

From HR Policy to Constitutional Right: Karnataka High Court's Menstrual Leave Judgment Could Reshape Workplace Law in India

A hotel worker's petition may have changed workplace rights for millions of women.

In a landmark decision, the Karnataka High Court has upheld the state's Menstrual Leave Policy and recognised menstrual leave as being rooted in constitutional values of dignity, health, bodily autonomy, and humane working conditions.

This is no longer merely an HR policy discussion. It is now a workplace rights conversation with constitutional implications.



The ruling has significance far beyond Karnataka because it:

- ♀ Recognises menstrual health as part of the right to life and dignity.
- ♀ Reinforces that workplace equality sometimes requires accommodation, not identical treatment.
- ♀ Strengthens the legal foundation for menstrual leave policies.
- ♀ May influence future legislative and policy developments across India.
- ♀ Highlights the need to extend workplace protections to women in the unorganised sector.



Background: Karnataka's Menstrual Leave Policy

The Karnataka Government introduced the Menstrual Leave Policy, 2025 under Government Notification No. KAI 466 LET 2023, granting eligible women employees one day of paid menstrual leave per month (up to 12 days annually).

The policy applies across a wide range of sectors and employment arrangements, including permanent, contractual, outsourced, and newly recruited employees.

Women between 18 and 52 years of age can avail the benefit without producing a medical certificate.



The Case That Reached the High Court

The issue arose in the case of *Chandravva Hanamant Gokavi v. State of Karnataka and ors.* MANU/KA/1137/2026 where a petition filed by a woman employed as a labourer in a small hotel.

Her work involved physically demanding tasks such as cleaning, washing utensils, and serving customers. She argued that these conditions became particularly difficult during menstruation and that, despite the policy being notified, many women especially in the unorganised sector were not receiving its benefits in practice.

She approached the High Court seeking effective implementation of the policy and uniform enforcement across eligible establishments.

Five Key Takeaways from the Judgment

1. Menstrual Leave Is About Dignity, Not Privilege

The Court recognised menstruation as a natural biological process and observed that many women experience pain, fatigue, anaemia, endometriosis, PCOS, and other conditions that can affect their ability to work.

It held that menstrual leave is linked to dignity, fairness, and humane working conditions.

2. The Policy Has Strong Constitutional Foundations

The Court traced the policy's validity to:

- Article 15(3) – Special provisions for women
- Article 21 – Right to life, dignity, bodily autonomy, and reproductive health
- Article 39(e) – Protection of workers' health
- Article 42 – Humane conditions of work
- Article 162 – Executive power of the State

3. Menstrual Health Forms Part of Article 21

Relying on the Supreme Court's decision in *Jaya Thakur v. Union of India 2026 INSC 97*, the Court held that menstrual health and hygiene are integral to the fundamental right to life and dignity.

4. Equality Does Not Mean Identical Treatment

Rejecting arguments based on Article 14, the Court clarified that recognising biological realities does not amount to discrimination.

Instead, measures addressing women's unique health needs promote substantive equality.

5. The Unorganised Sector Requires Greater Protection

The Court emphasised that women in the unorganised sector are often the least likely to benefit from workplace protections and encouraged a proactive implementation approach through awareness initiatives and administrative mechanisms.

What Did the Court Direct?

The High Court:

- Upheld the constitutional validity of the Menstrual Leave Policy.
- Directed the State Government to implement the policy strictly.
- Called for guidelines and administrative measures to ensure uniform implementation across eligible establishments, particularly in the unorganised sector.

What Should Employers Do Now?

Employers operating in Karnataka should consider:

- Reviewing leave policies and employee handbooks.
- Assessing compliance mechanisms.
- Training HR teams and managers.
- Establishing confidential and accessible leave-request processes.
- Evaluating whether similar policies should be voluntarily adopted across locations.

Beyond compliance, the judgment signals an evolving understanding of workplace equalityone that recognises biological realities as part of creating fair and inclusive workplaces.



The Bigger Question

While the judgment directly applies to Karnataka, its constitutional reasoning may have persuasive value for courts, policymakers, and employers across India.

Could this be the first step toward a nationwide framework on menstrual leave?

