

3rd Edition

Newsletter

July 2025



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From the Founder's Desk



Dear Readers,

This month at **AD-roit LinkS**, we spotlight two deeply interconnected conversations—*maternity benefits & childcare leave*, and *safe, inclusive workplaces for women*.

Maternity benefit and childcare leave – an issue that resonates deeply—not just professionally but personally. The spark for this topic came from an interview I read recently in the *Times of India*, where actor **Radhika Apte** candidly shared the often-unspoken realities of motherhood—particularly within the demanding world of Indian cinema. She spoke about the physical and emotional challenges of pregnancy, the loneliness of postpartum recovery, and the delicate, often exhausting, balancing act between work and parenting. Her words reminded me that these are not just individual struggles—they reflect a broader systemic gap in **how we support working mothers**.

Timely then, that this issue coincides with a landmark judgment by the Supreme Court in the **Shalini Dharmani case**, which reaffirms a working woman's right to **maternity benefits and childcare leave**, even under fixed-term employment. The Court rightly emphasized that maternity is not a privilege—it is a fundamental right that upholds dignity, equality, and protection under Article 21 of our Constitution. This ruling is not just a win for Shalini Dharmani, but a precedent that brings clarity and accountability for employers across India.

Whether it's ensuring adequate maternity leave, creating real access to childcare support, or enabling flexible work arrangements—true progress begins with awareness and commitment at every level of the organization.

Creating such a culture begins with action. I had the privilege this month of conducting **PoSH (Prevention of Sexual Harassment) training for the employees of OIL India Limited at Duliajan**, deep in the heart of Assam. Standing in front of those who form the backbone of our public enterprises and engaging in open, honest dialogue about safety, respect, and inclusion—it reminded me of why we do what we do.

Through this edition, we bring together legal insights, lived experiences, and on-ground realities. Whether it's fighting for maternity leave in courtrooms or creating respectful workplaces through compliance training, our collective goal is the same: *equity and dignity for every working woman*.

Warmly,

Leeza Dutta Singh

Founder & Managing Partner, AD-roit LinkS



Beyond Policy: Caring for Mothers, Complying with Law

What HR must know post the **Shalini Dharmani** Judgment?

By Atryee Dutta 



On a rain-soaked Tuesday evening, the finance team at Aurora Analytics—an otherwise unremarkable midsize company in Pune—sat through its routine year-end close. At 8:14 p.m., a notification chimed in the private Slack channel titled “#working-parents.”

Meera, an expectant mother in her third trimester, reported that Human Resources had advised her to “keep maternity leave flexible” because the business faced critical project deadlines. Within minutes, six colleagues began exchanging links to statutes, policy documents, and newspaper clippings. Rajesh, whose spouse had delivered premature twins last winter, posted a concise summary of the Maternity Benefit Act. Tara, caring for a six-year-old with cerebral palsy, asked whether the company offered any child-care leave that could be combined with maternity leave.

The discussion grew so intense that the finance manager, Siddharth, paused his tallying of receivables to join the thread. By 9:00 p.m. the conversation had evolved from a casual support chat into a collective crash course on Indian labour law. The scene is hardly unique. Across industries, employees—especially parents—are finding that understanding one’s statutory entitlements is no longer optional.

The intersection of maternity benefits and child-care responsibilities shapes career trajectories, talent retention, and even a firm’s legal exposure. With the Supreme Court’s recent decision in *Shalini Dharmani v. State of Himachal Pradesh & Others* (April 2024), the legal landscape has sharpened: no employer, public or private, can afford complacency.

Maternity Leave and Child-Care Leave

The Maternity Benefit Act, 1961, last revised in 2017, is the principal statute guaranteeing paid leave linked to childbirth. It offers up to twenty-six weeks of fully remunerated leave for the first two surviving children. Mothers adopting a child below three months or commissioning a child through surrogacy receive twelve weeks. The amendment also introduced obligations for crèche facilities in establishments employing fifty or more persons, signalling that support must extend beyond the act of childbirth itself.



Crèche Facility at workplace

Child-care leave (CCL), by contrast, is not part of that Act. It originates in Rule 43-C of the Central Civil Services (Leave) Rules, 1972. Under this rule, female government employees (and, following later amendments, single male parents) may avail themselves of up to two years of paid leave in intermittent blocks until a child turns eighteen. Several state civil-service

rules replicate or adapt this framework; some, however, have deleted it altogether. While maternity leave addresses the immediate physiological recovery and bonding period after birth, CCL is designed to accommodate the unpredictable, longer-term needs of raising children—managing illnesses, disabilities, examinations, or transitions between schools.

In the private sector no central legislation mandates CCL, yet its logic remains compelling. Numerous multinational and Indian corporations have introduced analogous policies to remain competitive in talent markets. A mother returning to work after six months, only to leave again when her child requires surgery, represents an operational challenge. Instituting a structured CCL mitigates such departures and bolsters employer reputation. Consequently, even organisations outside government service monitor public-sector jurisprudence to anticipate normative shifts.

The **Shalini Dharmani** Judgment

Shalini Dharmani, an assistant professor employed by the Government of Himachal Pradesh, is the primary caregiver of her fourteen-year-old son diagnosed with osteogenesis imperfecta—a rare genetic condition leading to brittle bones and frequent fractures. Over the years she had exhausted her standard leave entitlements to attend hospital visits and surgeries.

When she applied for CCL under Rule 43-C, her employer refused because the Himachal Pradesh government had previously deleted that rule from its leave code. The High Court upheld the denial, prompting her appeal to the Supreme Court. Writing for a three-judge Bench, Justice B.V. Nagarathna framed the issue as one of substantive equality under Articles 14 and 15, occupational freedom under Article 19(1)(g), and the right to life with dignity under Article 21.



Justice B. V. Nagarathna

The Court emphasised that where the State is an employer it bears an enhanced duty to model fair labour practices. Stripping a mother of necessary leave effectively penalises her for caregiving and thereby perpetuates systemic gender inequality. The Bench drew parallels to international conventions, noting India's ratification of the Convention on the Rights of Persons with Disabilities and its domestic embodiment in the Rights of Persons with Disabilities Act, 2016.

Rather than merely quashing the impugned order, the Court issued affirmative directions. It mandated the constitution of a high-level committee chaired by the Chief Secretary of Himachal Pradesh to draft and notify a comprehensive child-care leave policy within a fixed timeline. Importantly, the committee must consult the State Commissioner for Persons with Disabilities and the Department of Women and Child Development, ensuring an intersectional perspective. Pending the policy's adoption, the Court granted Dr Dharmani leave equivalent to that available under Rule 43-C in the Central rules. The judgment signals that child-care leave is not a mere concession bestowed at an employer's pleasure; it is a necessary accommodation flowing from constitutional principles. While the decision binds only the parties before the Court, its reasoning exerts persuasive force nationwide. States that removed CCL provisions now face the prospect of similar litigation, and private employers may encounter greater scrutiny from employees and job applicants seeking parity with government benchmarks. Moreover, by focusing on a child who is well beyond infancy, the Court underscored that caregiving demands do not cease once maternity leave expires.

Several state governments—Kerala and Rajasthan among them—have announced reviews of their leave manuals. In the corporate sector, legal and human-resources teams are reassessing parental support frameworks to forestall reputational and legal hazards.

Unions and professional associations are circulating explanatory notes to members, urging them to keep records of family-related leave requests and responses. Thus, the *Dharmani* decision serves as both a legal precedent and a strategic inflection point in employer policy design.

From **Individual Petition** to **Systemic Reform**

The late-evening Slack exchange at Aurora Analytics illustrates a nationwide awakening to the practical synergy between statutory rights and organisational policies. Maternity leave, essential though it is, addresses only the opening chapter of parenthood. The Supreme Court's intervention in *Shalini Dharmani* extends that narrative, recognising that caregiving, especially for children with disabilities, demands sustained institutional support.

Employers who internalise this lesson will not merely achieve compliance; they will cultivate loyalty and retain expertise at a fraction of the cost of constant recruitment. Conversely, organisations that cling to minimalist interpretations of their obligations risk both litigation and the gradual erosion of their talent pipelines. India's jurisprudence has articulated a clear expectation: economic productivity and family responsibility are not adversaries but interdependent pillars of a modern workforce. The next step lies in methodical, good-faith implementation—whether on a government circular, a corporate intranet, or the informal scroll of a Slack thread.

A Maharatna Training Experience:

Empowering Awareness at **Oil India Ltd., Duliajan**

On May 23, 2025, in Duliajan, Assam, AD-roit LinkS marked a significant milestone. Adv. Leeza Dutta Singh, our founder at AD-roits LinkS, had the honour of conducting a comprehensive training on the Prevention of Sexual Harassment (PoSH) Act at one of India's leading Maharatna companies, Oil India Limited (OIL). Within few hours, the session became more than just legal training; it was an exchange of stories, dialogue, and learning.

Oil India Ltd. (OIL), India's second-largest oil and gas PSU, is a Maharatna headquartered in Duliajan, Assam, under the Ministry of Petroleum & Natural Gas. It is known for its legacy, technological prowess, and deep roots in India's energy infrastructure.



Held at the MTDC Auditorium, the session welcomed 70+ participants from various departments. The two-and-a-half-hour session was thoughtfully designed to be engaging, interactive, and inclusive. It combined presentations with interactive tools like videos, scenarios, and the Red-Green Card activity.

A key highlight was the shift in participants' understanding from confusion to confidence. At the beginning, when asked basic questions around workplace harassment, there was some hesitation. Many participants struggled to distinguish between simple concepts like 'harassment' and 'sexual harassment' or articulate what actually falls under the scope of the PoSH Act. But as the training progressed with examples, scenario discussions, etc., it changed. By the end, participants confidently responded to

case-based scenarios, showing a clear understanding of rights, responsibilities, and ethical conduct under the Act. That shift was, for us, the biggest takeaway of the day. Notably, most participants were male—making their engagement even more significant. It was a chance to bring more voices into the conversation, particularly in spaces where dialogue around PoSH is often limited or avoided.

Also, what stood out was the sincere engagement from the participants. Many showed genuine curiosity—engaging with our team during breaks, sharing experiences, and asking thoughtful questions. They gave constructive and encouraging feedback, with suggestions like incorporating more live roleplays and comments that reaffirmed the relevance of such sessions in large organisations.

The session concluded with some group photographs and smiles all around, but the impact lingered far beyond. For us at AD-roit LinkS, this wasn't just a training delivery—it was a fulfilling, two-way exchange that reflected our mission: to build workplaces rooted in respect, awareness, and compliance.

We extend our heartfelt thanks to Oil India Ltd for their trust and collaboration. Conducting PoSH training at a Maharatna organisation is more than simply a professional accomplishment; it is a reminder of the greater mission we serve. This will be a memorable chapter in our journey to safer and more informed workplaces.



Ask the Legal Expert!

Your **legal queries**, addressed with **expert insight**.

Q. Is it mandatory for every company to have an Internal Committee?

As per the PoSH Act, 2013, every workplace with 10 or more employees (irrespective of gender or nature of business) is legally required to constitute an Internal Committee (IC) to address complaints of sexual harassment.

Q. Is teasing or joking at work considered sexual harassment under law?

It can be. If the teasing, jokes, or comments are sexual in nature, unwelcome, and make the recipient feel uncomfortable, intimidated, or humiliated, they can constitute sexual harassment under the PoSH Act, 2013.

Even if the intent was casual or humorous, what matters under the law is the impact on the recipient — not the intention of the person making the remark.

Q. Are male employees allowed to be part of the Internal Committee under PoSH?

Yes, absolutely. The PoSH Act, 2013 allows both men and women to be members of the Internal Committee.

Q. Can an employee (Complainant) take legal action even after an Internal Committee clears the accused?

Yes. Even if the Internal Committee does not find enough evidence or clears the accused, the complainant still has the right to pursue legal remedies.

Q. Does the scope of PoSH extend to digital workplaces and virtual interactions?

Yes, it does. The PoSH Act, 2013 covers any place where work is carried out, including virtual or remote work environments. This means that harassment over emails, video calls, chat messages, or social media in the context of work can be considered workplace sexual harassment under the Act.

Q. Is the employer liable if no ICC is in place during a complaint?

Yes, absolutely. Under the PoSH Act, 2013, it is mandatory for every workplace with 10 or more employees to constitute an Internal Committee (IC). If a complaint of sexual harassment is received and there is no IC in place, the employer is in violation of the law and can be held liable.

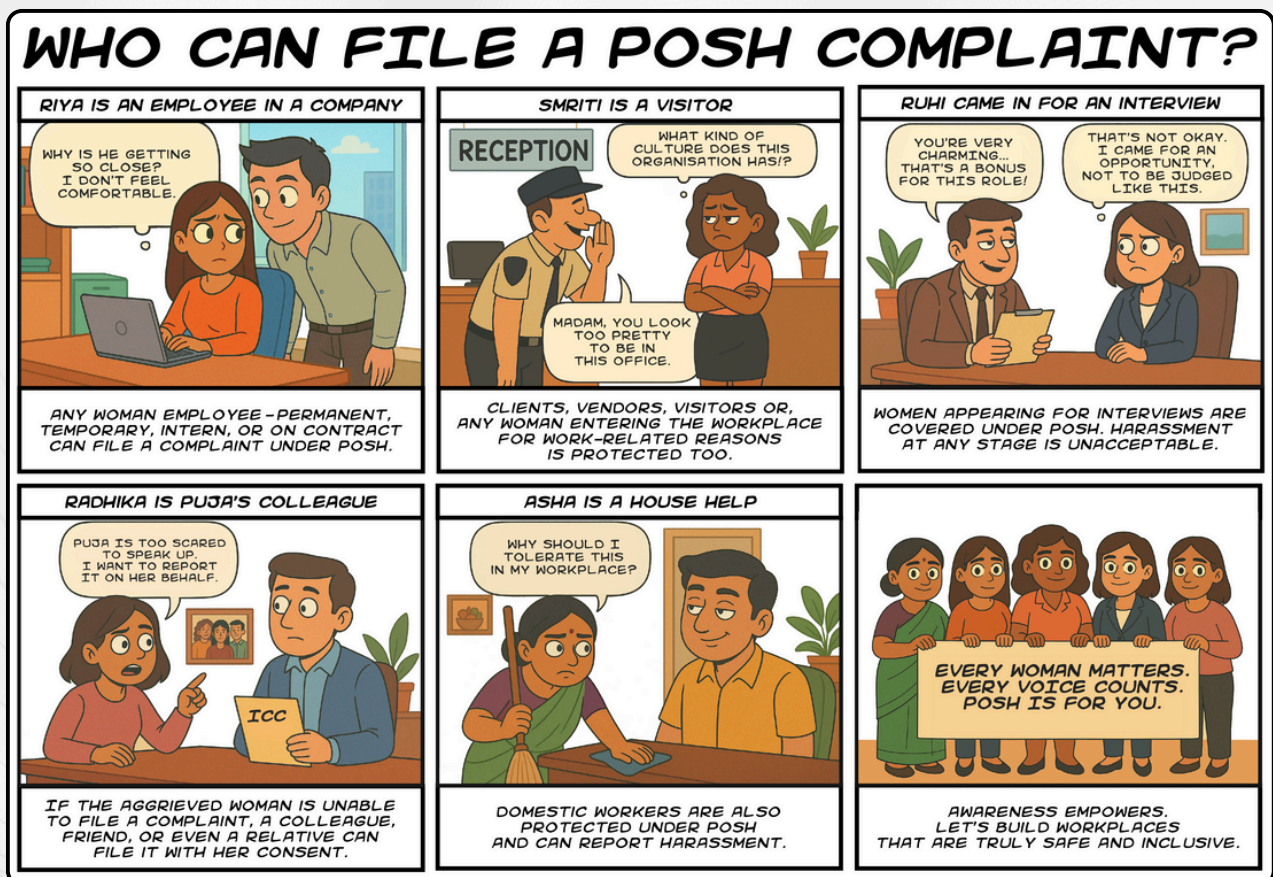
Q. Can someone raise a PoSH complaint without revealing their identity?

No, anonymous complaints are not accepted under the PoSH Act, 2013. A formal complaint must be filed in writing by the aggrieved woman (or someone authorized on her behalf with her consent). This ensures a fair inquiry where both parties are heard, and due process is followed.



SafeSpace Stories: Last Month's Comic

The **SafeSpace Stories Comic Strip** series is a creative initiative by AD-roit LinkS to spark meaningful conversations around workplace safety, dignity, and the Prevention of Sexual Harassment (PoSH). Every month, we bring you a relatable, thought-provoking comic to help spread awareness in a memorable and engaging way.



Love our comics?

Follow us on **LinkedIn** to see every new SafeSpace Story and join the conversation about building **safer workplaces**.

Follow us on LinkedIn **@adroitlinks**

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Highlights in Frames



Voicing what matters - Our Founder as a guest speaker at Women In Research (WiRe)



PoSH Training at Oil India Ltd. - Empowering a Maharatna towards creating safer workplaces.

What we offer:



PoSH & POC SO

Training & Awareness Programs



Diversity, Equity & Inclusion (DEI)

Inclusive Workplaces



Code of Conduct (CoC)

Integrity & Behavioural Compliance



Employment & Labour Law

Legal Advisory & Documentation



Contract Management

Drafting, Vetting & Negotiation



Academic Institutions

Compliance & Protection Services



Consumer Law Matters

Advisory & Dispute Resolution



Anti-Bribery & Anti-Corruption

Ethics & Compliance Framework



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