



## MATERNITY LEAVE ESSENTIAL PART OF REPRODUCTIVE RIGHTS

The Supreme Court (SC) in *K. Umadevi's* case<sup>1</sup> ruled that maternity leave is an essential component of a woman's reproductive rights, thereby reinforcing the constitutional and human rights of working women. It set aside a Madras High Court (HC) order that had denied maternity leave to a woman on the birth of her third child, based on Tamil Nadu (TN)'s policy limiting benefits to women with only two children.

### Brief Facts.

- K Umadevi was married to A. Suresh in 2006 and two children were born to them.
- She entered government service in 2012 as English Teacher in a Government Higher Secondary School in TN.
- Their marriage was dissolved in the year 2017 and Suresh took custody of the two children.
- Umadevi then married M. Rajkumar in 2018 and upon conceiving she applied for maternity leave.
- When she was denied maternity leave, she filed a petition before the Madras HC. TN cited Rule 101(a) of TN Fundamental Rules (TN Rule), which restricts maternity benefits to only the first two surviving children.
- Initially, the HC's single bench ruled in Umadevi's favor, holding that the TN Rule was in direct conflict with the Maternity Benefits Act, 1961 (MB Act). According to Article 254 of the Constitution of India, the central law takes precedence in case of conflict with state laws. However, a division bench later reversed this decision, holding that the MB Act did not apply to state government employees, who are governed by state-specific service rules.<sup>2</sup>
- She preferred appeal by way of Special Leave Petition before the SC.

### Question of Law.

Whether Umadevi, who conceived the third time due to her re-marriage, is entitled for the benefit of maternity leave?<sup>2</sup>

### Umadevi's Contentions.

Relied on *Deepika Singh's* case,<sup>3</sup> where an employee was denied maternity leave after the birth of her first biological child because she had previously taken childcare leave for her stepchildren.

Emphasised that the right to maternity leave is a facet of reproductive right of a woman, traceable to Article 21 of the Constitution.

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<sup>1</sup> *K Umadevi vs. State of Tamil Nadu* 2025 SCC Online SC 1204.

<sup>2</sup> Paragraph 4 of the judgement.

<sup>3</sup> *Deepika Singh vs. Central Administrative Tribunal* (2023) 13 SCC 681.

### SC's Judgment & Reasoning.

- Upon perusing Section 5 of MB Act, reiterated that grant of maternity benefit is *per se* not denied to a woman employee having more than two children. Following the 2017 amendment,<sup>4</sup> only the benefit period is reduced from 26 to 12 weeks.
- International conventions<sup>5</sup> provide for a broad spectrum of reproductive rights including maternity benefits. As such, maternity leave was integral to maternity benefits and hence formed an essential part of personal liberty under Article 21.
- Cited *Suchita Srivastav's* case<sup>6</sup> wherein the SC acknowledged the right of a woman to make reproductive choices and held that such a right is a facet of Article 21.
- Also cited Delhi HC's judgment in *Raveena Yadav's* case<sup>7</sup> wherein the HC explained the purpose of maternity benefits. It observed that it is to ensure that a working lady may overcome the state of motherhood honourably, peaceably and undeterred by the fear of being victimized for forced absence from work during pre- and post-natal periods. Women now constituting a sizable portion of the work force in our country, must be treated with honour and dignity at work places to earn their livelihood.
- The object of having two-child norm as a measure to control population growth in the country and the object of providing maternity benefits to women employees including maternity leave are not mutually exclusive. The two must be harmonized in a purposive and rationale manner to achieve the social objective.<sup>8</sup>
- Ruled that Umadevi is entitled to maternity leave and must be granted maternity leave under the TN Rule.

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<sup>4</sup> By proviso to sub-section (3).

<sup>5</sup> Universal Declaration of Human Rights (UNDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and International Labour Organisation (ILO)'s Basic Framework on Maternity Protection (2000).

<sup>6</sup> *Suchita Srivastava v. Chandigarh Administration* (2009) 9 SCC 1.

<sup>7</sup> *Commissioner of Police v. Raveena Yadav* 2024 SCC OnLine Del 4987.

<sup>8</sup> Paragraph 35 of the judgment.