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CASE COMMENTARY

HAMSAANANDINI NANDURI V. UNION OF INDIA

[2026 INSC 246]

(Lakshmi P Nath)

INTRODUCTION

“The transition into motherhood does not occur in the brief moment when legal formalities are completed, rather it is a gradual process that takes shape in the heart of the mother. It is within these unspoken moments of reassurance and bonding that the relationship between a mother and child is gradually formed and strengthened.”¹ These are the opening lines said by the Hon’ble Supreme Court in the case of Hamsaanandini Nanduri v. Union of India, which concerns the maternity right of an adoptive mother and challenged the constitutional validity of Section 60 (4) of the Code on Social Security. This case has been a watershed moment, which threw light on adoptive mothers and also laid emphasis on the paternity leave and benefits.

LEGISLATIVE HURDLE

For a prolonged period, India followed numerous labour legislations, governing various aspects of labour laws, workers’ rights, wages, labour welfare and working conditions etc. In the year 2019, the Government of India proposed to consolidate various labour legislations into four

¹ https://api.sci.gov.in/supremecourt/2021/18032/18032_2021_7_1502_69584_Judgement_17-Mar-2026.pdf

labour codes, namely; Code on Wages, Code on Social Security, Code on Industrial Relations and the Occupation Safety, Health and Working Conditions (OSHWC) Code.

The Code on Social Security, 2020 covered various aspects like payment of gratuity, ESIC, and Provident Funds. The Code also consolidated the Maternity Benefit Act, 1961 and Chapter VI of the Code covers the aspect of maternity benefits. Section 60 of the Code talks about the eligibility criteria for availing maternity benefits and the duration upto which the benefits can be availed.

Clause 4 of this section explicitly talks about maternity benefits with regards to adoptive mothers with a child below 3 months of age. In a normal case, the period of maternity leave granted is 26 weeks, however in the case of adoptive and commissioning mothers, the leave can be availed upto 12 weeks only if the child is below 3 months of age from the date the child is handed over to the mother. This raised questions regarding its constitutionality and the rights of an adoptive/commissioning mother of a child above 3 months of age. This case emphasised that adoptive motherhood shall be equally treated as biological motherhood.

FACTS OF THE CASE

The Petitioner was an adoptive mother, who was denied maternity benefits, on the ground that the age of the adopted child exceeded the prescribed age limit. Initially, the petition was filed challenging the constitutional validity of Section 5(40) of the erstwhile Maternity Benefit Act, 1961 (MB Act). While the Writ Petition was pending before the Hon'ble Supreme Court, the Code on Social Security was implemented on 21st November 2025, repealing the previous MB Act. The corresponding section was 60(4) which continued to maintain the age based restriction of in case of adoptive and commissioning mothers.

With respect to this, the Writ Petition was amended to examine the constitutional validity of Section 60(4) of the Code on Social Security as being violative of Article 14 and Article 21 of the Constitution.

ISSUE

The issue before the Hon'ble Supreme Court was whether Section 60(4) of the Code of Social Security violative of :

- Article 14 of the Constitution as it discriminates against an adoptive mother who legally adopts a child of more 3 months old, surpassing the statutory limit
- Article 21 of the Constitution, preventing the reproductive right of an adoptive woman and the rights of her child.

CONTENTIONS

Petitioner's Contentions

The petitioner contended that section 60 (4) of the Code on Social Security 2020, creates an unreasonable classification among adoptive mothers. The provision creates an unreasonable distinction between a woman who legally adopts a child below 3 months of age and a woman who adopts legally a child above 3 months of age. Apart from being an unreasonable classification, it is also violative of Article 14 and Article 21 of the Constitution. The petitioner fortified her submission by illustrating that if a woman adopts a child aged four months, she would not be entitled to maternity benefit as provided under the 2020 Code.²

The petitioner also contended that the classification does not hold any rational nexus with the objectives of the Code on Social Security and does not satisfy the bright line test.

Respondent's Contentions

The Respondent's contended that Section 60(4) of the Code shall be read along with the entire objects of the Code. The counsel argued that the classification is based on the reasoning that a child above 3 months of age does not require the same intensive care and dependency with regards to feeding, sleeping, assistance and parental attention as against a child below 3 months age.

² Hamsaanandini Nanduri v. Union of India, 2026 INSC 246, ¶18.

The respondent also submitted that the provision satisfies the proportionality principle, ensures harmonious construction with other laws, and is consistent with international standards.

JUDGEMENT

The Hon'ble Supreme Court held that the classification under Section 60(4) is unreasonable and unconstitutional and does not hold any rational nexus with the objects of maternity benefits provided under the Code on Social Security. The Court also stated that the distinction is arbitrary in a case where a woman adopting a child even a day older than the said 3 months of age is denied maternity benefits.

The Supreme Court also held that maternity benefits is not limited to the process of giving birth but is extendable to the process of attaining motherhood and that the right of reproductive autonomy under Article 21 of the Constitution is not confined to the biological process of giving birth. The Court also urged the Union of India to give statutory recognition to the concept of paternity benefit as a core social security benefit. The Court emphasized that a child's care and the framework for parental leave must be responsive and reflective of modern, gender-equal parenting.³

CONCLUSION

The judgement in this case is a watershed moment in the history of labour legislations as well as women's rights. The Supreme Court recognised reproductive autonomy as a fundamental. The Hon'ble Court in this case, placed both biological mother and an adoptive mother on the same pedestal and held that any kind of age classification as a ground for denying maternity benefits is unreasonable and arbitrary.

While the core principle of maternity benefits is to prevent motherhood from depriving women from working and becoming financially independent. Thus, the age classification which eventually deprived a woman from receiving maternity benefits would only clip her wings and

³ https://www.downtoearth.org.in/governance/supreme-court-strikes-down-age-cap-on-maternity-leave-for-adoptive-mothers#google_vignette

upliftment. By advocating for the recognition of paternity benefits, the Court has emphasised that duty of bringing up a child is equally a duty of a father and took up an egalitarian approach.

