HAMSAANANDINI NANDURI V. UNION OF INDIA

"Not flesh of my flesh, nor bone of my bone, But still miraculously my own.
Never forget for a single minute,
You didn't grow under my heart, but in it.

~ Fleur Conkling Heyliger.

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Forum: Supreme Court of India

Corum: J.B. Pardiwala J. & R. Mahadevan J.

INTRODUCTION:

On March 17th 2026, the Supreme Court of India, pronounced a fundamental judgment in the matter of *Hamsaanandini Nanduri v. Union of India*. It is a ruling, that redefines the legal understanding of motherhood in the context of 'maternity benefits'. It moves away from a 'biological' definition of maternity towards one which is grounded in the 'lived experience of caregiving, bonding, and family integration'. This recognition symbolizes that the heart, not biology alone, is where motherhood truly takes root.

FACTS OF THE CASE

The petitioner, is an adoptive mother of two children, she filed a writ petition under *Article 32* of the *Constitution* challenging *Section 5(4)* of the *Maternity Benefit Act, 1961,* as inserted by the Amendment Act of 2017. The said provision, was later re-enacted in as *Section 60(4)* of the *Code on Social Security, 2020 (*which came into force on 21 November 2025), both of them are 'pari materia' (on the same subject), they restrict maternity benefit of twelve weeks exclusively to women who legally adopt a child below the age of three months, or to commissioning mothers. The petitioner in the present matter sought a declaration that, this age-based restriction was unconstitutional and violative of *Articles 14*, *19(1)(g),* and *21* of the *Constitution*.

ISSUES BEFORE THE COURT

1. Whether the age limit of three months stipulated under *subsection (4) of Section 60 of the Social Security Code, 2020*, could be said to be in violation of the *Article 14* of the Constitution being discriminatory towards women who adopt a child aged three months or above?
2. Whether the age limit of three months stipulated under subsection (*4) of Section 60 of the Social Security Code, 2020*, could be said to be in violation of the right to reproductive autonomy of an adoptive mother and the right of the adopted child to holistic care and development under *Article 21* of the Constitution?

ARGUMENTS:

- ***Petitioner's arguments***

The counsel for the petitioner, Ms. Bani Dikshit, argued that the distinction between a woman adopting a child aged *below* three months and one adopting a child aged three months or above was entirely artificial and that there is no rational nexus between the object of the act and the said provision. She further said that, the provision in question was 'under-inclusive' and excluded a large class of similarly situated women without any justification, thereby violating *Article 14 of the Constitution.* She called the provision 'otiose in practice' (meaning essentially irrelevant) because by the time the paperwork provided under the JJ act and CARA regulations is completed, the 'statutory' 3-month leave provided under *Maternity benefit* is over, which means the provision is only illusory in nature and lacks any 'real benefit'. Lastly, she said, that the provision violated the adoptive mothers' and children's rights under Article 21 by denying them a dignified transition into family life, and that it discouraged working women from adopting by effectively conditioning their professional security on the age of the child.

- ***Respondents' Arguments***

The Additional Solicitor General (ASG), appearing for the Union of India, urged the Court to read *Section 60(4)* within the broader scheme of the maternity benefit legislation. He contended, that a child older than three months is less intensively dependent on the caregiver in terms of feeding, sleeping regulation, and parental imprinting, and that the three-month cap was therefore a reasonable threshold. He also submitted, that the argument

regarding procedural delays was “without merit”, because district magistrates had been conferred powers to expedite adoption orders in case the need arises. Additionally, he also said that adoptive mothers of children above three months could avail ‘creche facilities’ under *Section 67 of the 2020 Code*, and therefore this provision struck an appropriate balance between the rights of mothers and the concerns of employers.

JUDGMENT

The Court, rightfully allowed the writ petition and struck down the three-month age restriction in *Section 60(4)*, holding it to be violative *of Articles 14 and 21* of the *Constitution.* On the challenge to *Article 14*, the Court applied the test of ‘permissible classification’ and found the distinction between mothers adopting below and above three months to be both irrational and under-inclusive. Adoptive and commissioning mothers, irrespective of the child's age, are similarly situated with respect to their caregiving obligations, the need for emotional bonding, and the demands of family integration, none of which, are contingent on the child's age of adoption. The Court also rejected the creche facilities argument, it said that such facilities are only mandated in establishments with fifty or more employees, and that in any event, no institutional substitute can replace a mother's presence during the critical initial phase of integration. On the argument of *Article 21*, the Court affirmed that adoption is a conscious and meaningful exercise of ‘reproductive and decisional autonomy’, and that denying maternity benefit based on an arbitrary age threshold denies adoptive mothers the ability to meaningfully exercise this autonomy. The court said that the "best interest of the child", is a continuing obligation that survives the formalities of adoption and persists throughout the child's integration into the family and that the current provision actively ignores this fact.

Finally, agreeing with the petitioner’s argument, the Court acknowledged that the provision was in fact unworkable in practice, they said the legal adoption process typically ‘exhausts’ the three-month window even before a child is legally placed with prospective parents. The provision was Section 60(4) was then judicially redrafted to be read as: *"A woman who legally adopts a child or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be."* Finally, the Court also urged the Union of India to legislate ‘paternity leave’ as a social security benefit, observing that shared parenting is essential both for child development and for dismantling deeply entrenched gendered roles.

ANALYSIS AND KEY TAKEAWAY

This judgment is significant on multiple levels. At its core, it distinguishes maternity benefit from the act of 'biological childbirth' (biological factor) and anchors it instead to the 'process of motherhood' (social factor), this is a shift, that is both legally sound and deeply humane. The Court's identification of three distinct components of maternity leave (physical recovery, emotional bonding, and family integration) and its recognition that the latter two are equally, if not more, relevant in adoption cases is truly commendable. The Court, also rightfully acknowledged the practical unworkability of the current provision. The Court's nudge towards paternity leave, while still not making it binding, signals a 'growing judicial willingness' to challenge the assumption that caregiving is solely a maternal responsibility. To sum it all, the judgment reinforces, that beneficial legislation must be 'purposively interpreted', and that under-inclusive classifications in social welfare law will face meaningful constitutional scrutiny, especially in cases where the policy concerns 'individuals rights' rather than being mere 'economic policy'.