

# THE HUMAN RIGHTS COMMUNIQUÉ

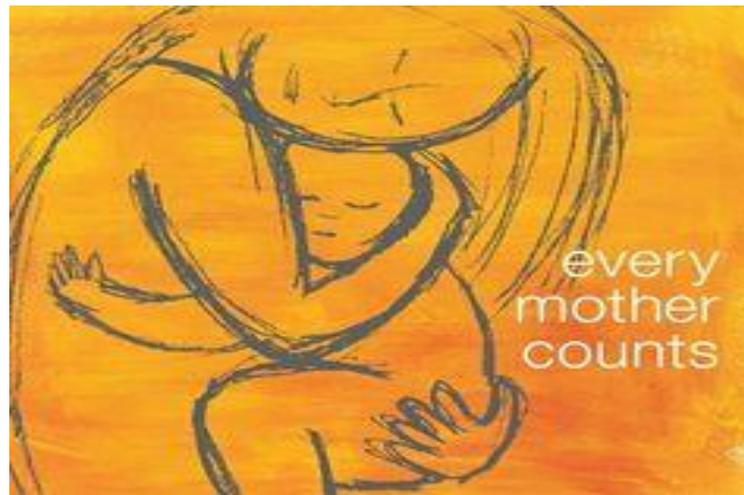
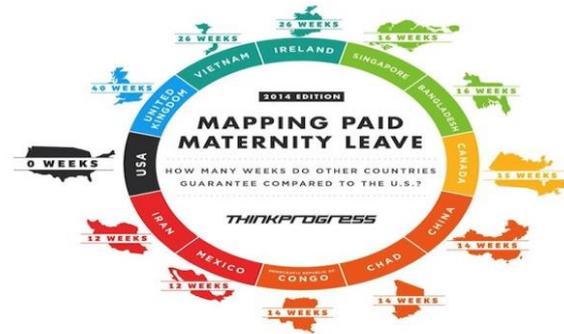
YOUR MONTHLY DOSE ON HUMAN RIGHTS

(NEWSLETTER BY CENTRE FOR ADVANCED STUDIES IN HUMAN RIGHTS, RGNUL, PUNJAB)

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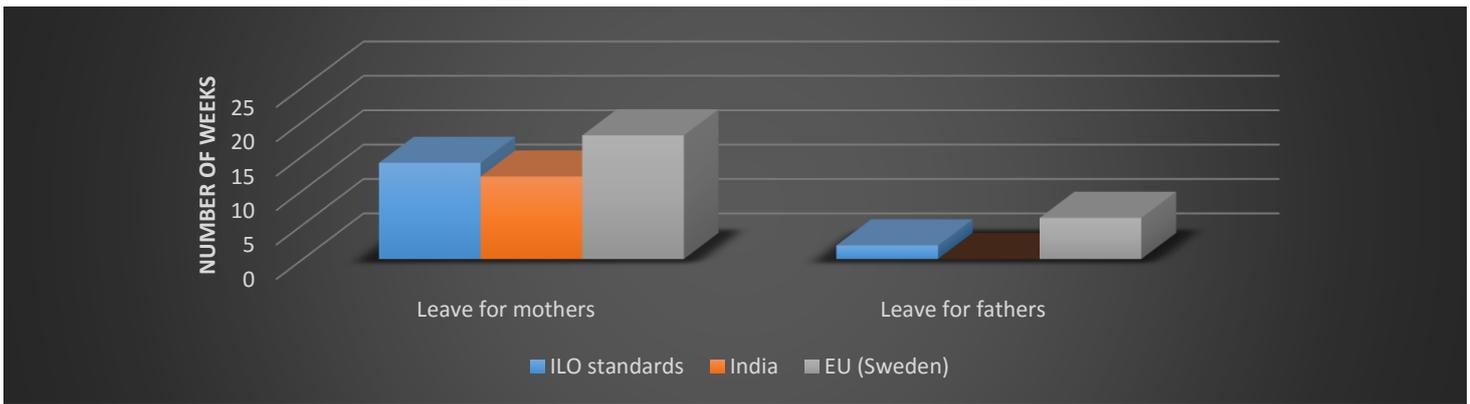
Eligibility Starting  
**Family Toolkit** During  
Returning **Maternity** Planning  
**Leave** Guidance  
Policy Announcing  
Support Notification Pay  
Procedure



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### COMPARATIVE STUDY OF MATERNAL BENEFITS

*Every time a woman leaves the workforce because she can't find or afford childcare, or she can't work out a flexible arrangement with her boss, or she has no paid maternity leave, her family's income falls down a notch. Simultaneously, national productivity numbers decline.*

- Madeleine M. Kunin

In the traditional aspect of familial ties- a woman would be solely responsible for child rearing and a man would provide material benefits to the family. However, this notion is no longer adequate in the present times wherein there is a hush rule emerging which mandates both the parents to earn a living. This automatically cannot exclude the fact that child bearing and rearing mandates preferential treatment towards working women which cannot be held against the principle of equality- as this preference falls within reasonable basis of classification, i.e., for the purpose of wholesome nurturing of the family.

Although maternity benefits were first addressed by the International Labour Organization (hereinafter referred to as '*ILO*') as far back as 1919, India took heed to the issue by passing the Maternity Benefits Act in 1961.

#### Reasons for the requirement of Maternity Benefits

The 98<sup>th</sup> International Labour Conference acknowledged that strengthened maternity protection is key to gender equality at work and therefore called on the ILO to promote the ratification and application of Convention No.183 and to "[...] *compile and disseminate good practices on parental leave and paternity and maternity leave and benefits, and provide technical support to governments to develop effective laws and policies*".

The purpose underlined is towards the achievement of Millennium Development Goals 4 and 5 adopted by the member States of the United Nations, which seek the reduction of child mortality and improvement of the health of mothers. By safeguarding women's employment and income security during and after maternity, maternity protection also contributes to the realization of Millennium Development Goal 3, by promoting gender equality and women's empowerment. [ILO Database Review, 2015]. Therefore, it is seen that to give a level playing to new mothers having regards to their employability and monetary comfort- a requirement was felt to protect the interests of women.

#### Maternity Benefits Act, 1961

The statement of objectives of the 1961 Act states that it was enacted to regulate the employment of women in certain establishment for certain period before and after child-birth and to provide for maternity benefit and certain other benefits [also held in the Preamble].

The Act provides for 12 weeks leave for women, 6 weeks before and after the birth of the child, however- such a benefit has not been extended explicitly to the private sector and provisions of the Employees' State Insurance Act, 1948. Women employed in government jobs in India get a six-month maternity leave as per the Central Civil Service (Leave) Rules 1972. The last circular in this regard was issued in 2008, when it was increased from four-and-a-half months. The Women and Child Development Minister Maneka Gandhi in 2015 in consonance with the Ministry of Labour had agreed to increase maternity leave to six-and-a-half months; however there has not been any concrete step to that effect yet. The Seventh Pay Commission recently recommended that only the first 365 days of leave should be granted with full pay, while the remaining 365 can be availed at 80 per cent of the salary.

#### Comparison between the standards of ILO, India and EU

For better understanding, the points of comparison are-

- |                                 |                      |
|---------------------------------|----------------------|
| 1. Days of leave granted        | 2. Scope             |
| 3. Amount of compensation given | 4. Parental Benefits |
| 5. Source of payment            | 6. Adoption leave    |

In this study, a comparison has been made between European Union (with particular emphasis on Sweden) and India, their growth being charted as per the standards of ILO.

#### a) *Days of leave granted*

The ILO Convention No. 183, Article 4(1) states that a woman is entitled to a period of maternity leave of not less than 14 weeks. However, as per the Recommendation No. 191, Paragraph 1(1), members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.

The Indian Act of 1961 was enacted to ratify the 1952 Convention of ILO and § 5 states that the maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, six weeks up to and including the day of her delivery and six weeks immediately following that day. In Directive 92/85/EC, which is applicable to all member states, maternity leave is defined in Article 8, paragraph 1, as "(...) workers within the meaning of Article 24 are entitled to a continuous period of maternity leave of a least 14 weeks allocated before and / or after confinement in accordance with national legislation and / or practice". Sweden, as per the Parental Leave Act (1995: 584) allows 14 weeks of paid leave.

#### b) *Amount of compensation payable*

ILO Convention No. 183 states that cash benefits must be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. As per Article 6(3), the amount of cash benefits which are paid with respect to leave based on previous earnings, shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

A woman, under this Act is entitled to of maternity benefit at the rate of her average daily wage for the period of her absence as stated above. The explanation states that the average daily wage means the average of the woman's wages payable to her for the days on which she has worked during the period of three months immediately preceding the date from which she absents herself on account of maternity, or one rupee a day, whichever is higher. Such meaning is significant as it has been indicative of the status of women workers in India, especially in the unorganized sector which remains eluded from the ambit of the Act.

The EU Directive specifies that "*the allowance (during this period) shall be deemed adequate if it guarantees income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation.*"

#### c) *Source of Payment*

ILO standards state that there are two major types of sources which are liable to payment- a) compulsory social insurance or public fund, b) employer individually and c) both. India, along with other developing countries, requires the employer to pay the compensation. However, the Maternity Benefits Act is applicable only to public sector; therefore it is paid by the

appropriate Government through a scheme to that effect. Majority of EU members, especially Sweden, has a particular Social Insurance Agency in place called *Försäkringskassan*.

#### d) *Scope of Application*

The ILO Convention No. 183 states that maternity benefits are applicable to all women who work. However, some nations have been known to exclude from the ambit of maternity benefits women who work in agriculture (Thailand), armed forces (South Africa), public sector (Japan), business executives (Singapore), etc. In India, maternity benefits have been underlined for public sector undertakings and some spheres of the unorganized sector- particularly mines and factories, yet there is no definitive outline laid down for the private sector. The EU nations do not hold any classification as *self employed women are also eligible to receive maternity benefits*.

#### e) *Paternal Leave*

Paternity leave has not been given legislative compulsion through ILO but it has in the Convention No. 183 stated that the aim to include leave to the father is so that members give importance to the paternal aid in child rearing increasing their role in the family. India does not officially allow any paternal leave- yet 2 days of paid leave is allowed in certain spheres. This spectrum has been dealt with most extensively by European Union in which 23 Members have granted leave. In these countries, Sweden has recently passed a legislation which allows 3 months of paternal leave. In this manner, a more suspended sense of gender equality in industrial sphere has come to the forefront.

#### f) *Adoption Leave*

Recommendation No. 191, Paragraph 10(5) stated that where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection. It is interesting to note that only 36 nations have adhered to this notion, most of them being in EU nations. India has not given any clarification to this effect and therefore has created an unreasonable classification between mothers, thereby creating a disadvantage towards adoptive mothers.

#### **Conclusion**

After a brief study it has been concluded that India lags far behind both the ILO standards and the stage set by the European Union. However, if the present proposal is accepted, the Indian position will be put at the same pedestal as that of EU and Canada. The legislative enactment of 1961 is indicative of the social conditions that prevail in India- which have always been outlined by poverty and under employment. In such cases, the labour force, particularly comprising women, has not had any bargaining position. We also see a negative factor towards fathers and adoptive parents. The laws relating to maternity benefits are often correlated to economic development, and hence any betterment in the position of working women will directly impact economic development of a country- therefore necessitating change.

### TRIVIA

- The first Mother's Day was celebrated in 1908. Anna Jarvis honoured her mother Ann Jarvis with a memorial. Ann Jarvis had started a committee in 1868 to establish 'Mother's Friendship Day'. Her motivation had been to reunite families after the Civil War. She died in 1905, before Mother's Day became a holiday.
- Mother's Day is often associated with Mothering Sunday, a Christian holiday. They are not related to each other.

### DAYS OF MONTH

- International Labour Day - 1 May
- International Press Freedom Day - 3 May
- International Red Cross Day - 8 May
- Mother's Day - Second Sunday of May
- International Day of UN Peace Keepers- 29 May
- World No Tobacco Day - 31 May

### DID YOU KNOW?

The oldest woman to deliver a baby was recorded on April 9, 2003. Her name is Satyabhama Mahapatra and is a 65-year old retired school teacher in India. She gave birth to a baby boy, which was her first child after 50 years of marriage.



*Making a decision to have a child—it's momentous. It is to decide forever to have your heart go walking around outside your body.*

*-John Therson*

## MATERNITY RIGHTS AND THE INDIAN PERSPECTIVE

In recent times, the societal setup has shifted drastically from what it used to be a few years ago. Now-a-days, women participation in the labour market has substantially increased. With the boom in women participation, it is but natural to protect and safeguard their health in relation to maternity and the children. It has been observed that a large number of women tend to backtrack career wise while in different stages of pregnancy and childbirth. This leads to substantial wastage of skill and expertise amassed by women.

Women's reproductive health is related to various rights like right to life, right to health and prohibition of discrimination. The United Nations Economic and Social Council and Committee on Discrimination against Women provides that women's right to health includes sexual and reproductive health. What follows from this is that the states have an obligation to respect, fulfill and protect rights in relation to women's sexual and reproductive health. To this end, the Maternity Benefits Act, 1961 has been enacted with the object to protect the dignity of motherhood.

Under the Act, the condition levied is that the woman claiming the benefits should have worked in an establishment of the employer for a period of not less than 160 days in the 12 months immediately preceding the expected date of delivery. The Act prohibits the employment or work in any establishment during the 6 week period post the delivery of miscarriage. The Act provides for 12 weeks of paid leave as maternity leave and 6 weeks in case of miscarriage or termination of pregnancy. In addition to the provisions for leave and cash benefits, the Act also makes provisions for matters like light work for pregnant women 10 weeks prior to her delivery, nursing breaks during daily work till the child attends age of 15 months, etc.

Essentially, the Act serves as a medium to ensure that the services of a woman are not terminated arbitrarily. The Act imposes punishment for a period of minimum three months or fine extending to Rs. 5000 on the employer, in the event of any failure to provide maternity benefits to female employees. However, the act provides that the services can be terminated on the grounds of gross misconduct. The Maternity Benefit Act is a boon for the working women in the country as it provides immense job security and benefits while in different stages of pregnancy. However, with the boom in urbanization and changing family setups, it has been contended that the leave period of 12 weeks post the delivery is not enough for the mother and child to recuperate. In the 44th Indian Labour Conference, held in February, 2012, it has been recommended that maternity leave under the Maternity Benefit Act be increased from the present level of 12 Weeks to 24 Weeks.

To become a mother is the most natural phenomena in the life of a woman. It is, especially, in this phase that the society needs to be concerned with and receptive towards the needs of women. What needs to be clearly understood is that pregnancy of a woman is not a state of disability and an employer must take all steps to ensure that the women are provided with all the services and care that they are entitled to.

A just social order can only be achieved when all factions of the society are treated with equality and are secure with their share of rights. It is to actualize this goal that women, who constitute almost half of the segment of our society, have to be honoured and treated with dignity at places where they work to earn their livelihood. After all, mothers do run the world!

## ***HUMAN RIGHTS NEWS...***

### **HRW'S Report on "Stifling Dissent: The Criminalization of Peaceful Expression in India".**

The Human Rights Watch, urging the government to repeal or amend legislation used to stifle free speech has said that India routinely uses outdated and loosely worded laws to crack down on dissent. A new report from the Human Rights Watchdog group details the use of colonial-era laws such as sedition and criminal defamation to clamp down on government critics in the world's biggest democracy. It comes months after the arrest of student leader Kanhaiya Kumar on a controversial sedition charge sparked major protests and a nationwide debate over free speech.

The report says that the law on sedition, which prohibits anything that can trigger "hatred or contempt" for the government and carries a maximum punishment of life in prison, is among the most abused. Convictions are rare, but the Indian judicial system is notoriously slow and those charged can spend months or even years in jail awaiting trial. In 2014, the most recent year for which figures are available -- 47 sedition cases were registered across the country and just one person was convicted, according to the government's National Crime Records Bureau. The HRW report also says that a law criminalising the deliberate wounding of religious feelings has had a "chilling effect" on freedom of expression in India and has led to self-censorship by authors, artists and publishers.

### **Draft National Policy for Women, 2016 unveiled**

Union Women and Child Development Minister Maneka Gandhi on 17 May 2016 unveiled 2016 Draft National Policy for Women for comments and consultation. It will replace National Policy for Empowerment of Women, 2001. It will also guide Government action on Women's issues over the next 15-20 years. The drafted policy shifts the focus from entitlements to rights and from empowerment to creating an enabling environment. It emphasises the role of an effective framework to enable the process of developing policies, programmes and practices which will ensure equal rights and opportunities for women.

It seeks to create conducive socio-cultural, economic and political environment to enable women to enjoy de jure and de facto fundamental rights and realize their full potential. It wants to review the criminalization of marital rape within the framework women's Human Rights relevant in the developmental paradigms. Its priority Areas are Health including food security and nutrition, education, economy, increasing women's participation in governance and decision making, to address all forms of violence against women, enabling environment for all women especially the vulnerable, marginalized, migrant and single women.

### **Supreme Court Upheld Penal Laws on Defamation**

The Supreme Court on 13 May 2016 upheld the constitutional validity of penal laws on defamation. The two-judge bench said that the right to life under Article 21 includes the right to

reputation. The Apex Court was hearing the matter based on 24 petitions alleging that the provisions of criminal sanction act as a censoring device, and violates the freedom of speech guaranteed by the Constitution. They argued that criminal defamation travels beyond the Constitution's Article 19(2) that imposes reasonable restrictions on the freedom of speech and expression.

The Judgement said that the current criminal defamation law is constitutionally valid. It held that criminalisation of defamation to protect individual dignity of life and reputation is a reasonable restriction on the fundamental right of free speech and expression. A person's right to freedom of speech has to be balanced with the other person's right to reputation. The bench said that the freedom of right to speech and expression does not confer any right to a person to trample the reputation of others. It said that defaming a person amounts to offence against society and the government is entitled to lodge a case against a person under criminal defamation law.

### **NHRC notices to the Government of Kerala over media reports on Nirbhaya like rape and murder**

The National Human Rights Commission, has taken suo motu cognizance of media reports about yet another 'Nirbhaya' like rape and murder of a Dalit law student, whose body was found by her mother on 29th April, 2016 in Ernakulam, Kerala. The Commission, on the basis of the media reports, has observed that the crime is so spine-chilling and gruesome that words fall short and expressing anguish and shock appear meaningless and mere ritualistic. The Commission has issued notices to the Chief Secretary, Director General of Police, Government of Kerala as well as Superintendent of Police, Ernakulam Rural at Aluva. They have been asked to submit a detailed report on the incident.

Dalit women face multiple levels of discrimination- from the community and often from the police. Systemic bias against people from Dalit and Adivasi communities make it less likely that crimes against women from these communities will be reported, investigated and prosecuted effectively. A 2005 study on 500 cases of violence against Dalit women in four Indian states found that two out of five women who had experienced violence did not seek legal remedies, primarily out of fear of the perpetrators, or social stigma, ignorance of the law, or the belief that they would not get justice.

## ***AROUND THE GLOBE...***

### **Burundi: UN probe completes on-the-ground deployment of human rights monitors**

The United Nations Independent Investigation in Burundi, which was set up to investigate human rights violations in the country since April 2015, completed the deployment of a team of human rights monitors on the ground. The UN Human Rights Council established the Independent Investigation team in December 2015 to investigate violations and abuses of human rights in Burundi, make recommendations on the improvement of the human rights situation, and engage in a dialogue with the authorities and other relevant actors in the ongoing crisis.

In addition to collecting information in Burundi, the team will also visit neighbouring countries, including Rwanda, Uganda, Tanzania and the Democratic Republic of the Congo. The visits to neighbouring countries will allow the human rights investigators to meet with Burundian refugees and collect testimonies from those who have fled the violence. Now that the team is fully in place and operational, there is hope that the experts will receive information and documentation from many individuals, groups and organizations on the human rights violations and abuses which have been taking place in Burundi since the crisis started.

### **International Day against Homophobia and Transphobia focuses on health, well-being of LGBTI people**

Marking the International Day against Homophobia, Transphobia and Biphobia, the United Nations called on the global community to take action to ensure that all people have an equal right to live healthy lives free from violence, persecution, stigma, and discrimination. The International Day was created by grass roots movements in 2004 as a moment to draw the attention of policymakers, opinion leaders, social movements, the public and the media to the violence and discrimination experienced lesbian, gay, bisexual, transgender, and intersex (LGBTI) people internationally.

This year's focus is on raising awareness of the mental health and well-being of the LGBTI people. According to the UN, the lifetime prevalence of suicide attempts in gay or bisexual males is about four times that of comparable heterosexual males. Research has shown conclusively that LGBT individuals show higher than expected rates of psychiatric disorders, but once their rights and equality are recognized these rates begin to drop. Also, the UN Free and Equal campaign has launched a new weapon in

its continued fight against discrimination of LGBT people. The new film is called 'Why we fight' and it features LGBT rights activists from across the world holding up signs stating why they have joined the fight against discrimination.

### **Iranian activist Narges Mohammadi sentenced for 10-year in Jail.**

The international community has reacted with outrage after Narges Mohammadi, the ailing Iranian human rights activist already serving a six-year jail term, was given a further 10-year sentence by a revolutionary court in Tehran. Mohammadi, 44, was found guilty of "establishing and running the illegal splinter group Legam", a human rights movement that campaigns for the abolition of the death penalty.

She was found guilty of acting against national security, and propaganda against the state. She had originally been sentenced to 11 years' imprisonment, but an appeals court reduced the term to six years in March 2012 and she subsequently served three months before being released on bail. Mohammadi won the 2009 Alexander Langer award for her human rights activities, especially her efforts to end the death penalty for juvenile offenders in Iran.

Contributions are invited for the further issues of the CASIHR newsletter. The last date of submission would be 15<sup>th</sup> of every month and it can be mailed on [casihhr@rgnul.ac.in](mailto:casihhr@rgnul.ac.in).

### **WORLD MOTHER'S DAY**

Mother's Day is an annual event celebrated every year to honour and respect mothers. Mother's Day is a day for many people to show their appreciation towards mothers and mother figures worldwide. It is celebrated to salute the motherhood as well as increasing the maternal bonds to children. It is celebrated to increase the influence of mothers in the society. Mother's day is being celebrated every year on different dates in various countries all across the world. Mother's Day in 2016 was celebrated on 8<sup>th</sup> of May in countries, such as Australia, Canada, India and the United States. It is held exactly three weeks before Easter Sunday in the United Kingdom. Early Mother's Day celebrations can be dated back to the spring celebrations to honour RHEA, the Mother of the Gods, in ancient Greek civilization. The modern-day origins of Mother's Day can be attributed to Anna Jarvis, who was important in establishing the tradition in the United States. Anna Jarvis, the founder of Mother's Day, conceived the idea as a way to venerate a mother's private service to her family. St. Andrews Methodists Episcopal Church was incorporated as the International Mother's Day Shrine on May 15, 1962, as a tribute to all mothers is most noted for holding the first official celebration of Mother's Day in 1908. International Mother's Day Shrine is dedicated to the preservation of motherhood. The structure is listed on the National Register of Historic Places in the United States and aims to preserve promote and develop the spirit of motherhood.

### **-CASIHR COMMITTEE-**

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Ms. Neha Chaturvedi

Mr. Himanshu Rathore

Ms. Madeeha Majid

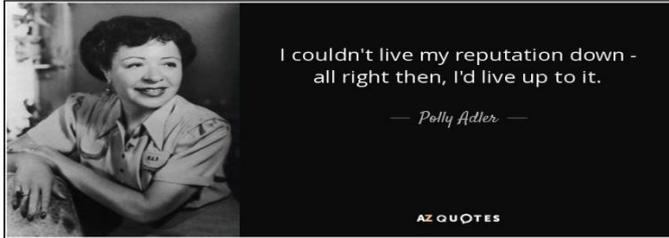
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Mr. Rohit Jacob Varghese

Mr. Vishwajeet Shekhawat

## SUBRAMANIAM SWAMY VS. UNION OF INDIA



### Facts:

On 30th August, 2014, the petitioner, Dr. Subramaniam Swamy, through a writ petition preferred under Article 32 of the Constitution of India, prayed for the declaration of Sections 499 and 500 of the Indian Penal Code (IPC) and Section 199 of the Code of Criminal Procedure (CrPC) as unconstitutional. The main contention was that such clauses serve as an unreasonable restriction on freedom of speech and expression, especially in a country that prides itself in its democratic and libertarian nature. Eighteen other writ petitions concerning this matter, filed before 8th July, 2015 were clubbed together by the Apex Court to facilitate the passing of a single decisive order. These include the ones filed by Arvind Kejriwal, Rahul Gandhi et al.

### Issue Raised:

The following issues were raised before the Court:

- i) Whether the right to free speech under Article 19 is restricted
- ii) Whether Defamation forms a part of the restrictions under Article 19(2),
- iii) Whether right to reputation form a part of right to life under the Article 21.

### Judgment:

In a verbose and protracted judgment of 268 pages, the Supreme Court of India examined in detail, all the submissions made by the parties to the case and provided a verdict upholding the constitutionality of Sections 499 and 500 of the Indian Penal Code and section 199(2) of the Criminal Procedure Code.

The line of reasoning followed by the court was based around proving how defamation is a public wrong i.e. an offence against society at large as opposed to private wrong, with an element of public influence. This, according to the learned judges is what justifies the prescription of criminal punishment for the offence of defamation.

The Court held that “Reputation is fundamentally a glorious amalgam and unification of virtues which makes a man feel proud of his ancestry and satisfies him to bequeath it as a part of inheritance on posterity”. Citing this preponderance of reputation in the life of any human being, the Supreme Court then used Article 21 to strike down the scope or extent of freedom of speech and expression associated with Article 19 and declared that “reputation being an inherent component of Article 21, we do not think it should be allowed to be sullied solely because another individual can have its freedom.

Essentially, the Supreme Court of India has declared certain provisions which act as a leash on the fundamental right of freedom and expression as constitutional. The contravention of said provisions have been upheld as criminal because it ‘sullies’ the ‘reputation’ of an Individual and it is therefore concluded by the Apex Court that societal peace and harmony is disturbed hence justifying the criminalisation of such provisions.

### Analysis:

In the comprehensive judgement of the Supreme Court, the Court declared the impugned sections constitutional. This clarifies many positions of law as well as the stand of judiciary in preventing abuse of the rights granted under Article 19 of the Constitution. The court pointed out that the concept of reasonable restrictions has been weighed in numerous scales keeping in view the strength of the right and the effort to scuttle such a right. While citing the case of *Chintaman Rao v. State of MP*, the court noted the opinion in the case, which said that a reasonable restriction should strike a proper balance between the freedom guaranteed in Article 19(1)(g) and the social control permitted by clause 6 of Article 19.

Without a doubt the observation of the court is correct as it aims at relating the reasonable restriction to the object that it seeks to achieve and if that object is in public interest then the restriction stands the test. In addition to that it becomes evident with the submissions made during the hearing of the matter that misuse of a provision is no ground to declare it unconstitutional. It is certainly understandable that with use there always is a misuse and one cannot neglect the importance of having an anti-defamation law merely on the ground that people misuse it.

The court through this judgement also addresses the whole concept of defamation and even goes to the extent of declaring it to be a part of the right to life under Article 21 thus adding to the element of a dignified life to the idea of right to life, the court has again played the creative role of interpreting and giving meaning to words.

Another aspect that the judgement touches is the balancing of fundamental rights. The court has replied in negative to the question of suppressing one freedom for better enjoyment of another - which implies that one cannot let the right of free speech act as an impediment for another person’s right to enjoy a dignified life. The judgement also delves into the constitutional obligation of promoting the idea of fraternity and while doing that the court has also tried to balance the right to freedom of speech and expression with the maintenance of dignity of an individual.

Lastly, without any doubt the importance of the right to free speech is to be recognized as fundamental in a socialist, democratic republic that India is, but at the same time it does not give an unfettered right to defame others as it would act as an obstruction to lead a respectful life which is also guaranteed by the constitution.

\*Subramaniam Swamy v. Union of India, 2016 SCC Online SC 550.”

**GOD COULD NOT BE EVERYWHERE, AND THEREFORE HE MADE MOTHERS**

मां

Aman Golechha, III Year

One of my earliest memories is of standing in the hall, with my brother, looking on as my parents climb the stairs and lift my brother and me in rapturous affection. The next memory that keeps coming back is that of crying, sitting on my mother's lap, as she wipes away my tears and asking me to be strong and that the hurt will go. Somehow, these small glimpses from what seems like a cinematic trance never go. The earliest memories of anything and everything substantial in my life seem to revolve around my mother.

I remember Mothers' Day this year. The clock showed the time to be ten minutes past midnight and as is customary, my mother called, as she always did, to enquire about the day, my studies, if and when had I had dinner and how I was. I answered her questions with a certain nonchalance that comes with the misguided sense of growing up. The day's conversation had ended and I could sense my Mom thinking about things she'd wanted to ask and whether she should ask them now. She decided, I assume with a certain amount of resignation and a thought that perhaps her now-an-adult-but-always-her-small-child would rest and sleep, to say her farewell. I paused. In the same nonchalance, I wished her. Her voice was loud and replete with jollity. One could sense the warmth in her voice. I knew this small gesture meant a lot to her.

I grew up in a joint-family where I was the youngest. My elder cousins and my brother and I shared almost everything and it was perhaps imbibed in me by my mother. I remember when *Nana* used to bring us chocolates. He used to hand it to us and then, before my brother and I started devouring, my mother's inquisitive eyes would silently ask whether I would share it with everyone. I would keep one toffee each for every person in the family and then take my share, much to the approval of my mother.

Perhaps the most important lesson my mother taught me was of free will. I remember when, at a young age of 12, I told my mother I did not believe in the teachings of our religion. I had the audacity to question the religion I was born into. Mom never blinked an eye. She sat me down and asked what about being a Jain I could not subscribe to. She told me tales and myths and legends. She heard my claims and qualms and ideas. She never ridiculed them. She never stopped me from not worshipping. She was an independent, self-made woman and she wanted to ensure I was free from all the fetters that can bind a malleable mind.

No catharsis can ever be enough to even touch the subject of motherhood. But what I do realize is that very few of us give time or credit to the person who deserves all our love and care. She is your mother and she calls you every day to reassure herself that her young child is safe. She'd keep you in front of her always if she wanted but she lets you soar. She asks for nothing in return. Her anxiety goes when she hears your voice and her heart skips a beat every time you don't pick up her call. She cares and she doesn't mind if she is not cared for.

But today, I ask you, on behalf of every other child like you, to spare a moment for her. Look up from the tiny screens and look at the lady who craves that one look. She starts using words you use in hope that she can be the friend she was when you knew nothing about this mangled world. She was your saviour then; be her saviour now.

**MY MOTHER, MY SUPERWOMAN**

Neha Pathak, II YEAR

She never fought with hooligans, she never saved government, she was never popular amongst kids, she never aimed to protect mother earth yet she is a superwoman, my superwoman, of an age where her akin was rare to find. She is my mother; a working woman, she or any of her kind is no less than a superwoman. Young she was, beautiful with a mesmerizing personality and a life full of opportunities when she chose my life over her carrier and aspirations and started giving her best in a place which was never a match of her caliber. Her desires she kept hidden just to fulfil mine, just like any other mother. But my childhood was never that of any ordinary kid. I didn't have my mother on my every call, every cry and every smile because she was busy gathering more smiles for me for my future that she preferred over herself. I was jealous of other kids who had their mothers by their side, always; I never had the same attention. But now I don't complain for it was her absence that made me aware about my presence. Her absence at the time when I fell made me stand up on my own; exactly what she had done when she felt her father's absence not temporarily like me, but forever. Her personality made me respect her more, her strength made me stronger, her smile at the time of pain made me joyous, more than any other child of my age. Who else could be happier than I was?

Sunday, yes those days were festivals because she was home. I had an entire day to show my tantrums to her which she should cater to. I thought, but then a wave of feelings crossed me saying it's the only day for her to relax that made me be more sensitive and sensible, to forego my ego for her. It was not only my mother's maturity, but I was growing up with her.

Now that I am in my full senses, I realize what is different, what was different with me and what comes into my mind was the personality of my mother which was different than that of other mothers, this in no way should be offensive for others, but it is a fact! My mother was and is different, a strong, independent woman, which always want me to be like her to make her proud, to always match her standards and do better than I have been doing. She made me strong, independent, selfless and loving, in which I am a level below her, but I try every day to be like her, to match her charisma, to gain strength like her, to be as loving and selfless as my superwoman is.

**Happy Mothers' Day to all.****Published by – Centre for Advanced Studies in Human Rights****Email: casih@rgnul.ac.in****Web Site: www.rgnul.ac.in****Contact No.: 0175 – 2391383****\*For Private Circulation Only**