

SC Maternity Leave Adoption Case: SC Maternity Leave Adoption Ruling Explaine

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SC Maternity Leave Adoption Latest News

- The Supreme Court of India struck down a rule that **denied** maternity leave to government employees adopting children **over three months of age**, ruling it unconstitutional and discriminatory.
- The bench of Justices J.B. Pardiwala and R. Mahadevan delivered the verdict recently in the case ***Hamsaanandini Nanduri v. Union of India*** case.

Background of the Case

- The **Maternity Benefit Act, 1961** and its successor, the **Code on Social Security, 2020**, were amended to include adoption-related benefits within their scope.
 - Section 60(4) of the Social Security Code, 2020 restricted leave to adoptions of children under 3 months.

- However, petitioners argued that the **three-month age cap** was “artificial and violative of Article 14” — the right to equality under the law.
- The government defended the cap by saying women adopting older children could use **crèche facilities** instead; this argument was rejected by the Court.

What the Court Said

- The bench noted children raised in institutions often develop **emotional bonds** with caregivers there.
- Going beyond biology, the court relied on the meaning of “maternity” as the “**state of being a mother**” — not limited to childbirth only.
- Research was cited showing that caregiving is crucial for a child’s emotional development.

Impossible Criteria — Key Legal Findings

- Under the **Juvenile Justice (Care and Protection of Children) Act, 2015** and **central adoption regulations**, a child cannot be placed for adoption until they have been declared “legally free” — a process that takes time.
- The bench held that “by the time the child is legally placed with the adoptive mother, the statutory age limit would, in most cases, stand exhausted” — calling the benefit “largely inoperative in practice.”
- Under **Article 14**, a classification between two groups is valid only if it rests on a real, meaningful distinction. The court found neither condition satisfied here.
- Article 14 also protects the right to life and personal liberty; the court said it includes a right to reproductive autonomy extending beyond biological parenthood.
- It argued that the right to autonomy, dignity, and bodily integrity cannot be denied to adoptive mothers.
- The bench also noted that adoption is an equally valid exercise of reproductive autonomy under **Article 21**, and not secondary to biological parenthood.

Purpose of Maternity Benefits

- The court broke down the purpose of maternity leave into two components:
 - **Biological care** — time to develop an emotional bond between mother and child
 - **Integration into the family** — for adoptive mothers, the first two months are legally spent holding the order, making the mandatory two-month window **too narrow** to consider
- The court pointed to the “**Wollstonecraft Dilemma**” — the tension between enabling women to work while also expecting them to participate equally in paid work.
 - Wollstonecraft Dilemma highlights tension between women’s equality at work and caregiving responsibilities
- It described parenthood as “not a solitary function performed by one parent but a shared responsibility.”

Significance of the Verdict

- **Principle of Equality and Non-Discrimination** – The Court stressed that adoptive mothers must receive equal treatment as biological mothers. Denying maternity benefits based on age of the child amounts to

discrimination against adoptive families.

- **Recognition of Adoptive Parenthood** – The judgment acknowledges that adoption involves emotional, psychological, and caregiving responsibilities similar to biological parenting. It reinforces the idea that family structures are diverse and must be treated equally under law.

Broader Legal and Social Significance

- Strengthens women's rights and workplace equality.
- Promotes adoption as a socially supported institution.
- Aligns with constitutional values of dignity, equality, and social justice.

Source: IE | DTE

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