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## Supreme Court Paternity Leave Ruling 2026 for Adoptive Parents: Case Analysis, Implications, and Reform Recommendations

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### ABSTRACT

In *Hamsaanandini Nanduri v. Union of India*, the Supreme Court of India struck down the three-month age cap that had limited maternity benefits for adoptive mothers under Section 60(4) of the Code on Social Security, 2020, and used the occasion to press the Union Government to recognise paternity leave as a social security benefit. The ruling is significant not only because it affirms 12 weeks of maternity leave for adoptive mothers regardless of the adopted child's age, but also because it reframes adoptive parenthood through equality, dignity, child welfare, and shared caregiving. This paper argues that the judgment should be read as an important constitutional step toward a broader parental leave framework for adoptive families, even though the Court stopped short of judicially creating an enforceable statutory paternity leave right.

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### Introduction

Parental leave law in India has historically developed around biological motherhood, with only limited recognition of non-biological caregiving and very modest statutory accommodation for fathers. Before the 2026 ruling, Section 60(4) of the Code on Social Security, 2020, carried forward the earlier rule that adoptive mothers were entitled to 12 weeks of maternity benefit only when the child adopted was below three months of age. That framework sat uneasily with the actual adoption process, because children are often declared legally free for adoption only after considerable procedural time has elapsed, making the statutory benefit largely illusory in practice.



The Supreme Court's judgment in *Hamsaanandini Nanduri* is therefore important on two levels. First, it invalidates an under-inclusive statutory classification and affirms that the caregiving, bonding, and adjustment needs of adopted children do not end at an arbitrary age threshold. Second, it expressly highlights the absence of a broader parental leave architecture, especially paternity leave, and links that absence to gendered assumptions about caregiving, workplace equality, and the best interests of the child.

This paper examines the legal background of the case, the Court's constitutional reasoning, its significance for adoptive parents, and the likely implications for labour regulation and family policy in India. It then offers reform recommendations aimed at translating the judgment's principles into a coherent legislative model that includes adoptive fathers and moves beyond a mother-centric structure of care.

### **Statutory and Factual Background**

The dispute arose from Section 60(4) of the Code on Social Security, 2020, a provision materially similar to Section 5(4) of the Maternity Benefit Act, 1961. Under this scheme, an adoptive mother could claim 12 weeks of maternity benefit only if she legally adopted a child below the age of three months. The petitioner challenged this age-based restriction as violative of Articles 14, 19(1)(g), and 21 of the Constitution, arguing that the provision discriminated against adoptive mothers who received children older than three months and undermined the needs of adoptive children themselves.

The practical difficulty with the statutory model was central to the case. The Court noted that by the time a child is declared legally free for adoption and handed over through the formal adoption process, the child is unlikely to remain under the three-month threshold, which made the statutory entitlement functionally hollow for many prospective adoptive mothers. Public commentary on the ruling similarly observed that most adoptions take longer in practice, leaving many adoptive parents outside the benefit net despite having the same caregiving burdens that the law purported to recognise.

The bench comprised Justices J. B. Pardiwala and R. Mahadevan, and the decision was delivered on 17 March 2026. The Court held that an adoptive mother is entitled to maternity leave of 12 weeks irrespective of the age of the adopted child, thereby removing the statutory age ceiling. At the same time, the Court made an important policy observation: it urged the Central Government to come up with a provision recognising paternity leave as a social security benefit, with duration responsive to the needs of both parent and child.

### **Issues Before the Court**



The first constitutional issue was whether the three-month age limit created an unreasonable classification under Article 14 by differentiating between women who adopt children below three months and women who adopt children aged three months or above. The second was whether the same restriction impaired reproductive and decisional autonomy, child welfare, and dignitary interests protected by Article 21. Although the petition also invoked Article 19(1)(g), the published summaries of the judgment show the Court's core reasoning turning principally on equality, dignity, and child-centred welfare.

A broader normative issue also emerged from the judgment. Once the Court accepted that maternity protection for adoptive mothers rests not on childbirth alone but on caregiving, bonding, and family integration, it had to confront the role of fathers in those same processes. That is the context in which the Court's remarks on paternity leave assume importance for adoptive parents, because the judgment implicitly rejects the view that early caregiving is an exclusively maternal function.

## **Case Analysis**

### **Article 14 and under-inclusiveness**

The Court held that the classification in Section 60(4) lacked a rational nexus with the object of the statute. According to the judgment, the purpose of maternity protection is not exhausted by childbirth; it also encompasses nurturing, emotional bonding, and assisting the child's physical and emotional integration into the family. Because those needs persist irrespective of whether the adopted child is below or above three months, the age cap failed to distinguish between groups that were materially different in terms of caregiving responsibilities.

The Court's reasoning is notable for expressly identifying the provision as under-inclusive. Women adopting a child even one day older than three months were denied any benefit, although their roles, obligations, and integration burdens were substantially similar to those of women adopting younger infants. This binary structure, the Court found, neither reflected real-world adoption practices nor advanced the beneficial object of the social security legislation.

### **Article 21, autonomy, dignity, and child welfare**

On Article 21, the Court treated adoption as an equal exercise of reproductive and decisional autonomy rather than a secondary or derivative route to parenthood. This is a major doctrinal move because it brings non-biological motherhood within the constitutional language of autonomy and dignity. The judgment further states that the best interests of the child do not end with formal adoption paperwork;



rather, child welfare continues through the period of adjustment, attachment, and integration into the adoptive family.

The Court also recognised that the harm caused by the provision fell on both parent and child. It observed that without adequate leave, a single adoptive mother may be forced to choose between employment and the immediate needs of the child, and that children with disabilities may face even greater disadvantage under a rigid age-based system. This dual focus on labour protection and child welfare broadens the constitutional logic of the case beyond workplace rights alone.

### **From maternity protection to parental care**

A particularly significant feature of the decision is its shift from a biological model of maternity to a caregiving model of parenthood. The Court explained that while physical recovery after childbirth is absent in cases of adoption and surrogacy, the other major elements of leave, emotional bonding and active caregiving, remain fully present. That reasoning opens space for a larger reimagination of leave law, because those same objectives can support parental entitlements for fathers and other caregiving parents in adoptive families.

### **Paternity leave observations**

The Court did not create an enforceable statutory paternity leave right through this judgment. Instead, it urged the Centre to introduce a legal provision recognising paternity leave as a social security benefit and emphasised that the duration should respond to the needs of parent and child. The judgment criticised the historical attribution of caregiving almost exclusively to mothers and warned that the absence of paternity leave both reinforces gendered roles and deprives willing fathers of a meaningful opportunity to participate in the child's early development.

This part of the judgment is especially important for adoptive parents. Once the law acknowledges that adjustment to a new family environment requires active caregiving, emotional presence, and day-to-day participation, the case for leave cannot be confined to adoptive mothers alone. For adoptive fathers, the Court's observations offer strong constitutional and policy support, though not yet a directly enforceable remedy against private employers in the absence of legislation.

### **Significance for Adoptive Parents**



The immediate legal consequence of the decision is clear: adoptive mothers can no longer be denied 12 weeks of maternity benefit merely because the child adopted is older than three months. This removes an arbitrary exclusion that had made the statutory promise of adoption leave ineffective for many families. It also symbolically validates adoptive parenthood as a full and legitimate form of family formation rather than an exceptional arrangement to be accommodated minimally.

For adoptive fathers, the significance is more indirect but still substantial. The Court's reasoning rejects a family-policy framework in which mothers are presumed to be natural caregivers and fathers mere financial providers. By treating early parental presence as developmentally important and by expressly calling for paternity leave legislation, the judgment provides a jurisprudential foundation for future claims to equal caregiving recognition in both public and private employment.

The decision also matters for children. It recognises that adoption involves transition, attachment-building, emotional security, and integration into a new familial environment, all of which require protected time from work. In that sense, the ruling aligns labour law with child-centred family law values and with a more realistic understanding of how adoptive families are formed and sustained.

## **Implications**

### **Constitutional implications**

The judgment deepens Indian constitutional jurisprudence on substantive equality by showing that discriminatory under-inclusion can be as harmful as overt exclusion. It also extends Article 21 reasoning into the domain of adoptive family formation by connecting autonomy, dignity, and child welfare to employment protections. Future courts may rely on this logic to scrutinise family-benefit schemes that privilege biological relationships without adequate justification.

### **Labour and social security implications**

For labour law, the ruling underscores that social security must account for contemporary caregiving realities rather than rely on dated assumptions about gender and family structure. The Court's invitation to legislate paternity leave places pressure on policymakers to revisit the asymmetry between detailed maternity entitlements and the relative absence of statutory paternal or gender-neutral parental leave in the private sector. The judgment also highlights that the existing Central Civil Services rules already



provide 15 days of paternity leave for male government servants, including in adoption contexts, demonstrating that the concept is administratively familiar even if not widely generalised.

### **Workplace implications**

The ruling may affect organisational policies even before statutory amendment. Employers seeking compliance, inclusion, and talent retention may choose to expand adoption and parental leave benefits voluntarily, especially where equality and diversity commitments are taken seriously. Public discussion around the case has framed broader parental leave as relevant not only to adoption justice but also to women's workforce participation, redistribution of unpaid care work, and improved outcomes for children.

### **Limits of the judgment**

Despite its normative force, the decision has limits. It directly invalidates the age cap for adoptive mothers but does not itself prescribe the precise contours of paternity leave, adoptive father leave, or a universal parental leave code. As a result, reform now depends heavily on legislative and executive follow-through, and until then the legal position of adoptive fathers will remain uneven across sectors and employers.

### **Reform Recommendations**

India should enact a comprehensive parental leave framework within the social security system instead of relying on piecemeal extensions of maternity law. Such a framework should create a distinct category of parental leave available in cases of birth, adoption, and surrogacy, with a guaranteed non-transferable portion for each parent and an additional shareable component for caregiving flexibility. This would better reflect the Court's insight that caregiving is a shared social function rather than a burden naturally allocated to mothers alone.

A second reform should expressly include adoptive fathers and non-birthing parents in statutory leave entitlements. The Court's discussion of the father's role in early childhood development provides strong justification for moving beyond token leave and toward a meaningful period of protected, paid caregiving leave. At minimum, legislation should define paternity or parental leave for adoptive fathers in clear terms, prohibit discrimination based on mode of parenthood, and ensure coverage across both public and private employment.



Third, the law should be child-sensitive rather than infant-exclusive. The judgment rightly rejects the assumption that only very young infants require intensive parental bonding; legislation should therefore avoid rigid age cut-offs and instead focus on transition needs, disability, trauma-informed care, sibling adoption situations, and the realities of older-child adoption. This would align the leave regime with the constitutional principle that the best interests of the child remain paramount after legal adoption is completed.

Fourth, enforcement mechanisms must be built into the scheme. Statutory rights without effective compliance structures often remain symbolic, particularly in precarious or informal employment settings. Reform should therefore include employer reimbursement models where appropriate, anti-retaliation protections, grievance redress systems, and clear penalties for denial of parental leave benefits.

Fifth, reform should be accompanied by workplace guidance and public education. The Court's observations show that legal inequality is tied to entrenched social norms that view fathers as secondary caregivers. Administrative circulars, model HR policies, and awareness initiatives could help operationalise the constitutional message of shared parenting and reduce stigma surrounding adoption leave usage by both mothers and fathers.

## Conclusion

The 2026 decision in *Hamsaanandini Nanduri v. Union of India* is a landmark in the evolution of Indian family-responsive labour law. By striking down the three-month age limit on adoption-related maternity benefits, the Supreme Court affirmed that adoptive motherhood deserves equal constitutional respect and that caregiving cannot be reduced to biology. More importantly for the future, the judgment uses that insight to expose the inadequacy of a leave system that ignores fathers and treats shared parenting as optional rather than foundational.

For adoptive parents, the case is both an immediate victory and a constitutional invitation. It secures meaningful protection for adoptive mothers today while laying doctrinal groundwork for a fuller recognition of adoptive fathers and broader parental leave tomorrow. Whether that promise matures into enforceable rights will depend on legislative reform, but the judgment has already established the central principle that should guide that reform: the law must protect caregiving, family integration, and child welfare across all legitimate forms of parenthood.

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