

Menstrual Leave Debate in India - Explained

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Menstrual Leave Latest News

- The Supreme Court recently observed that making paid menstrual leave mandatory by law may unintentionally harm women's career prospects and reduce their employment opportunities.

Menstrual Leave in India

- Menstrual leave refers to leave granted to women during their menstrual cycle when they may experience severe physical discomfort, such as cramps or other medical conditions.
- The issue has increasingly become part of discussions on gender equality, workplace welfare, and labour rights.
- India does not currently have a nationwide law mandating menstrual leave. However, certain initiatives exist at the institutional or regional level. For example:
 - Some educational institutions have introduced menstrual leave policies for students.
 - Certain state governments have provided limited leave provisions in schools or universities.
 - Several private companies have voluntarily implemented menstrual leave policies.

- These initiatives reflect growing awareness of menstrual health issues in workplaces and educational institutions.

Global Practices on Menstrual Leave

- Several countries have adopted policies related to menstrual leave, though their design and implementation vary. For instance:
 - **Spain** introduced a law in 2023 allowing women to take **3-5 days of menstrual leave**, with the cost borne by the government.
 - **Japan** introduced menstrual leave legislation as early as **1947**.
 - **South Korea, Indonesia, China, and Zambia** also have provisions that allow menstrual leave under certain conditions.
- These international examples illustrate different approaches to addressing menstrual health in workplaces.

Supreme Court's Observations on Mandatory Menstrual Leave

- The debate gained attention after a petition sought directions from the Supreme Court to introduce a uniform law granting paid menstrual leave to women workers and female students across the country.
- The Supreme Court Bench, headed by Chief Justice of India Surya Kant, observed that a **mandatory legal provision for menstrual leave could negatively impact women's careers**.
- The Court highlighted several potential risks:
 - **Impact on Hiring Decisions:** Employers might become reluctant to hire women if they are required to provide additional mandatory leave every month.
 - **Reduced Workplace Responsibilities:** There is concern that employers may hesitate to assign major responsibilities to women if they perceive them as frequently unavailable during certain periods.
 - **Career Growth Concerns:** The Court observed that mandatory leave policies might inadvertently create a perception that women are less capable of handling demanding roles.
- These observations were based on the broader realities of the labour market and workplace dynamics.
- Ultimately, the **Court disposed of the petition and asked the Central Government to consider the representation** and explore the possibility of framing an appropriate policy in consultation with stakeholders.

Distinction Between Voluntary Policies and Legal Mandates

- While expressing concerns about a compulsory law, the Court made an important distinction between voluntary workplace policies and statutory mandates.
- The judges encouraged voluntary initiatives by employers or institutions that support women employees. Such policies allow organisations to adapt to their workforce needs without creating rigid legal obligations.
- For example, some private companies and educational institutions have already introduced menstrual leave policies. Similarly, certain states have implemented limited provisions for menstrual leave in educational institutions.
- The Court indicated that such voluntary approaches may provide support to women without negatively affecting employment opportunities.

Broader Issues in the Debate

- The discussion around menstrual leave highlights broader issues concerning gender equality in workplaces.
- Supporters argue that menstrual leave recognises biological realities and promotes workplace dignity for women. It can help women manage severe menstrual pain, which may otherwise affect productivity and health.
- Critics, however, argue that mandatory leave policies could reinforce gender stereotypes and discourage employers from hiring women.
- Therefore, policymakers must balance **workplace equality, health considerations, and labour market realities** while designing such policies.

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