
REPRODUCTIVE AUTONOMY AND MATERNITY BENEFIT: CONSTITUTIONAL REFLECTIONS ON K. UMADEVI V. GOVERNMENT OF TAMIL NADU (2025)

M. Rajendra Rushi, BA LLB, Legal Practitioner

Krishna G. Hallur, BBA LLB, Ramaiah College of Law

ABSTRACT

Reaffirming the constitutional foundations of maternity benefits, the 2025 Supreme Court judgment marked a decisive shift from viewing such entitlements as purely statutory to recognizing them as expressions of fundamental rights. Grounded in Articles 14, 15, 16, 21 and 42 of the Constitution, the decision emphasized that maternity leave is integral to the principles of equality, dignity and reproductive autonomy. Through a purposive and gender-sensitive interpretation of service rules, the Court articulated the State's and employers' obligation to ensure that workplace policies reflect constitutional morality and substantive equality. By extending its reasoning to the vulnerabilities of women in informal and unorganised sectors, the judgment exposed enduring systemic gaps in the protection of reproductive and labour rights. It thus moved beyond a narrow legalistic reading to advocate for an inclusive rights-based understanding of social welfare. In doing so, the decision advanced the constitutional vision of gender justice and reaffirmed the State's duty to create equitable conditions that uphold women's dignity and participation in the workforce.

INTRODUCTION

In recent years, the Supreme Court of India has increasingly engaged with the intersection of constitutional rights and labour welfare, particularly concerning women's reproductive autonomy and equality at the workplace. Among these developments, the recognition of maternity benefits as a constitutional entitlement rather than a statutory concession marks a significant evolution in the jurisprudence on gender justice. The 2025 decision addressing maternity entitlements for women employees in Tamil Nadu exemplifies this shift, situating reproductive and labour rights within the broader constitutional framework of dignity, equality and social justice.

This judicial intervention assumes particular relevance in a socio-economic landscape where a substantial proportion of women continue to work in informal or unorganised sectors, often beyond the reach of statutory welfare protections. By invoking Articles 14, 15, 16, 21 and 42 of the Constitution, the Court reaffirmed that the protection of maternity is integral to the State's obligation to ensure equality of opportunity and conditions of dignified employment. The decision reflects a purposive and rights-based interpretative approach, harmonising labour laws with fundamental rights and directive principles to advance substantive equality.

Placed against the backdrop of India's evolving discourse on gender justice, social welfare and transformative constitutionalism, this development signifies the judiciary's growing role in translating abstract constitutional ideals into enforceable entitlements. The case of *K. Umadevi v. Government of Tamil Nadu* thus stands as a defining moment in the constitutionalising of maternity rights, reshaping the relationship between labour law, social justice and women's dignity in contemporary India.

BRIEF OVERVIEW OF THE CASE

The case of *K. Umadevi v. Government of Tamil Nadu* presented a significant constitutional question concerning the scope of maternity benefits within India's public service framework and their intersection with fundamental rights. The appellant, K. Umadevi, a government school teacher in Tamil Nadu, began her service as an English teacher in December 2012. Prior to joining public service, she had two children from her first marriage, which ended in divorce in 2017, with the custody of both children remaining with her former husband. In 2018, following her remarriage, Umadevi was pregnant in 2021 and applied for maternity leave for

the period between August 17, 2021, and May 13, 2022.

Her request was denied by the Chief Educational Officer on the basis of Fundamental Rule 101(a) of the Tamil Nadu Government Servants' Rules, which permits maternity leave only to women employees with fewer than two surviving children. Despite not having custody of her first two children, the authorities treated the clause as an absolute bar. Aggrieved, Umadevi approached the Madras High Court, where a Single Judge ruled in her favour, holding that the denial of maternity leave was inconsistent with the spirit of welfare legislation and directed the government to grant her leave under Government Order (G.O.Ms.) No. 84 dated 23 August 2021.

This decision was subsequently overturned by a Division Bench, which upheld a strict interpretation of Rule 101(a) and denied Umadevi's entitlement. The appellant then approached the Supreme Court, raising vital questions at the intersection of service jurisprudence, reproductive autonomy, and constitutional equality. The central issues before the Court included: (i) whether a woman with two children from a prior marriage is entitled to maternity leave for a subsequent pregnancy after remarriage; (ii) whether Rule 101(a) of the Tamil Nadu Fundamental Rules applies to such circumstances; and (iii) whether the denial of maternity benefits infringes the guarantees of equality and dignity under Articles 14 and 21 of the Constitution.

The case thus became a crucial test for reconciling service regulations with evolving constitutional principles of gender justice, reproductive rights and social welfare.

CONTENTIONS ADVANCED BY THE APPELLANT

The appellant, K. Umadevi, challenged the denial of maternity leave by the Tamil Nadu Government, contending that the decision was arbitrary and inconsistent with constitutional and human rights principles. She had two children from her first marriage, both of whom remained in the custody of her former husband. The present child, conceived within her second marriage, was her first biological child after entering government service.

Her application for maternity leave was rejected under Rule 101(a) of the Tamil Nadu Fundamental Rules, which restricts the grant of maternity leave to women with fewer than two surviving children. The appellant argued for a purposive interpretation of the rule, emphasising

that her earlier children were neither under her care nor born during her service tenure.

Central to her argument was the Supreme Court's ruling in *Deepika Singh v. Central Administrative Tribunal*¹, where it was held that maternity leave entitlement cannot be denied merely because the employee's spouse had children from a previous marriage; the woman's first biological child must be treated as such for the purpose of maternity benefits. The appellant also relied on *Suchita Srivastava v. Chandigarh Administration*², wherein the Court affirmed that reproductive rights form part of the right to personal liberty under Article 21, and on *Devika Biswas v. Union of India*³, which recognised reproductive health and autonomy as integral to the right to life and dignity. Further reference was made to *X v. Principal Secretary, Health and Family Welfare Department*⁴, which held that reproductive rights include autonomy over decisions concerning pregnancy, childbirth, and healthcare, free from undue state interference.

The appellant invoked Article 42 of the Constitution, which directs the State to ensure maternity relief, and Article 51(c), mandating respect for international law. She cited Article 25 of the Universal Declaration of Human Rights, Article 10 of the International Covenant on Economic, Social and Cultural Rights, and Articles 11, 12, and 16 of CEDAW, all underscoring the significance of maternity protection and reproductive autonomy.

Lastly, she argued that Rule 101(a)⁵ should be construed harmoniously with the Maternity Benefit Act, 1961, specifically Section 5(3), which, while reducing the duration, does not wholly deny maternity leave to women with two or more children. A rigid interpretation based solely on the phrase "surviving children," she submitted, would thus undermine both constitutional guarantees and India's international commitments

POSITION ARTICULATED BY THE GOVERNMENT

The Government of Tamil Nadu, through its counsel, opposed the appellant's claim for maternity leave by relying on the explicit wording of Rule 101(a)⁶, which permits maternity leave only to married women government servants with *less than two surviving children*. The

¹ *Deepika Singh v Central Administrative Tribunal* (2021) SCC OnLine SC 3534

² *Suchita Srivastava v Chandigarh Administration* (2009) 9 SCC 1

³ *Devika Biswas v Union of India* (2016) 10 SCC 726

⁴ *X v Principal Secretary, Health and Family Welfare Department*, Civil Appeal No 5802 of 2022 (arising out of SLP (C) No 12612 of 2022) (SC)

⁵ Fundamental Rules of the Tamil Nadu Government, r 101

⁶ Supra 5

State argued that since the appellant already had two biological children from her first marriage, she exceeded the permissible limit under the rule, regardless of the custodial arrangement of those children. Therefore, her request for maternity leave for the third child, born from her second marriage, was not legally tenable.

The Government further contended that maternity leave is not a fundamental right, but a statutory or service-related benefit, and must be exercised strictly within the framework of the applicable service rules. Citing fiscal responsibility and human resource management concerns, the State argued that allowing exceptions to the established two-child norm would open the floodgates to similar claims, adversely impacting administrative efficiency and imposing a significant financial burden on the exchequer.

The State also emphasized its policy commitment to population control, asserting that relaxing the two-child limit would undermine the small family norm, which is in line with national goals. It was argued that personal circumstances, such as re-marriage or loss of custody, cannot override the uniformly applicable service rules. The counsel referred to paragraph 17 of the Supreme Court's decision in *Deepika Singh v. Central Administrative Tribunal*⁷, to claim that even the Court in that case had upheld that statutory rights and service regulations must align, and that beneficial interpretations should not distort clear policy intent.

Additionally, the State distinguished the Maternity Benefit Act, 1961, asserting that it does not apply to State government employees. The government maintained that while it has adopted progressive welfare measures, such as extending maternity leave up to 12 months under G.O.Ms. No. 84 dated 23.08.2021, these benefits remain subject to existing rules, including the two-child condition. In conclusion, the State urged the Court to uphold the Division Bench decision of the High Court, arguing that the appellant's situation, though sympathetic, did not entitle her to relief outside the bounds of the applicable service rules and policies.

OBSERVATIONS AND CONSTITUTIONAL RATIONALE

The Supreme Court's judgment in this matter stands out for its purposive and principled approach, granting substantive relief to the appellant, K. Umadevi, while reaffirming the constitutional and human rights foundations of maternity benefits in India.

⁷ Supra 1

At the outset, the Hon'ble Supreme Court set aside the judgment of the Division Bench of the Madras High Court dated 14 September 2022, which had denied the appellant's maternity leave by rigidly applying Fundamental Rule (FR) 101(a). The High Court had reasoned that maternity leave could not be extended to a woman with more than two surviving children, overlooking the appellant's unique circumstances: the two children were from a prior dissolved marriage and remained in the custody of their father, while this was her first child within the subsisting marriage and her first conceived during government service.

The Supreme Court directed that maternity leave be granted under FR 101(a), emphasising that maternity leave is an essential element of a woman's reproductive rights and integral to the constitutional guarantee of dignity and autonomy under Article 21. It also directed that all admissible maternity benefits be released within two months and that any leave already taken in connection with the pregnancy be regularised accordingly. The Hon'ble Supreme Court further clarified that neither the FR 101(a) nor the Maternity Benefit Act, 1961, bars maternity leave for women with more than two children; instead, the law only restricts the duration of the leave, not the entitlement in its entirety.

Importantly, the Court balanced competing state interests, acknowledging the objective of the State's two-child policy while clarifying that such policy aims cannot be advanced at the expense of fundamental rights or India's international commitments. In this regard, it drew support from international instruments such as CEDAW (1979) and the Maternity Protection Convention, 2000, which affirm maternity leave as central to protecting women's health, dignity, and equality.

Beyond providing relief in this case, the judgment stands as a clear affirmation that reproductive autonomy and maternity benefits are not aspirational ideals but enforceable rights essential to women's dignity and equal participation in the workforce.

REINFORCEMENT OF ARTICLE 21 AND DIRECTIVE PRINCIPLES

The judgment is notable for its integrative approach, harmonising Fundamental Rights and Directive Principles of State Policy (DPSPs). It rooted the right to dignity and reproductive autonomy in Article 21, while drawing interpretative support from Article 42, which urges the

State to secure humane working conditions and maternity relief⁸.

The Constitution of India provides a comprehensive framework for the protection of fundamental rights, reflecting its commitment to upholding human dignity and equality. Central to this framework is Article 21, which guarantees the right to life and personal liberty. The Supreme Court has consistently interpreted this provision liberally and expansively, holding that the right to life is not confined to mere physical survival but extends to living with dignity⁹. This broader interpretation encompasses various derivative rights, including the right to health,¹⁰ the right to privacy,¹¹ and the right to make autonomous decisions in matters relating to one's body and personal relationships, such as sexual and reproductive choices.¹²

Articles 14 and 15 reinforce this vision by ensuring equality before the law and prohibiting discrimination on the basis of sex, among other grounds¹³, thereby promoting substantive equality and protecting vulnerable groups from social exclusion. Article 16 further guarantees equality of opportunity in public employment¹⁴, thereby linking the right to dignity and equality with access to economic and professional advancement.

The judiciary has played a transformative role in developing these rights through landmark judgments, recognising obligations such as the provision of emergency medical care as part of the constitutional mandate¹⁵ and affirming privacy as an intrinsic part of personal liberty¹⁶. It has also struck down discriminatory laws that infringed upon dignity and autonomy¹⁷, thereby aligning constitutional guarantees with evolving notions of justice and human rights. To ensure these rights are not merely aspirational, the Constitution empowers individuals to directly approach the Supreme Court under Article 32 and the High Courts under Article 226 for enforcement. These provisions create an effective mechanism for judicial review and protection against State or private actions that violate fundamental rights, ensuring that constitutional promises are realised in practice.

⁸ Article 21, Constitution of India

⁹ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, AIR 1981 SC 746

¹⁰ Pt. Parmanand Katara v. Union of India, (1989) 4 SCC 286

¹¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1

¹² Navtej Singh Johar v. Union of India, (2018) 10 SCC 1

¹³ Articles 14 and 15, Constitution of India

¹⁴ Article 16, Constitution of India

¹⁵ Pt. Parmanand Katara v. Union of India, (1989) 4 SCC 286

¹⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1

¹⁷ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1

In securing reproductive justice for women, all these rights are implicated, and Courts in India have referenced these rights when adjudicating reproductive justice cases. Courts have also relied heavily on international human rights norms to determine the contours and contents of rights under the Indian Constitution and, correspondingly, the State's obligation to secure reproductive justice.¹⁸ By construing Rule 101(a) in light of both Part III and Part IV of the Constitution, the Court reaffirmed the principle articulated earlier in *Minerva Mills Ltd. v. Union of India*¹⁹ that DPSPs, though non-justiciable, lend substantive content and context to fundamental rights, advancing the Constitution's transformative promise.

Further, by invoking Article 51(c)²⁰, the Court emphasised the State's duty to respect international obligations. This method of reading constitutional rights expansively and purposively, consistent with international standards, reflects the interpretative approach seen in *Vishaka v. State of Rajasthan*²¹, where international conventions were used to fill legislative gaps and strengthen rights protections.

IMPLICATIONS OF THE JUDGMENT

The Supreme Court's decision in *K. Umadevi* carries significant implications that extend beyond the relief granted to the appellant. By holding that maternity benefits cannot be denied solely because a woman has two children from a prior marriage who remain in their father's custody, the Court emphasized that maternity leave must reflect dignity, autonomy and the practical realities of women's lives rather than rigid rule-based calculations.²²

The judgment reinforces that service rules and population control measures must respect fundamental rights under Article 21 and align with India's commitments under international instruments like CEDAW and the Maternity Protection Convention²³.

The Hon'ble Supreme Court earlier has stated that any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these

¹⁸ In *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

¹⁹ *Minerva Mills Ltd v Union of India* AIR 1980 SC 1789

²⁰ Constitution of India, art 51(c)

²¹ *Vishaka and Others v State of Rajasthan and Others* AIR 1997 SC 301

²² Ira Chadha-Sridhar and Geetika Myer, 'Feminist Reflections on Labour: The "Ethics of Care" within Maternity Laws in India' (2017) 13 Socio-Legal Review 2, 2-21

<http://docs.manupatra.in/newsline/articles/Upload/6D912917-E8DD-4B82-B026-C0DCF24F5766.pdf> accessed 1 July 2025

²³ Maternity Protection Convention, 2000 (No 183) (adopted 15 June 2000, entered into force 7 February 2002) ILO

provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee.²⁴ It also sends a clear message that policies affecting women's health and family life must be interpreted compassionately, recognizing maternity benefits as safeguards for the well-being of both mother and child and as support for women's equal participation in the workforce.

Beyond this specific case, the ruling encourages courts and policymakers to adopt a purposive and humane view of maternity rights, treating them not as discretionary concessions but as concrete entitlements grounded in constitutional values of dignity and equality. In doing so, it affirms that reproductive autonomy and maternal health are vital components of a fair and inclusive workplace.

CRITICAL APPRAISAL AND FUTURE DIRECTIONS

Every woman during pregnancy and childbirth is entitled to access healthcare that upholds dignity and respect at all stages. According to the World Health Organization (WHO), respectful maternity care (RMC) is defined as "care organized for and provided to all women in a manner that maintains their dignity, privacy, and confidentiality, ensures freedom from harm and mistreatment, and enables informed choice and continuous support during labor and childbirth."²⁵

The WHO framework aligns with Article 21, as respectful maternity care embodies dignity, informed choice and autonomy, all recognised as enforceable constitutional rights in India.

While the Supreme Court's judgment rightly champions reproductive autonomy and human dignity, it also exposes structural tensions in India's legal framework. The continued existence of rigid two-child norms in service rules risks undermining substantive equality, as it fails to accommodate diverse family circumstances such as remarriage, adoption or custodial arrangements.

The Indian judiciary has played a transformative role in shaping and expanding the contours of reproductive rights and the principle of bodily autonomy. This evolution is rooted in the

²⁴ *Vishaka and Others v State of Rajasthan and Others* AIR 1997 SC 301

²⁵ World Health Organization. Geneva: World Health Organization; WHO Recommendations: Intrapartum care for a positive childbirth experience. Available from: <https://www.who.int/publications-detail-redirect/9789241550215> . [Last accessed on 2025 Aug 20]

landmark decision of *Justice K.S. Puttaswamy (Retd.) v. Union of India*, where the Supreme Court unequivocally recognised that the constitutional freedom of women to make reproductive choices is an essential facet of personal liberty and the right to privacy guaranteed under Article 21 of the Constitution.²⁶ By situating reproductive decision-making within the broader constitutional framework of individual autonomy and dignity, the Court established a foundational precedent affirming that the state must respect and protect a woman's agency over her own body.

In *Laxmi Mandal v. Deen Dayal Harinagar Hospital*²⁷, the Delhi High Court recognized that a woman's right to health, which includes her reproductive health, forms part of her "inalienable survival rights" protected under Article 21 of the Constitution.²⁸ Drawing on various international human rights instruments, the Court emphasized the close interrelationship between civil and political rights and socio-economic rights. It further noted that the effective implementation of schemes designed to realize these rights is essential for the state to meet its constitutional obligations. Similarly, in *Kali Bai v. Union of India*, the Chhattisgarh High Court held that the right to health encompasses not only access to public healthcare facilities but also the entitlement to a minimum standard of treatment and care through such facilities. Observing that reproductive rights and the right to health are integral to the protection guaranteed by Article 21, the Court stressed the importance of identifying high-risk pregnancies and ensuring prompt referrals to adequately equipped institutions. The Court described these measures as "indefensible components of access to protection and enforcement of reproductive rights."²⁹

The judgment could have gone further by explicitly urging legislative reform to harmonize service rules with the broader guarantees of the Maternity Benefit Act and constitutional principles. Additionally, although the Court's purposive interpretation offers relief in individual cases, reliance on judicial intervention alone may leave many similarly placed women dependent on litigation for justice. Looking ahead, a more inclusive policy approach is essential. Legislative and administrative bodies should revisit restrictive provisions that conflict with Article 21, Directive Principles, and international obligations under instruments like CEDAW. Clearer guidelines that recognize the complexity of modern family life, covering

²⁶ Justice K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors., AIR 2017 SC 4161.

²⁷ (2010) 172 DLT 9 / 2010 SCC OnLine Del 2234.

²⁸ See also *Sandesh Bansal v. Union of India*, W.P. No. 9061 of 2008 (Order dated 6 February 2012) (High Court of Madhya Pradesh).

²⁹ 2017 SCC OnLine Chh 1081

adoptive mothers, single mothers and those with stepchildren, would help embed maternity benefits as universal, enforceable rights rather than contingent privileges. Ultimately, sustained reform must aim not only at compliance with constitutional mandates but also at transforming workplaces into spaces that genuinely uphold women's dignity, health, and equal participation.

CONCLUSION

The Supreme Court's decision in *K. Umadevi* reinforces the idea that maternity benefits are not privileges to be granted at the State's discretion but rights that flow from the Constitution's core values of dignity, equality and personal liberty. By reading Fundamental Rule 101(a) in light of both domestic constitutional guarantees and international human rights commitments, the Court placed lived realities above rigid technicalities. This approach ensures that the law remains sensitive to the complex circumstance's women face, whether shaped by remarriage, custody arrangements, or other family dynamics. However, the judgment also exposes the need for systemic reform. As long as restrictive service rules remain unchanged, the burden will continue to fall on individual women to seek judicial relief. A lasting solution lies in legislative and policy measures that broaden the scope of maternity protections to cover all mothers, including biological, adoptive, single and stepmothers, without discriminatory conditions. Aligning law and policy with the lived experiences of women will not only honour constitutional promises but also help create workplaces and societies where motherhood is respected, supported and celebrated as a shared social responsibility.