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HAMSAANANDINI NANDURI V. UNION OF INDIA (2026)

Tanisha Madhyani

DETAILS OF THE CASE

Case Name- Hamsaanandini Nanduri v. Union of India(2026) INSC 246

Petitioner- Hamsaanandini Nanduri

Respondent- Union of India

Date of Judgment – 17 Match 2026

Bench- Justice J.B. Pardiwala & Justice R. Mahadevan

1. INTRODUCTION

This is a landmark case regarding the rights of adoptive mothers The Supreme Court in this case gave decision on whether the law may confine paid maternity leave for adoptive mother's to those who adopt a child below 3 months of age. The petitioner in this case is also an adoptive mother who challenged Section 60(4) , Code of Social Security, 2020[1]. This Section restricts the maternity benefit of 12 weeks only to adoptive mothers of children below 3 months. The Supreme Court gave a landmark ruling by striking down Section 60(4) as arbitrary and unconstitutional.

2. FACTS

The Petitioner is an adoptive mother who filed a public interest litigation under Article 32[2] of the Constitution. She challenged Section 5(4) of Maternity Benefit Act, 1961[3], inserted by the Maternity Benefit (Amendment) Act, 2017 which has given the maternity benefit of 12 weeks only to those adoptive mothers whose children are below 3 months. The Section restricted the

[1]The Code of Social Security, 2020, § 60(4), No.36, Acts of Parliament, 2020 (India).

[2]INDIA CONST. art 32.

[3]Maternity Benefit Act, 1961, § 5(4), No.53, Acts of Parliament, 1961 (India).

benefit of 12 weeks to those mother's whose child is above 3 months of age making it a discriminatory provision. However, the act was later replaced by Code of Social Security, 2020 and thus, she challenged Section 60(4) of the Social Security Code which stated the same provision.

3. ISSUES

i. Whether Section 60(4) of Code on Social Security, 2020 is violative of Right to Equality i.e., Article 14 of the Constitution by discriminating against women who adopt a child of age above 3 months.

ii. Whether the age cap of 3 month violates the right to care and reproductive autonomy of adoptive month under Article 21 of the Constitution.

4. ARGUMENTS BY PETITIONER

The Petitioner contended that the above mentioned provision created an arbitrary and unreasonable classification have no rational nexus with the objective of the code. She clarified that motherhood is not only about physical childbirth but it is journey of care, emotional bonding and integration. Adoptive mother also require time for creating a safe environment and emotional bonding with the child. She further asserted that Most of the time the adoption procedures take longer time to complete due to which it has become extremely rare to adopt a child under 3 months of age. Thus, she asserted that the provision had violated Article 14[4] as it discriminated between adoptive mother and biological mother as well as Article 21[5] as it violated women's right to reproductive autonomy .

5. ARGUMENTS BY RESPONDENT

The Respondent contended that Section 60(4) [6]of the code has to be considered along with the maternity – benefit scheme. It asserted that under Section 67 [7]of the code mother of the older children can use the crèche facilities. The children above 3 months requires only feeding, sleep regulation and early bonding, thus, making the cut- off reasonable. It further

[4]INDIA CONST. art 14.
[5]NDIA CONST. art 21.
[6]*Id* at 1.
[7]The Code of Social Security, 2020, § 67, No.36, Acts of Parliament, 2020 (India).

clarified that nowadays adoption has become much more easier and do not take longer time for formalities. It argued that the provision not only balances the interests of adoptive mothers but also maintain the interest of employers. Thus, it do not violate Article 14 and 21 of the Indian Constitution.

6. RELEVANT LEGAL PROVISIONS

- **Article 14 –** Right to equality
- **Article 21-** Right to Life and Personal Liberty
- **Section 60(4) of the Code of Social Security, 2020 –** The period of 12 weeks of maternity benefit given to women whose child is below 3 months of age
- **Section 67(4) of the Code of Social Security, 2020-** Crèche Facility for establishment with fifity or more employees.
- **Section 5(4) of the Maternity Benefit Act –** It is replaced by Section 60(4) of the Code of Social Security, 2020.
- **Juvenile Justice Act, 2015 and CARA Adoption Regulation, 2022-** The procedure of Adoption.

7. JUDGMENT

The Supreme Court gave a landmark ruling by striking down Section 60(4) of the Code on Social Security , 2020, declaring it as unconstitutional. [8]The Court found that the previous law created an arbitrary distinction between biological and adoptive mother's, which lacked a rational nexus with the objective of the law which is to support child- rearing and bonding. [9]The Court identified 3 primary reasons which make the above mentioned provision unconstitutional. First , The provision was restricting the benefits of motherhood based on the child's age which was violative of Article 14 and Article 21 of the Constitution. Second, the bench noted that under Indian adoption laws (CARA guidelines) , it is statistically and legally rare for a child to be cleared for adoption before they are 3 months old. Therefore, the old law offered a benefit that almost no one

[8]Tarun Choudhury, Adoptive Mothers' Maternity Benefit Case (2026): A Constitutional Leap towards Inclusive parenthood, Legalservices India, (26 Sept 2026, 8:00 p.m,), www.legalservicesindia.com.in

[9]Sucheta , SC strikes down s.60(4) of Social Security Code limiting Maternity Benefits for Adoptive Mothers ; Bats for legal recognition of Paternity Leave, SCC Online (26th Sept, 2022, 8:00 P.M.), www.scconline.com

could actually claim. Third, the Court emphasized that motherhood is a status defined by caregiving and emotional bonding , it does not merely depend on the physical act of childbirth.

The judgment moves beyond the mother- child relation to address the family unit as a whole. The Court recognized that older children often require more time for emotional bonding and integration into a new home as compared to infants.

Also, the Court in a progressive obiter dictum urged the government to introduce paternity leave as well. The Court further clarified that forcing the burden of care solely onto mother reinforces outdated gender stereotypes and deprives the father of crucial formative bonding with the child. It will also promotes gender equality at workplace.

8. CONCLUSION

This case shows a significant step taken by Court in Indian Labour and family Law. The Court has clarified that motherhood is not only defined by giving birth but it is also defined by caregiving and responsibility. Both Biological mothers and adoptive mothers have the same right. No law can discriminate them. This ruling ensured that the law now reflects the practical reality of modern Indian Families. Thus, the Court has also given its view for paternity leave as well. The Core philosophy was that Parenting is not a solitary function. Both mother and father have equal responsibilities towards their child. The Court has emphasized that now it is important to move beyond gender division of child care. Thus, through this judgment the court has shown a very progressive view towards childcare.