

RIGHT TO EDUCATION AND REPRODUCTIVE AUTONOMY: A CASE STUDY ON RENUKA V. UNIVERSITY GRANTS COMMISSION & ORS

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INTRODUCTION

Right to Education and Reproductive Autonomy are essential human rights that contribute to individual well-being, empowerment, and social progress. The Renuka v. University Grants Commission case exemplifies the observation that women cannot be forced to choose between their right to education and their right to exercise reproductive autonomy¹. The decision of the court relies upon Articles 21, 39, 41, 42, and Entry 26 of List III of the Constitution of India and also International human rights treaty bodies that have made clear that governments must protect, respect, and fulfill the right to make personal decisions, including regarding reproductive capacity.² The right to reproductive autonomy is grounded in the right to life and liberty of Article 21 of the Constitution of India because of the deep and lasting impacts of pregnancy and childbirth on an individual's life.³ Justice Purushendra Kumar Kaurav delivered the judgment on 23.05.2023 by stating that individuals may not be made to choose between their right to education and their freedom to reproductive autonomy.

FACTS

In this case, the petitioner named Renuka was enrolled in December 2021 for the 2 years regular course of M.Ed from Chaudhary Charan Singh University, Meerut, U.P. She applied for a request of maternity leave of 59 days to the Dean and Vice Chancellor of the University but on 28 February, Dean denied her request for maternity leave because of the absence of any provision for the same. Setting aside the Dean and Vice Chancellor's decision, she approached the Delhi High Court. Subsequently, Justice Kaurav ordered the University to reconsider her request for 59 days of maternity leave against the theory classes.⁴

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¹ *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

² Josephine Johnston and Rachel L. Zacharias, 'The Future of Reproductive Autonomy' (2017) 47(S3) The Hastings Center Report <<https://doi.org/10.1002/hast.789>> accessed 15 June 2023

³ Ibid

⁴ *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

ISSUES

1. Whether the absence of any provision for maternity leave means denial of maternity leave?
2. Whether the Right to Education and Reproductive Autonomy exist together?
3. Does reproductive autonomy recognize by the Constitution of India?

ARGUMENTS

Arguments forwarded by the Petitioner Counsel:

The petitioner's counsel has put forward the contention that the University Grants Commission as to circular dated 14.12.2021 made provisions in the UGC(Minimum Standards & Procedure for Award of M.Phil/ Ph.D. Degrees) Regulations, 2016⁵ providing for the women students to avail maternity leave or child care leave for up to 240 days once during the duration of the course. Thereupon, the University should also be intended to make inexorable provisions for providing maternity leave. The learned counsel further submitted that the petitioner cannot be denied the right to avail maternity leave just because of the absence of any provision applicable to the University considering the violation of Fundamental Rights provided under Articles 14, 15(3), and 21 of the Constitution of India.

Arguments forwarded by the Respondent Counsel:

In the instant case, respondent no 1 is University Grants Commission, and respondent no 2 is Chaudhary Charan Singh University, Meerut. The Respondent Counsel has contended that the circular dated 14.12.2021 anticipated by the petitioner does not have any application in the instant case. The counsel forwarded the argument that the course of the petitioner is regulated by the provisions of the National Council for Teacher Education Act, 1993⁶. In keeping with the Act, there should be 200 working days each year excluding the period of admission and the minimum attendance of students should be 80% for theory courses & practicals and 90% for field attachment. In consonance with the Act, there are no provisions to avail the maternity leave. Thus, the University cannot consider the application for maternity leave request by the petitioner in the absence of such provisions.

⁵ University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D Degrees) Regulations 2016, s4

⁶ National Council for Teacher Education Act 1993, s13

JUDGMENT

The court held that the right to avail the benefit of maternity leave is an inherent right to live with decency⁷ under Article 21⁸ of the Constitution of India. The State must safeguard the ability of its citizens to take decisions and women's right to privacy, dignity, and bodily integrity should be respected.⁹ It was held that the citizens could not be forced to choose between their right to education and their right to exercise reproductive autonomy in an egalitarian society. The court highlighted the dichotomy that exists where a man can 'enjoy parenthood while pursuing his higher education', while a woman 'necessarily has to undergo pre & post pregnancy care' not by her choice but by the will of nature.¹⁰ This would either compel a woman to choose her right to an education or her right to become a mother. The right to reproductive autonomy is also grounded in International Human Rights which promote and protect the dignity and equality of all people.¹¹ The court further asserted that the circular anticipated by the petitioner's counsel will not have direct application in the course of M.Ed. as the duration of the M.Phil/Ph.D. course and the duration of the M.Ed. course are distinctly different. Certainly, this court is unable to establish an additional division for the reason of relaxation of attendance. The court directed the University to consider the application of the petitioner afresh¹² by setting aside the decision made on 28.02.2023 and the appropriate requirements of attendance must be followed keeping in mind the needs of the petitioner seeking maternity leave.

RELEVANT CASE LAWS

1. In *Suchita Srivastava v. Chandigarh Admn.*¹³, the Hon'ble Supreme Court held that a woman's right to privacy, dignity, and bodily integrity should be respected. That means there should not be any restriction or hindrance in exercising reproductive choices. Taken to their logical conclusion, reproductive rights include a woman's entitlement to carry a pregnancy to its full term.

⁷ *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

⁸ Constitution of India 1950, art 21

⁹ *Suchita Srivastava v Chandigarh Admn.* (2009) 14 SCR 989

¹⁰ *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

¹¹ Josephine Johnston and Rachel L. Zacharias, 'The Future of Reproductive Autonomy' (2017) 47(S3) *The Hastings Center Report* <<https://doi.org/10.1002/hast.789>> accessed 15 June 2023

¹² *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

¹³ *Suchita Srivastava v. Chandigarh Admn.* (2009) 14 SCR 989

2. In *K.S.Puttaswamy (retired) v. Union of India*¹⁴, the Hon'ble Supreme Court held that the right under Article 21 of the Constitution of India comprehends one's being in its fullest sense and the importance of the individual and their autonomy over all other considerations is the right to privacy. The equality guarantee under Article 14¹⁵ protects citizens from arbitrary State action. It stops the State from treating people differently. The protection against arbitrary State action is violated when the State violates a sacred personal space, whether it is in the body or the mind.
3. In *Arulin Ajitha Rani v. State of Tamil Nadu*¹⁶, it was held that the benefit of maternity leave cannot be denied solely on the ground that no provision exists relating to maternity leave in the statute, ordinance, or regulations which would be a violation of Fundamental Rights provided under Article 14, 15(3) and 21 of the Constitution of India.

ANALYSIS

The Right to Education and Reproductive Autonomy has become a synchronizing part of our egalitarian society. This judgment gives immense priority to the Fundamental Rights provided under Article 21¹⁷ of the Constitution of India. The Delhi High Court indirectly corrects the flaws in the National Council for Teacher Education Act, 1993 which are legitimately in the interests of women students seeking maternity leave. The ruling reflects natural justice principles by granting fair and just judgment in favor of the petitioner. Dealing with the first issue that whether the absence of any provision for maternity leave means denial of maternity leave, the Court disregards the fact that the absence of any provision relating to maternity leave means denial of maternity leave. The court asserted that the court as well as the society has two roads to follow in such cases i.e. to either follow the bare text of an existing legal provision and be blind to the consequences of the law or to be sensitive to the person and apply the constitutional values¹⁸. Suitably, the court gives a fair judgment by not allowing a pregnancy to become a hindrance to achieving higher education. Acting on the second issue that whether the right to education and reproductive autonomy exist together, the court discernibly stated that the citizens could not be forced to choose between their right

¹⁴ *K.S.Puttaswamy v Union of India* (2017) 10 SCC 1

¹⁵ Constitution of India 1950, art 14

¹⁶ *A. Arulin Ajitha Rani v State of Tamil Nadu* WA No.875/2006

¹⁷ Constitution of India 1950, art 21

¹⁸ *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

to education and their right to exercise reproductive autonomy¹⁹. Adverting to the last issue that whether the right to reproductive autonomy is recognized by the Constitution of India, the court mentions that the Constitution envisaged an egalitarian society where every citizen is treated equally to claim their opportunities irrespective of gender, race, religion, or caste. The Constitution of India recognizes a woman's right to reproductive choices as a dimension of personal liberty under Article 21²⁰ of the Constitution of India. I do agree with the court's judgment making the balance of two sides of the law- theory law and practical law by directing the University to fulfill the attendance against theory classes keeping in mind the needs of a women student seeking maternity leave.

CONCLUSION

The present case shows that there will be no compromise with the rights and opportunities of people wherein the right of women to avail the benefit of maternity leave in the workplace has been expounded as an integral aspect of the right to live with dignity under Article 21 of the Constitution of India. Thus, an individual cannot be made compelled to choose either to perceive education or to exercise reproductive autonomy which is the power to make and act on decisions about reproduction that is central to how people shape their lives.²¹

¹⁹ *Renuka v University Grants Commission & Ors* WP(C) 3559/2023

²⁰ Constitution of India 1950, art 21

²¹ 'Statement: Reproductive rights are women's rights and human rights' (UN Women, June 24, 2022) <<https://www.unwomen.org/en/news-stories/statement/2022/06/statement-reproductive-rights-are-womens-rights-and-human-rights>> accessed 18 June 2023