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LEGALITY OF KARNATAKA MENSTRUAL LEAVE POLICY

The GO.

The Government of Karnataka (**GoK**) has *via* Government Order No. KAI 466 LET 2023, dated November 12, 2025 (**GO**) mandated that all registered establishments under the Factories Act, 1948, the Karnataka Shops and Commercial Establishments Act, 1961 and a few other Acts¹ to grant to every permanent, contract, outsourced woman employee between 18 and 52 years of age one day of paid leave every month totalling to 12 paid menstrual leave days annually during their menstrual period.

The GO prescribes the following conditions for grant of menstrual leave:

1. Women employees should utilise a month's menstrual leave within that month.
2. Carry-over of the previous month's unutilised menstrual leave to following months is not permitted.
3. Women employees claiming one day of menstrual leave each month are not required to provide any medical certificate.

The GO speaks of an expert committee formed by the GoK having recommended implementation of 'Menstrual Leave Policy' (**Policy**) in factories, plantations, shops, and commercial establishments employing women by which menstrual leave as above must be granted for their health, efficiency and welfare. The GO does not specify an effective date but having been issued on November 12, 2025, it appears to be effective from this date.

Significantly, the GO does not prescribe any penalties should in the event a covered employer does not grant menstrual leave to its employees.

Legality of the GO.

While the intent of GoK is laudable for having introduced a policy for grant of menstrual leave to women employees in the state, the GO apparently lacks the necessary legal powers for grant of such leave.

¹ Also under Plantation Labour Act, 1951, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, and the Motor Transport Workers Act, 1961.

The GO is a subordinate legislation. While it draws reference to a number of Acts under which women workers are employed in various establishments, it does not refer to any of the Acts from which it draws power for granting menstrual leave. Also, a reading of the Acts show that there is no intention on the part of the Parliament or the state legislature to grant such leave.

While the Parliament or the state legislature may have the necessary powers to grant such leave to its women workforce – to be exercised through the passing of an Act or an amending Act, the GoK may not have the same powers.

Legal Challenge to the GO.

It is widely reported² that Bangalore Hotels Association (**BHA**) has filed a petition before the High Court of Karnataka challenging the Policy on grounds that is discriminatory as the same did not extend to women working government sectors and department. However, this was corrected by the GoK through a subsequent GO issued on December 2, 2025.³

BHA reportedly has further contended that none of the statues listed in the GO empowers the GoK to mandate employers to grant menstrual leave to their women employee and these are subject to internal discretion of the respective organizations. The petition has reportedly been listed and is expected to be heard in due course.

This *Counselence Connect* contains information in a nutshell on a recent change in law.

This is not legal advice and must not be treated so. For any clarifications, please contact us at: info@counselence.com. Past issues of *Counselence Connect* are available at the 'Newsletters' page of our website (www.counselence.com)

² Refer report of *The Economic Times*' ET HR World available [here](#).

³ The GO in Kannada is available [here](#).