



CASE OVERVIEW: MATERNITY LEAVE IS INTEGRAL TO MATERNITY BENEFIT IRRESPECTIVE OF NUMBER OF CHILDREN

Case Title: K. Umadevi vs. Government of Tamil Nadu and Ors.

Forum: The Supreme Court of India (SC)

Date of Order: May 23, 2025 [[Read Judgement Here](#)]

Background of the dispute

The “Appellant”, K. Umadevi, was appointed as a teacher in a government school in Tamil Nadu in December 2012. She had two children from her first marriage, which was dissolved in 2017. In 2018, she remarried and, upon conceiving a child from her second marriage, applied for maternity leave for a period of nine months, inclusive of pre-natal and post-natal periods.

Her request was denied based on Fundamental Rule (FR) 101(a) (“**the Rule**”), applicable upon state government employees of Tamil Nadu, which stipulates that maternity leave is available only to women with less than two surviving children. The reason for rejection of the request was that there was no provision for grant of maternity leave for the Appellant’s third child on account of her re-marriage, prior to which she already has two surviving children. However, the Appellant’s ground for appealing this refusal was that custody of her two children from her first marriage rested with the father, and thus, conceiving a child from her re-marriage ought not to be termed as her ‘third child’ as the same was the first child to be born from the present wedlock.

Reasons for refusal by the State Government

The State Government submitted that the policy of maternity benefit, although rooted in providing complete care to women employees and a level playing field for them, simultaneously hinges on fiscal responsibility and human resource management that has to be exercised with prudence. Any deviation from the Rule is likely to overwhelm the State treasury as well as affect overall administrative efficacy. Furthermore, fiscal implications are significant to align statutory rights with pragmatic exercise of the same – indiscriminately extending the benefit in contravention of the Rule will also lead to failure in population control since such extension may cause incentivization of breach of population control norms.

The SC’s Decision & Reasoning

The SC, while deliberating upon the present appeal, determined that Article 21 of the Constitution of India encompasses the right to make reproductive choices, and maternity leave forms an integral part



of this right. It emphasized that the right to life under Article 21 should be interpreted broadly to include elements that enhance human dignity and well-being, such as access to health care. Along with the said Article, the SC emphasized on Articles 42 and 51(c) of the Constitution for their relevance to human conditions of work and maternity relief.

When examining the Rule, the SC clarified that “surviving children” should be interpreted to mean children who are legally in the mother's custody. Therefore, it concluded that the definition must take into account the actual care responsibilities of the woman seeking maternity leave, which by the very facts of this case were absent.

The SC also considered that the Maternity Benefit Act, 1961 does not restrict maternity benefits based on the number of children, though it does reduce the duration of leave when a woman has two or more surviving children (First Proviso to Section 5(3) of the Maternity Benefit Act). Reaffirming its decision in a precedent, the Court ruled that the presence of children from a spouse’s previous marriage does not affect a woman’s right to maternity leave for her own biological child.

The SC rejected the State Government’s argument that granting such leave could undermine population by holding that population policies and the objective of ensuring maternity benefits serve different purposes and should be interpreted harmoniously. Ultimately, the SC found that denying maternity leave without considering the custody and present family structure of the Appellant infringed upon her dignity and reproductive autonomy, otherwise enshrined in the Constitution.

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