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Court States That Maternity Leave Is A Vital Right For Women In The Workforce

08 July 2025 | Features

The Supreme Court of India has reaffirmed the constitutional importance of maternity leave, calling it a fundamental right that supports the dignity and well-being of working women.



This landmark observation, delivered during a recent case involving a woman denied leave for her third child, highlights the evolving role of maternity insurance and health insurance for parents in safeguarding family and workforce interests.

This declaration not only protects the rights of mothers but also reinforces the broader healthcare ecosystem that must adapt to the changing realities of Indian families and workplaces.

Maternity leave as a constitutional necessity

In a strong statement, the apex court ruled that maternity leave is not merely a benefit or privilege, but an enforceable constitutional right. The case pertained to a woman government servant who had applied for maternity leave following the birth of her third child. Despite existing Central Civil Services Leave Rules limiting benefits beyond two children, the Supreme Court underscored that no woman should be forced to choose between employment and motherhood.

The court noted that maternity leave plays a critical role in protecting the health of both the mother and the child. This stands aligned with international conventions as well, including the Maternity Protection Convention of the International Labour Organization, which India has ratified.

Intersection of maternity insurance and employee rights

With the court's emphasis on maternity as a right, the focus is now shifting to adequate coverage through maternity insurance. In India, most comprehensive health plans now include some form of maternity benefit, but there are caps, sub-limits, and waiting periods that often make access difficult for many women, especially in the private workforce or informal sector.

Maternity insurance typically covers:

- Hospitalisation costs during delivery (normal or C-section)
- Pre-natal and post-natal expenses
- Newborn care (up to 90 days in some policies)
- Vaccination and consultation costs in certain plans

However, many health policies require a waiting period of 9 months to 4 years before these benefits can be accessed. This presents a barrier for newly married or expecting couples who did not plan early. Given the court's stand, there is likely to be more regulatory pressure on insurers to offer more inclusive maternity insurance options.

Role of health insurance for parents in household security

While maternity insurance focuses on new life, health insurance for parents remains a parallel concern for many families, especially when managing finances across generations. With rising healthcare costs and increased life expectancy, ensuring elderly parents have access to quality treatment is essential.

Many employers now offer health insurance for parents as an add-on benefit under group health schemes. These policies provide:

- Coverage for pre-existing diseases (subject to waiting periods)
- Cashless hospitalisation
- Access to a wide network of hospitals
- Option for top-up or super top-up policies for additional protection

As more Indian households adopt nuclear family structures, providing health insurance for parents becomes not only a financial strategy but also an emotional commitment. The combination of maternity benefits for new mothers and health coverage for aging parents is a balanced way to secure all generations of a family.

Impact on women's participation in the workforce

The Supreme Court's reiteration of maternity rights is a step toward closing the gap in female workforce participation. Many women in India either leave jobs during pregnancy or are denied re-entry into the job market due to lack of supportive infrastructure. Recognising maternity leave as a legal right, regardless of the number of children, could help improve workforce retention and gender equality.

Workplaces with inclusive maternity policies often report higher employee satisfaction, better long-term productivity, and lower attrition rates among women employees. Employers may also need to revise their HR policies in line with judicial guidance to avoid future legal risks.

Public and private sector response

While government employees are typically entitled to 180 days of paid maternity leave, private sector policies vary significantly. The Maternity Benefit (Amendment) Act, 2017 mandates 26 weeks of paid leave for establishments with more than 10 employees. However, implementation and enforcement remain inconsistent.

Given the court's directive, the Insurance Regulatory and Development Authority of India (IRDAI) may consider introducing guidelines that mandate maternity coverage in all comprehensive individual and family health policies. Additionally, incentives could be provided to insurers who offer maternity benefits without excessive waiting periods.

The path forward for inclusive healthcare

This judicial ruling should prompt both government bodies and private employers to re-examine their healthcare policies. A more inclusive approach to maternity insurance and broader health insurance for parents can promote a healthier workforce and family structure.

Moreover, awareness drives are needed to educate employees, especially women, about their legal rights and healthcare options. Many workers remain unaware of the benefits they can claim or the insurance they are eligible for. Building a culture of informed decisions and proactive planning is essential to bridge this gap.

Conclusion

Maternity leave is not merely a personal need; it is a societal responsibility and a constitutional right, as reaffirmed by the Supreme Court. This judicial clarity strengthens the case for better maternity insurance, comprehensive health coverage, and improved support for working women.

As India advances toward a more equitable and health-conscious future, equal emphasis must be placed on both ends of the family spectrum—ensuring new mothers are cared for through maternity benefits, while elderly parents are protected through health insurance. When combined, these safeguards form the foundation of a healthy, balanced society.