MATERNITY LEAVE PART OF REPRODUCTIVE RIGHTS

INTRODUCTION

In a judgement passed on 23rd May 2025 in the case of K. Umadevi v. Government of Tamil Nadu & Others ("**Respondents**") (hereinafter referred to as the "**Case**"), the Hon'ble Supreme Court of India bench of Justice Abhay S. Oka and Justice Ujjal Bhuyan (the "**Court**") held that maternity benefit is a facet of the reproductive right of a woman which is traceable to Article 21 of the Constitution of India and set aside the judgement dated 14th September 2022, passed by learned Division Bench of High Court of Madras whereby Mrs. K Umadevi ("**Appellant**") was denied maternity benefit leaves for her third child.

BACKGROUND

The Appellant married Mr. A. Suresh in the year 2006, and from the said wedlock, the Appellant gave birth to 2 (two) children ("**First Marriage**"). Thereafter, the First Marriage was dissolved in the year 2017 and the custody of the 2 (two) children from the First Marriage was with the Appellants first husband. During the First Marriage, the Appellant joined government service in 2012 as an English teacher in Government Higher Secondary School, P. Gollapatti, Dharmapuri District. On 12th September 2018, the Appellant remarried Mr. M. Rajkumar ("**Second Marriage**") and conceived her third child from the Second Marriage and applied for grant of maternity leave to the authorities for a period from 17th August 2021 till 13th May 2022 which was inclusive of pre-and post-natal periods.

The Chief Educational Officer, *vide* order issued by the Dharmapuri District Court dated 28th August, 2021 rejected the prayer of the Appellant. The order stated that as per Fundamental Rule (FR) 101(a) which is applicable to state government employees of Tamil Nadu, maternity leave is available to women state government employees having less than 2 (two) surviving children and that there are no provisions for grant of maternity leave for the third child on account of remarriage. Thereafter, the aggrieved Appellant filed an appeal to the Hon'ble High Court of Madras ("**Madras HC**") vide writ petition number 22075 of 2021 and the Single Judge of Madras HC vide judgement dated 25th March 2022 held that the Appellant is entitled to maternity benefit and the Respondents were bound to grant maternity leave to the Appellant. Furthermore, the Respondents filed an appeal to the Division Bench of Madras HC where the order of the single bench judge was set aside on grounds of it being unsustainable. The said Division Bench held that the Appellant was not entitled to maternity relief as claimed by her. Accordingly, the judgment and order of the learned Single Judge dated 25th March

2022 was set aside. Thereafter the Appellant filed an appeal by way of a special leave petition to the Court.

ANALYSIS OF THE COURT

Upon careful consideration of the submissions made by the counsels of the Appellant and the Respondents, the Court decided to examine the correctness or otherwise of the decision of the Division Bench of Madras HC in the light of constitutional and statutory framework as well as in the backdrop of international developments in the subject matter. The Court focused on interpreting Article 21 of the Constitution of India along with Article 42 of the Constitution of India and stated as follows:

"*By judicial interpretation, it has been held that life under Article 21 means life in its fullest sense; all that which makes life more meaningful, worth living like a human being. Right to life includes all the finer graces of human civilization, thus rendering this fundamental right a repository of various human rights. Right to life also includes the right to health. Right to live with human dignity and the right to privacy are now acknowledged facets of Article 21*".

"***Article 42: Provision for just and humane conditions of work and maternity relief*** *— The State shall make provision for securing just and humane conditions of work and for maternity relief."*

The Court further considered the Maternity Benefit Act, 1961 ("**Maternity Benefit Act**") and upon perusal of Section 5 of the Maternity Benefit Act, the Court observed that the provisions do not deny the benefit of maternity leaves to women having more than 2 (two) surviving children and following the amendment of the Maternity Benefit Act in the year 2017, the only relevance is that in case of a woman employee having 2 (two) or more children seeking maternity leave, the period of the benefit is reduced from a maximum period of 26 (twenty six) weeks to a maximum of 12 (twelve) weeks. The Court also considered relevant provisions of international treaties such as Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights and Convention on the Elimination of All Forms of Discrimination Against Women, etc. and observed that the international conventions also have an impact on Indian law.

The Court also referred to Deepika Singh v. Central Administrative Tribunal ((2023) 13 SCC 681) and cited as follows:

"*This Court referred to Rule 43 of the 1972 Rules which deals with maternity leave. As per Rule 43(1), only a female Government servant with less than two surviving children may be granted maternity leave. This Court opined that provisions of Rule 43(1) must be imbued with a purposive construction. Since it is a beneficial legislation, it has to be construed with a purpose oriented approach and must receive a liberal construction to promote its objects. The courts must bridge the gap between law and society through the use of purposive interpretation. Though this Court acknowledged that the Maternity Benefit Act has no application to PGIMER as an establishment, yet for the purpose of adopting an approach which furthers legislative policy, referred to the provisions of the Maternity Benefit Act to derive some guidance therefrom. After an exhaustive analysis of Section 5 of the Maternity Benefit Act, this Court observed that the said Act was enacted to secure women's right to maternity leave and to afford women with as much flexibility as possible to live an autonomous life, both as a mother and as a worker. Thereafter, this Court referred to the various international treaties and conventions….*

…Grant of child care leave to the appellant for the two children of her spouse from his previous marriage cannot be used to disentitle her to maternity leave under Rule 43 of the 1972 Rules. In the context of employment, child birth has to be construed as a natural incident of life and, hence, provisions for maternity leave must be construed in that perspective. Observing that when courts are confronted with such situations, they would do well to attempt to give effect to the purpose of the law in question rather than to prevent its application."

Lastly, considering the importance of maternity leaves for the benefit of the child, the Court cited as follows:

"*Policy of the State to arrest population growth by resorting to various population control measures is certainly a laudable objective. So is the objective of granting maternity benefit to women employees. The object of having two child norm as part of the measures to control population growth in the country and the object of providing maternity benefit to women employees including maternity leave in circumstances such as in the present case are not mutually exclusive. The two must be harmonized in a purposive and rationale manner to achieve the social objective.*"

CONCLUSION

The Court's decision in *K. Umadevi v. Government of Tamil Nadu & Others* marks a significant reaffirmation of the importance of fundamental and reproductive rights within the framework of

Indian constitutional law. The Court emphasized that maternity benefits, including leave, are not mere service conditions but are a core aspect of a woman's right to health, dignity, and equality under Article 21 of the Constitution. Denying such benefits based on a rigid interpretation of the two-child norm—particularly in cases involving remarriage and where the prior children are not in the woman's custody—violates the essence of human rights and undermines gender justice.

By setting aside the decision of the Division Bench of the Madras High Court, the Court made it clear that social welfare provisions like maternity leave must be interpreted in a manner that protects and promotes the rights of women, rather than restricts them. The Court reinforced that the State's policy goals, including population control, must interpreted harmoniously with granting maternity benefit. This judgment sets a progressive precedent, recognizing that a woman's autonomy, bodily integrity, and role as a mother are constitutionally protected and must be upheld by the law.

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