemma between their right to education and motherhood.

Awareness campaigns and sensitization workshops:

The findings show low awareness among student-mothers about full entitlements under the Maternity Benefit Act 1961 read with the 2017 Amendment. To address this, the researchers suggest launching targeted literary campaigns within higher education institutions to raise awareness about the benefits under the law. The UGC may issue mandatory circulars directing universities to conduct legal literacy workshops on maternity rights as a part of student orientation or gender

¹¹ Section 11A, Maternity Benefit Act 1961

sensitization programs. The awareness initiatives may further be assessed by NAAC as a criterion under student progression and support, in its accreditation framework.

Centralised monitoring mechanism and regular audits: The data also reveals a disparity in implementation timelines post-legislative change, suggesting uneven enforcement. To bring consistency, the State – under the Ministry of Education or the Ministry of Women and Child Development – should establish a centralised monitoring mechanism. Doing so would legally obligate universities to set up facilities such as creches, and provide nursing breaks. Compliance reports submitted by the institution to UGC may be incorporated by NAAC as a part of the Institutional Assessment Indicators.

Grievance Redressal: The disparities between theory and practice highlight systemic inertia. By introducing accountability measures and a grievance redressal system at the institutional level (such as Complaints Committee or Equal Opportunity Cell), organizations will be able to arrive at solutions tailor-made for student-mothers. To enforce this, the UGC may mandate universities the display and dissemination of grievance procedures as part of institutional transparency.

Data-driven policy making: Additionally, the researchers suggest routine data collection and publication of findings on maternity benefit usage in higher education institutions to guide evidence-based reforms. Submission of data should be anonymous to maintain confidentiality. The current study is an attempt to meet this suggestion.

Societal role: Apart from the recommendations for policy reforms listed above, to encourage a cultural shift within institutions, it is imperative to regularly conduct sensitization programmes for faculty, staff, administrators, and students, to support student-mothers with empathy and flexibility. NAAC can assess institutions on their inclusive and supportive academic environments, rewarding best practices (Criteria VII) that aid student-mothers. Promoting a culture that celebrates motherhood as a strength and offers support systems within educational institutions is vital. The role of society as a stakeholder cannot be ignored, when advocating for inclusivity and equality.

Centralised digital platform: The research highlights the judicial recognition of the conflict between motherhood and education, but the absence of clear administrative reforms has widened the gap between paper and practice. A definitive Supreme Court ruling can pave the way to apply existing laws consistently. Till such a judgement is passed by the Hon'ble apex court, the authors suggest the formulation of standard operating guidelines – a regulatory framework – for universities, to harmonise maternity leave with

academic progression, including deferral of exams, extension in coursework, and provision of re-admissions. The creation of a centralised digital platform to track maternity benefit policies and usage data from all higher education institutions, would ensure that model policies (such as a *Model Academic Guideline for Student-Mothers*) are circulated and periodically updated in line with amendments to labour laws or judicial pronouncements.

Stronger legislation and stricter enforcement mechanisms are crucial to ensure women can access maternity benefits and educational support seamlessly. By bridging the legal gaps, fostering supportive environments, and empowering women through education, India can move towards a future where motherhood and academic pursuits are not seen as competing desires, but complementary aspects of a fulfilling life

REFERENCES

1. Gebeye, Berihun Adugna. 2016. "The Potential of Directive Principles of State Policy for the Judicial Enforcement of Socio - Economic Rights: A Comparative Study of Ethiopia and India." *Vienna Journal on International Constitutional Law* 10(5):1–63.
2. International Labour Organization (ILO). 2012. "Module 6: Maternity Leave and Related Types of Leave." in *Maternity Protection Resource Package: From Aspiration to Reality for All*.
3. Verma, Ankita. 2020. "An Approach towards Issues of Working Mother: Special Reference To Maternity Benefit Act, 2017 in Himalayan State of Himachal Pradesh." *Journal of Critical Reviews* 7(04):2689–97