

GRC BULLETIN

JUNE- 2025, VOLUME: I

Case Law

Third Child, Full Rights: Supreme Court Expands Maternity
Leave as Reproductive Right

[Click Here to Read Full Bulletin](#)



JUDICIAL INSIGHT

Case Title

*[K. Umadevi v. The
Government of Tamil
Nadu]*

THIRD CHILD, FULL RIGHTS: SUPREME COURT EXPANDS MATERNITY LEAVE AS REPRODUCTIVE RIGHT

Facts of the case:

After giving birth to her third child, a Tamil Nadu government school teacher requested maternity leave. Citing the Tamil Nadu government's regulation that maternity leave payments are only accessible for up to two surviving children, the State denied her application. In the Madras High Court, the instructor contested this denial; nevertheless, the Division Bench maintained the State's ruling, citing government regulations. She went to the Supreme Court, angry.

Key Legal Issue:

A woman's constitutional reproductive rights and her entitlement to maternity benefits under applicable statutes, such as the Maternity Benefit Act of 1961, may be violated if she is denied maternity leave for a third child based only on a state policy that limits benefits to two children.

In its historic ruling, the Supreme Court overturned the Madras High Court's order and declared that:

- Because of the constitutional provision of reproductive rights, maternity leave is a legal entitlement rather than a public charity.
- Since maternity benefits are linked to the mother's health, well-being, and employment rights, the number of children cannot be used as a reason to refuse them.
- The Maternity Benefit Act, 1961, which guarantees maternity leave for all deliveries without capricious limitations, prohibits state policy from superseding statutory rights.
- The Court underlined that Article 21 (Right to Life) of the Constitution guarantees reproductive autonomy, including the decision to bear a third child.
- Articles 14 and 15 of the Constitution are violated when maternity leave is denied because it discriminates against women and compromises gender equality in the workplace.
- The Court emphasized that such rights are supported by international agreements such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).



JUDICIAL INSIGHT

Case Title

*[K. Umadevi v. The
Government of Tamil
Nadu]*

As a result, the Supreme Court ruled that the two-child cap policy was unconstitutional to the extent that it denied statutory maternity benefits and ordered the petitioner to be granted maternity leave again.

CASE TITLE:

[K. Umadevi v. The Government of Tamil Nadu]

Citation: Writ Appeal No. 1442 of 2022, decided on 14 September 2022 by the Madras High Court

Supreme Court Decision Date: 23 May 2025

Case link: <https://indiankanoon.org/doc/30055177/>



Head Quarters:

Vasudha, 2nd Floor, No. 2, 38th Main Rd,
Rose Garden, JP Nagar Phase 6, J. P. Nagar,
Bengaluru, Karnataka 560078

Ph: 080 41673023

Email: info@ricago.com

Website: www.ricago.com

Subscribe to the Newsletter:

Subscribe

Disclaimer: This newsletter is prepared by Clonect Solutions Pvt. Ltd. and contains information about the statutory compliance updates for general information only. No claim is made as to warrant or represent that the information contained in this document is correct. Also, it should not be considered as legal or financial advice and under no circumstances Clonect Solutions Pvt. Ltd. shall be held responsible for any kind of damages arising there to.

#Trusted Compliance Partner