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Karnataka High Court orders strict implementation of menstrual leave policy

In the recent case of ***Chandravva Hanamant Gokavi vs. State of Karnataka and Ors.***[1], a single judge bench of the High Court of Karnataka, Dharwad Bench ("**Karnataka HC**") issued a direction of strict and faithful implementation of the 'Menstrual Leave Policy 2025' issued by the Karnataka State Government on November 12, 2025 and subsequently notified in the official Karnataka Gazette on November 20, 2025, to be effective from November 12, 2025 ("**Policy**") linking it to the intrinsic value of Article 21 of the Constitution of India ("**Constitution**"). For further details on the Policy, please refer to the JSA Prism of November 14, 2025.

Brief facts

The woman petitioner, employed in a small local hotel, performed physically strenuous tasks in conditions lacking adequate hygiene and dignity, hardships she contended bore particular severity during menstruation. The Karnataka State Government under the Policy, granted 1 (one) day of paid menstrual leave per month capped at 12 (twelve) days per year, to women aged 18 (eighteen) to 52 (fifty-two) employed in industries and establishments registered under various labour legislations[2] within the State of Karnataka. The Karnataka Menstrual Leave and Hygiene Bill, 2025 ("**Bill**") was also tabled before the State Legislature, proposing up to 2 (two) days of paid leave per month along with hygiene facilities and a dedicated enforcement authority. The petitioner filed this writ petition under Articles 226 and 227 of the Constitution seeking: (a) consideration of her representation in a time-bound manner; (b) enforcement of the State Government orders across all establishments in Belagavi district, including hotels and small commercial units; and (c) framing of guidelines to ensure uniform implementation, particularly in the unorganised sector.

Issue

The main issues before the Karnataka HC were:

1. whether the State's Policy was constitutionally valid and grounded in fundamental rights; and
2. whether the State's Policy, presently confined to the organised sector, ought to be extended to the unorganised sector?

[1] W.P. 109734/2025 (decided on April 15, 2026)
[2] The Factories Act, 1948, the Karnataka Shops and Commercial Establishments Act, 1961, the Plantations Labour Act, 1951, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, and the Motor Transport Workers Act, 1961

Findings and analysis

The Karnataka HC undertook an extensive constitutional and jurisprudential analysis. It traced the evolution of menstrual leave and menstrual health protection in India and abroad. It relied heavily on the jurisprudence of the Supreme Court of India ("**Supreme Court**"), recognising menstrual health, dignity, privacy, and bodily autonomy as integral facets of the right to life under Article 21 of the Constitution.

Constitutional basis of the Policy

The Karnataka HC held that the Policy was not a matter of mere administrative discretion but was intrinsically connected to the realisation of fundamental rights. It traced the Policy's roots to Articles 15(3), 39(e), and 42 of the Constitution, which collectively empower the State to make special provisions for women, protect the health and strength of workers, and secure just and humane conditions of work. The executive power of the State under Article 162 of the Constitution furnished the necessary authority to translate these constitutional aspirations into the form of a policy.

Menstrual health as part of Article 21 of the Constitution

Drawing heavily from the Supreme Court's recent decision in *Jaya Thakur vs. Union of India*[3], the Karnataka HC affirmed that menstrual health and hygiene form an integral part of the right to live with dignity under Article 21 of the Constitution. The Karnataka HC emphasised that right to life encompasses bodily autonomy, decisional privacy, and the right to reproductive health. Further emphasising that dignity cannot be abstract; it held that it must find expression in conditions that allow individuals to live without humiliation, exclusion, or avoidable suffering. The Karnataka HC also took note of the Supreme Court's earlier direction in *Shailendra Mani Tripathi vs. Union of India*[4], where the Supreme Court had clarified that the State Governments were free to independently formulate menstrual leave policies.

Global context

The Karnataka HC surveyed laws on menstrual leave across jurisdictions such as the erstwhile Soviet Union, Japan, Indonesia, South Korea, Taiwan, Vietnam, and Zambia; observing a 'remarkable unity of thought' globally in favour of granting at least 1 (one) day of menstrual leave, and noted that the Union of India had twice introduced bills on the subject without legislative fruition.

Unorganised sector

The Karnataka HC identified the critical gap in the Policy's current scope, which was limited to establishments registered under specific statutes, thereby excluding the vast and heterogeneous unorganised sector, where women workers like the petitioner are most vulnerable and least informed. Relying on *Municipal Corporation of Delhi vs. Female Workers (Muster Roll)*[5] and *Ajay Malik vs. State of Uttarakhand*[6], the Karnataka HC noted the Supreme Court's consistent recognition of the need to extend social security protections to unorganised sector workers.

The Karnataka HC observed that the unorganised sector broadly comprises 2 (two) categories: (a) enterprises with fewer than 10 (ten) workers, and (b) daily wage labourers. Both of these categories fall outside the current State Government orders. It held that the State must adopt a facilitative, rather than purely regulatory, approach for this sector, including sustained sensitisation and awareness measures.

[3] 2026 SCC OnLine SC 133
[4] 2024 SCC OnLine SC 1694
[5] (2000) 3 SCC 224
[6] 2025 SCC OnLine SC 185

Article 14 of Constitution

In its concluding remarks, the Karnataka HC expressly rejected any apprehension that a gender-specific leave policy would violate the guarantee of equality under Article 14 of the Constitution, observing that men and women, though equal in law, are biologically distinct. The Karnataka HC observed that acknowledging such difference (particularly in matters of health, dignity, and bodily autonomy) is not a departure from equality but gives it substantive meaning.

Conclusion

The Karnataka HC directed the State Government to strictly implement the Policy pending formal enactment of the proposed Bill, and upon enactment, to frame rules without delay. In the interregnum, the Karnataka HC directed the State Government to issue guidelines and administrative instructions ensuring uniform implementation across both organised and unorganised sectors.

The decision carries significant implications beyond its immediate facts. By firmly anchoring menstrual leave within the constitutional guarantee of dignity under Article 21 of the Constitution, the Karnataka HC has elevated the discourse from one of administrative accommodation to that of enforceable fundamental rights. Its insistence on reaching the unorganised sector signals a broader judicial commitment to substantive, rather than merely formal, equality. Interestingly, a coordinate bench of the Karnataka HC (Bengaluru Bench) is hearing a batch of petitions filed by the Bangalore Hotels Association and others[7], which challenges the implementation of the Policy. It is yet to be seen whether the coordinate bench differs in opinion from the present judgment and consequently, submits for final determination to a larger bench of the Karnataka HC or the Supreme Court.

[7] *Bangalore Hotels Association (R) vs. Government of Karnataka* (W.P. No. 37122/2025)

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