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CASE COMMENTARY HAMSA NANDINI NANDURI V. UNION OF INDIA & ORS.

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Writ Petition (Civil) No. 960 of 2021

Neutral Citation: 2026 INSC 246

Decided on 17 March 2026, Supreme Court of India

Bench: Justice J.B. Pardiwala and Justice R. Mahadevan

"Motherhood is not a biological accident to be measured by a calendar — it is a bond that the law must be humble enough to protect, however it is formed."

In the spirit of the Supreme Court's verdict in *Hamsaanandini Nanduri v. Union of India*, a judgment that firmly redraws the boundary of who counts as a "mother" in the eyes of Indian labour welfare law. This case is a rewarding one to study — it sits at the intersection of constitutional law, labour and social security legislation, and the evolving jurisprudence of family and reproductive autonomy under Article 21.

I. INTRODUCTION

The case arose from a public interest writ petition filed under Article 32 of the Constitution and decided on 17 March 2026 by a Bench comprising Justice J.B. Pardiwala and Justice R. Mahadevan. The petitioner, Hamsaanandini Nanduri, is herself an adoptive mother of two children. She challenged a ordinary piece of welfare legislation but, on closer scrutiny, excluded an entire class of adoptive mothers from maternity benefits simply because of the age of the child they adopted. The judgment is reported as 2026 INSC 246 and has also been covered as 2026 LiveLaw (SC) 250.

II. FACTS OF THE CASE

The petition was originally filed in 2021, challenging Section 5(4) of the Maternity Benefit Act, 1961, as inserted by the Maternity Benefit (Amendment) Act, 2017. This provision granted maternity benefit of 12 weeks to a woman who legally adopts a child, but only if the adopted child was below three months of age at the time of adoption. A woman adopting a child older than three months for instance, an older child who takes longer to be declared legally free for adoption, or a child adopted at a later stage of the adoption process was left with no maternity benefit at all. While the case was pending, Parliament enacted the Code on Social Security, 2020, which replaced several labour welfare statutes, including the Maternity Benefit Act. The three-month age cap survived this legislative consolidation and was carried forward as Section 60(4) of the 2020 Code. The petitioner was permitted to amend her writ petition (through I.A.

No. 33856/2026) to challenge this successor provision, and the amended petition was what the Court finally adjudicated. At its core, the petitioner argued that the three-month limit had no logical link to the purpose of the law to support a mother, whether biological or adoptive, during the sensitive period of bonding with a newborn. Because of this, the limit was arbitrary and excluded too many people which it should have covered.

III. ISSUES FOR CONSIDERATION

1. Whether Section 60(4) of the Code on Social Security, 2020 (and its predecessor, Section 5(4) of the Maternity Benefit Act, 1961) violates Article 14 of the Constitution by creating an unreasonable classification between adoptive mothers of children below three months and those adopting older children?
2. Whether the provision violates Article 21, by denying adoptive mothers and children a dignified opportunity to bond, and by restricting the adoptive mother's, right?
3. Whether the "best interests of the child" principle, recognised in Indian and international law, requires that maternity benefit be extended irrespective of the child's age at adoption?

IV. SUBMISSIONS OF THE PARTIES

For the Petitioner, it was argued that the provision is social welfare legislation and restricting the benefit to children below three months has no reasonable nexus with the object sought to be achieved. It was submitted that older adopted children, particularly those with disabilities or from difficult backgrounds, often need more time and emotional support to integrate into a new family. For the Union of India (represented by Additional Solicitor General), the matter was defended on the footing that legislative classifications in welfare schemes are ordinarily entitled to deference, and that the age limit was a policy choice within Parliament's domain.

V. THE COURT'S REASONING

The judgment is structured thoughtfully — first examining maternity protection as a basic human right through international law, then Indian statutory recognition of maternity benefits, followed by precedent, and finally the constitutional analysis under Articles 14 and 21.

On Article 14, the Court tested the provision on the anvil of the classic doctrine of reasonable classification — intelligible differentia and rational nexus with the object of the Act, relying on precedents such as *State of W.B. v. Anwar Ali Sarkar*. It found that the age-based cut-off was both under-inclusive and impractical. Crucially, the Court noted a structural flaw, given the time genuinely required to have a child declared "legally free for adoption". This made the provision, in the Court's words, "illusory and devoid of practical application— a rare and striking finding that a welfare provision was so narrowly drafted that it could barely ever be availed of by anyone.

On Article 21 The Court held that the right of reproductive autonomy is not confined to the biological act of giving birth, and that adoption is an equal exercise of the right to reproductive and decisional autonomy under Article 21. Perhaps the most quotable line of the judgment is the Court's observation that an adopted child is no different from a so-called "natural" child, the only distinction being that the process of adoption is more visible and legally

acknowledged. On Paternity Leave is an important obiter, the Bench further urged the Union of India to introduce a provision recognising paternity leave as a social security benefit, with its duration responsive to the needs of both parent and child.

VI. IMPACT OF THE JUDGMENT

1. A textbook application of substantive equality. The Court did not stop at formal equality but asked whether the classification served the statute's welfare purpose — a hallmark of a mature Article 14 analysis.
2. Filling a legislative vacuum through purposive interpretation. By reading the provision to remove the age cap altogether, rather than merely declaring it void and awaiting parliamentary correction, the Court ensured immediate, tangible relief to adoptive mothers — a practically significant outcome, since striking down a beneficial provision without a substitute often harms the very class it was meant to protect.
3. Doctrinal contribution to reproductive autonomy jurisprudence. By locating adoption within the ambit of reproductive and decisional autonomy under Article 21, the Court builds meaningfully on the trajectory set by cases like *Suchita Srivastava v. Chandigarh Administration*, extending autonomy discourse beyond issues of bodily/biological reproduction to encompass chosen, non-biological family formation.
4. Comparative and international grounding. The judgment's engagement with South African constitutional jurisprudence and the European Court of Human Rights situates Indian family and labour law within a global rights framework, which is valuable both academically and persuasively.

VII. POINTS OF CRITIQUE

1. Judicial legislation concerns. By "reading up" the statute to remove the age cap entirely rather than merely striking down the offending words and directing Parliament to legislate afresh. Critics of judicial activism may argue that Parliament, not the Court, ought to have determined the contours of a replacement scheme.
2. The paternity leave direction is aspirational, not enforceable. The Court's call for a statutory paternity leave regime. Without a mandamus or timeline, such directions in Indian constitutional jurisprudence have historically had a mixed record of legislative follow-through.
3. Silence on employer cost implications. The judgment does not meaningfully engage with the practical burden, this place on employers, particularly in the private and unorganised sectors, who must now budget for maternity benefit claims without a defined upper age limit for the adopted child. A more complete judgment might have addressed transitional or implementation guidance for employers and the Ministry of Labour.

VIII. A STUDENT'S OWN REFLECTION

Reading this judgment as a law student, what stays with you is not just the outcome but the underlying assumption the Court challenges: that biology is the "default" and adoption merely an approximation of it. The Bench's line that an adopted child is "no different" from a natural child the only difference being visibility and legal recognition. At the same time, one should resist reading such judgments as a blanket endorsement of judicial rewriting of statutes. The

provision here was so narrowly and impractically drafted that correction was almost inevitable but this should not become a template for courts to routinely substitute their own policy preferences for the legislature's. The genuinely difficult question — where exactly is that line between purposive interpretation and judicial legislation, is one this case invites students to sit with, rather than resolve too quickly.

IX. CONCLUSION

Hamsaanandini Nanduri v. Union of India is likely to be cited for years in discussions on Article 14's classification doctrine, Article 21's expanding conception of reproductive autonomy. It is a judgment that centres the lived reality of adoptive families in a legal framework that had, until now, quietly assumed motherhood begins only with childbirth. Whether one views its remedial technique as bold problem-solving or as an overreach into the legislative domain, there is little disagreement that its underlying value choice that a family formed through adoption deserves the same institutional support as one formed by birth, is difficult to argue against.