

From Debate to Law in Gendered Workspaces: Evaluating the Imperative for Menstrual Leave Legislation in India

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Abstract

Author John Gray in his famous book uses the metaphor “*Men are from Mars, Women are from Venus*” to highlight how fundamentally different men and women are in terms of biology, communication styles, emotional needs, and ways of thinking. It is important to acknowledge the beautiful distinction between the two binaries. One such distinction that requires acknowledgment in our society's socio legal framework is mensuration. Particularly in the workplace, gender equality is a crucial issue and a crucial component of fundamental human rights. The unique difficulties that women encounter, such as menstruation and menopause, are frequently ignored by the legal framework. As legislators, businesses, and civil society struggle to incorporate gender-responsive workplace practices within the current legislative framework, the conversation on menstrual leave in India has received fresh attention. The lack of a continuous statutory obligation has led to fragmented access and uneven protections for menstruation individuals in the workforce, notwithstanding intermittent policy measures and organizational-level practices. This research paper critically assesses the current menstrual leave policy debate and looks at how it relates to public health concerns, socio legal framework and constitutional safeguards. The paper contends that in order to advance employment fairness, protect reproductive health, and guarantee real gender justice, policy-level discussions must give way to legally binding statutes. The paper also tracks the development of menstruation leave on a global scale, from early legislative efforts in nations like South Korea, Japan, and Indonesia to more recent changes in Europe and corporate-driven policies across the globe. The paper further provides an analysis of how India has been trying to give recognition to Menstrual Leaves in the form of state level recognition as well as some Indian companies providing Menstrual Leaves to their employees. The paper concludes with a view that legislative intervention is needed that strikes a balance between organizational viability and employee wellbeing, paving the way for an inclusive, rights-based approach to menstruation leave in India.

Keywords: Menstrual Leave, Gender Justice, Workplace Equity, Statutory Reform in India, Socio-Legal Perspectives

1. Menstruation Leaves

Menstruation is a sociocultural phenomenon, highlighting the binary sex-specific biological characteristics. Men and women are biologically different, which is a key justification for the protective laws that many nations have put in place to protect women's rights in the workplace. The need for menstruation leave to be legally sanctioned further contextualizes this idea. In light of this, it is worthwhile to examine menstruation leave policies as a workplace right intended to take into account women's biological distinctions and the disregard for their institutional and infrastructure demands. Nonetheless, some feminists contend that the implementation of such policies portends a return to the days of biological discrimination. The paper examines the evolution of such legislation in other nations as a step toward gender parity and socio-legal reforms in order to assess the efficacy of the adoption of menstrual leaves in India.

In India, the menstrual leave regulation is a huge step toward acknowledging women's reproductive rights. The institutionalization of menstrual leave policies is a significant step toward women's health, equality and welfare, from business circles to academic institutions and state governments. In 1992, Bihar was the first ever state to give a nod to menstrual leave policy providing two day of leaves to female employees every month, it was a controversial step taken by the state requiring menstrual leave in all state government establishments.(Kumar, 2022)

A country's ability to advance economically, depends on how well its productive human resources are used. Women are no longer restricted to household chores due to shifting gender roles; they are increasingly entering the workforce and participating in a variety of economic activities. Women are succeeding in a variety of sectors and are even pursuing careers that have historically been reserved for men. Both the structured and unorganized sectors have seen a similar influx of women. They are either the main source of revenue in the unorganized sector or they support the efforts of their male counterparts. Businesses in the manufacturing sector are also realizing their potential and striving for a greater gender ratio. India's Female Labour Force Participation Rate (FLFPR) showed a strong upward trend in 2025, rising from about 32% in June to over 35% by November, primarily due to increased rural participation. By late 2025, figures in rural areas reached nearly 40%, indicating growing engagement.(*PERIODIC LABOUR FORCE SURVEY (PLFS) Monthly Bulletin August 2025*, n.d.) This expansion can be further shaped by government programs for entrepreneurship and skills training, flexible work schedules, as well as bringing about some gender responsive reforms such as menstrual leaves. These reforms will be further helpful for the goal of reaching greater national targets by 2030.

Men and women have worked in a variety of fields from the beginning of time. Nonetheless, there has always been a gap between men's and women's working conditions and things stayed mostly unchanged until the 20th century. However, when the twenty-first century began, we saw a number of workplace rules that prioritized women. The implementation of several women empowering policies in Europe marked the beginning of this change in perspective. It then expanded to every country in the world.(“Spain Becomes First European Nation to Pass Law Permitting ‘Menstrual Leave,’” 2023) Even in historically male-dominated nations like India, the government has implemented numerous regulations specifically for the empowerment of the marginalized women class. However, the policy of menstrual leave for working women has been one of the main issues that India's successive administrations have consistently ignored for the benefit and relief of women.

Menstrual leave, often known as period leave, is a type of leave when working women can choose to take paid or unpaid time off from their place of employment while they are menstruating because this condition makes it difficult for them to work.

This paper examines whether a policy pertaining to women's period leave is necessary and, if so, whether it should be created by the government or be institution-specific. In order to improve working conditions, support a healthy mental and physical environment, and further uphold women's right to a dignified life, the paper seeks to determine the necessity of a period leave policy for working women.

2. Understanding Menstruation and Menstrual Cramps

“*Rajasraava*”, or the “*flow of raja*”, is the Sanskrit term for menstruation. “*Rajasraava*” symbolizes the flow of menstrual blood in the physical body; the flow of excess rajasic energy in the vital body and thoughts & emotions in mental health. In Ayurveda menstruation is described as “a complex physio-psychological process that exposes the woman to the excess rajasic (energy) condition of the physical, vital and mental levels”. Ayurveda views the menstrual cycle as a cleansing process or gift that should be accepted with grace each month. Menstrual cramps are not normal, according to Ayurveda, but rather an imbalance. The three doshas, or biological energies, inherent within the body; “*vata* (air), *pitta* (fire), and *kapha* (water)” which needs to be balanced and rejuvenated, during such a period the body needs to rest.(Sridhar, 2016)

Menstruation is described in allopathy as a cyclic phenomenon that occurs rhythmically during the reproductive cycle. It typically begins between the ages of 12 and 15 (puberty) and ends between the ages of 45 and 50 (menopause). The regular release of blood and mucosal tissue from the uterine lining through the vagina is known as menstruation, or having a period. Experiences with menstruation differ greatly. While some people have just minor discomfort during their periods, others experience unbearable pain due to conditions like dysmenorrhea.(Critchley et al., 2020)

Recurrent, cramping lower abdomen discomfort that occurs during menstruation without pelvic disease is the hallmark of primary dysmenorrhea. Among females, it is the most prevalent gynecological complaint. The research claims that females with primary dysmenorrhea suffer from depression, lower back pain, tension and anxiety. Many people practice yoga to enhance their health and encourage relaxation. It involves practicing specific body positions, breath control and basic meditation. Frequent yoga practice can be used in addition to the main treatment for the symptoms of dysmenorrhea.(Chhikara et al., 2023)

In India there is a prevalence of “*Abnormal Uterine Bleeding*” and “*Dysmenorrhea*” in adolescent females. A national level study; via a systematic review and meta-analysis; pooled prevalence estimates for AUB and its variants exclusively among teenage girls in India. The study discover that nearly one-fifth (19%) of Indian teenagers have AUB by merging data from 31 studies conducted in various regions of the country. Oligomenorrhea (25%) and metrorrhagia (24%) are the most common types, although dysmenorrhea affects more than half (53%). The Study demonstrate the critical public health need for developing standardized screening tools and integrating focused treatments into school and community health programs to mitigate the long-term effects of these common diseases.(Krishna et al., 2025)

Another study aimed to evaluate the frequency and intensity of premenstrual symptoms PMS in working urban Indian women. 67 women from Delhi and Mumbai, ages 23 to 39, participated in a cross-sectional study and described their premenstrual symptoms as “Physical symptoms(breast tenderness, headaches, joint or muscle pain, bloating, and weight gain)”, “fatigue or lack of energy”, and “anger or irritability”, “insomnia”, “decreased interest in household activities”, and “difficulty concentrating”. The study sheds light on how common and severe premenstrual symptoms are among Indian women who work in cities. The significant prevalence of both physical and emotional symptoms emphasizes the need for PMS management techniques and more awareness in this population.(Misra et al., 2025)

An empirical study was conducted to evaluate the need of menstrual leave policy in organised and unorganised sector. It encompassed women in the unorganized sector employed by factories and families, all in the age range of 25 to 40, as well as women in the organized sector working in various corporations and legal firms throughout India, using self-administered questionnaires and in-person interviews. Overall, 95% of the women believed that they were not productive at work when they were menstruating, particularly on the first day. 90% of women in the organized sector reported taking time off from work or not working well when they were menstruating. Although others from the unorganised sector were forced to work despite their agony as they had no option for paid sick leave and claimed that their “*didi*” or employer was empathetic and granted them time off or enabled them to make up for time off on other days.(Bhandari, 2025)

3. Evolution of Menstruation Leaves Globally

Each nation's justification for implementing menstruation leave was influenced by the unique institutional and socioeconomic circumstances of the era. Early in the 20th century, the Soviet Union, Japan, and Indonesia introduced regulations pertaining to menstruation freedom in 1922, 1947, and 1948, respectively.(Baird et al., 2021) South Korea, Vietnam, Africa, Mexico and Spain are the nations that presently have a general menstrual labour rights policy in place.

- **Soviet Union**

In 1922, the Bolshevik menstruation policy provided “*two to three days of fully paid leave every month for women who worked in factories*”. The rationale behind this policy was the need to support women’s roles as mothers and safeguard their fertility. Because women workers believed that menstrual leave encouraged discrimination in the workplace, gender discrimination was a barrier to the review of menstruation in labour laws over a century ago, as demonstrated by the fact that this was repealed after just five years in 1927.(Ilic, 1994)

- **Japan**

In 1947, Japan became the second nation in history to implement menstruation leave. The foundation of the law is grassroots activism. The Tokyo Municipal Bus Company's female conductors were not allowed to use the restroom throughout the day in 1928. It was therefore unable to change the sanitary towels. These female employees believed it was physically difficult for them to perform their jobs as a result. Women’s union consequently pushed for laws pertaining to paid menstruation leave which led to a grassroots drive that resulted in a legislation.(“Japanese Menstrual Leave Policy,” 2021) Menstruating women in Japan have therefore been legally protected since 1947 by the “*Japanese Labour Standards Act*”.(*Labor Standards Act - English - Japanese Law Translation*, n.d.) Article 68 of the law states that “*women who experience severe menstruation or who work in an environment that exacerbates menstrual pain may be eligible for “seirikyuka”, or “physiological leave”*”. When awarding this leave, which is a natural or biological entitlement, the employer must take the menstrual cycle into account. The legal system in Japan permits employers to grant leave for a full day, a half-day, or even an hour. The number of days off that can be taken is not specified by legislation. Employers are free to decide whether or not to treat menstrual leave days as paid time off because the legislation's phrasing implies that no remuneration is owed during this period. Unfortunately, the results of an impact evaluation on this legal instrument are not adequate. Only 30% of companies voluntarily provide full or partial remuneration to employees who take menstruation leave, according to statistics from the Japanese Ministry of Labor for 2020. Additionally, the survey found that only 0.9% of the female employees in question took menstruation leave. This could be because the menstrual process and the women who go through it are stigmatized in society.(*Less than 10% of Female Employees Take Menstrual Leave in Japan | Global Services | Nikkei Inc.*, n.d.) This situation and outcome highlight how crucial it is to evaluate how legal instruments affect society. Regrettably, women who have taken menstrual leave have experienced unfavorable outcomes at work, including harassment and discrimination from employers.(“Japanese Menstrual Leave Policy,” 2021)

- **Indonesia**

In the first half of the 20th century, Indonesia became the third nation to legalize menstruation freedom. The 1948 original clause was revised in 2003. The regulation was “weakened” by this revision, which eliminated the mandatory nature of menstruation leave and made it collectively voluntary. Additionally, the mandatory compensated nature of menstrual leave was eliminated. “*A maximum of two days of paid leave per month, specifically for the first two days of menstruation*”; however, the parties will determine the specifics. Regarding the use of days off, the employee is also required to give advance notice.(*Law No. 13 of 2003 on Manpower (BKPM)*, n.d.) At the first look, Indonesia’s menstrual leave legislation may seem beneficial, but in reality, it is ineffective because large Indonesian enterprises, who may be required to give menstrual leave, frequently compel menstruation employees to submit proof of their usage of leave, which is an insult to human dignity.(Margolang et al., 2025)

- **South Korea**

Another nation with a lengthy history of menstruation leave laws is South Korea. The Labor Standard Act (LSA), which gave working adult women protection, came into effect in 1953. One day of paid menstruation leave each month was granted to women under the Act's maternal protection clause. Therefore, protecting mothers was the driving force behind South Korean legislation. However, the 2007 amendment to the LSA altered menstruation leave from paid to unpaid and required the lady in question to apply in advance in order to receive the benefit. According to the LSA 2007, South Koreans are entitled to one day of unpaid menstruation leave each month. ("Labor Law South Korea-," n.d.)

- **Vietnam**

Vietnam's legal and sociopolitical landscape is unique. Vietnam has one of the most extensive and sophisticated labour laws in Southeast Asia and the Pacific with regard to gender rights. As a result, Vietnam included menstruation leave in both Article 80(3) of Decree 145/2020/ND-CP and Article 137(4) of the 2019 Labor Code. Menstruating women employees are guaranteed *"an additional thirty minutes per day during menstruation days and at least three days per month under the menstrual leave requirements"*. (Viet Nam Social Security News, n.d.) However, just like in Indonesia and Japan, employer-employee discussions determine eligibility, and individual negotiations determine the specifics.

- **Africa**

In 2015, Zambia implemented a menstrual leave program in Africa that permits one day of leave each month without requiring a medical certificate or prior notice from the employee. The legislation's policy views it as a "Mother's Day", highlighting the chance for women to become mothers. Thus, the necessity for labour law control of menstruation from maternity arises from this employment policy consideration in Zambia. ("Zambia Women's 'day off for Periods' Sparks Debate," 2017)

- **Mexico**

According to Mexican labour law, dysmenorrhea, or unpleasant menstruation, is a compelling situation that entitles public sector employees to quit starting in 2023. In this instance, they stress that in order for the female employees in question to exercise their labour rights, they must be in good physical and mental health. However, this physiological independence clearly identifies the three primary beneficiaries: *"middle-aged men experiencing andropause symptoms; middle-aged women experiencing severe dysmenorrhea; and middle-aged women experiencing menopause and menopausal symptoms"*. (THE CONGRESS OF MEXICO CITY APPROVES THE PROPOSAL FOR "MENSTRUAL LEAVE" - BASHAM, 2023) As a result, the Mexican notion encompasses a far broader spectrum of individuals, including menstruation and menopause, including its symptoms, so that even in the absence of a sickness diagnosis, the mere existence of symptoms offers a chance for rest. The policy's evaluation of men's circumstances is one of its unique features. As a result, a wide variety of labour market participants are involved and gain from the policy.

- **Spain**

The only EU nation to take action and pass legislation pertaining to menstruation leave in 2023 is Spain. "Law No. 1/2023 of 28 February 2023" "the Organic Law" governs menstruation leave in Spain. It changes "Law No. 10/2010 of 3 March on Sexual and Reproductive Health and Voluntary Termination of Pregnancy" and went into effect on June 1, 2023. This law undoubtedly gives women additional rights in the area of social security, which has a strong basic rights component because it can be dogmatically defined as the right to work painlessly. (Sparks, 2024) The legislation is very ambitious and attempts, among other things, to dismantle the antiquated institutions that are still in place in Spanish law regarding women's biological status.

Table 1.1 : Nations providing Menstrual Leaves

Source: Author

<i>Country</i>	<i>Legal Reform</i>	<i>Year</i>	<i>Paid or Unpaid leave</i>
<i>Soviet Union</i>	<i>Bolshevik menstruation policy was aimed at women in factory jobs, and gave them two to three days of fully paid leave a month for menstruation. It was abolished after only five years in 1927 as women workers felt that menstrual leave increased discrimination in the workplace</i>	<i>1922</i>	<i>Paid leave</i>
<i>Japan</i>	<i>Article 68 of the Japanese Labour Standards Act provides for Menstrua Leaves but the regulation does not specify the number of days off.</i>	<i>1947</i>	<i>It is up to employers to decide whether they are remunerated.</i>
<i>Indonesia</i>	<i>Law on Manpower 2003 provides A maximum of two days paid leave per month, specifically for the first two days of menstruation, but further details are left to the parties. The employee is also subject to a prior notification obligation in relation to the use of days off</i>	<i>1948 and was re-regulated in 2003</i>	<i>Paid leave</i>
<i>South Korea</i>	<i>Labor Standard Act (LSA) came into force, providing protection for working adult women. The Act included a provision protecting mothers, which gave women one day of paid menstrual leave per month.</i>	<i>1953</i>	<i>Paid leave</i>

<i>Vietnam</i>	<i>Vietnam enacted menstrual leave into the Article 137(4) of the 2019 Labor Code and Article 80(3) of Decree 145/2020/ND-CP. The menstrual leave provisions guarantee menstruating women workers an extra thirty minutes per day during menstruation days and at least three days per month.</i>	<i>2019</i>	<i>Paid leave</i>
<i>Africa</i>	<i>Zambia introduced a menstrual leave scheme in 2015, which allows for one day per month, without the need for a doctor's certificate or prior notification by the worker</i>	<i>2015</i>	<i>Paid leave</i>
<i>Mexico</i>	<i>The existence of painful menstruation (dysmenorrhea) is considered a compelling circumstance in labour law, which guarantees leave for public sector workers from 2023. Mexico provisions has a wider ambit which benefits all menstruating employees, which means, cisgender women, trans men, non-binary and intersex people.</i>	<i>2023</i>	<i>Paid leave</i>
<i>Spain</i>	<i>The regulation of menstrual leave in Spain is contained in Law No. 1/2023 of 28 February 2023 ("Organic Law"), which amends Law No. 10/2010 of 3 March on Sexual and Reproductive Health and Voluntary Termination of Pregnancy, and which entered into force on June 1, 2023</i>	<i>2023</i>	<i>Paid leave</i>

The international comparative research highlights the diversity of legal structures and their diverse implications for gender equality, labour rights and workplace participation, offering significant insights for the Indian context. Menstruation and working during menstruation affect a significant portion of the world's working population. Nations not providing for menstrual leaves are a victim of patriarchal social institutions which disregard this unique trait of women. None the less, there are also cases of dehumanizing treatment of female employees despite the introduction of menstruation leave in several countries; in fact, menstrual leave itself contributes to this. This highlights a crucial lesson that both legislators and social partners should emphasize: in order to improve the status of women, cultural and social changes must be made in addition to the crucial development of social legal reforms. In the long run, this can only be achieved by unlearning patriarchal norms.

4. Indian Legal Recognition of Menstrual Leaves

India has enacted a number of laws for the empowerment of women class, but some pre-conceived patriarchal notions have always presented obstacles to these developments in our nation. One such area requiring policy development is “Menstrual Leaves”. The enactment of policies providing for Menstrual leave in India are in accordance with the India's Constitutional Fundamental Rights and Duties under Articles 14, 15, 21 and 42; which guarantee equality before the law, enacting special provisions based on equity, right to life and human dignity and providing fair working conditions.

The phenomena of “Menstrual leaves” and its recognition through policy formulation, highlights the notion of true “gender equality” while recognizing “gender differences” which are “biological differences”. In order to recognize and take into account the essential differences between individuals within the policy framework, “substantive equality” ensures equality of opportunity rather than merely equality of treatment. Menstruation is an inevitable process rather than a “choice” or a “sickness”. Therefore, it would be inappropriate to combine menstrual leaves with “sickness leaves”, which are offered to all employees. Proposing a “Menstrual Leave” policy is difficult in a country like India where menstruation is treated as a taboo. Indian society is a patriarchal conservative society which places a strong priority on confidentiality, privacy and the stigma attached to menstruation. In addition to establishing the idea of paid menstruation leave, it is crucial to address the patriarchal culture and structural injustices that underpin women's access to paid work in India.

India's recognition of Menstrual Leaves; though not completely but in bits and pieces can be traced from the developments initiating as early as 1912. In 1912, the Government Girls School in Tripunithura, which was situated in Ernakulam district of the princely Indian state of Cochin, permitted female students to take “period leave” during their yearly exam. (“Ahead of Its Time! This Kerala School Granted Menstrual Leave to Students Way Back in 1912,” 2017) In 1992, Bihar was the first ever state to give a nod to menstrual leave policy providing two day of leaves to female employees every month, it was a controversial step taken by the state requiring menstrual leave in all state government establishments. (Kumar, 2022) When the “Menstruation Benefit Bill” was introduced in the Lok Sabha, the lower house of the Indian parliament, in 2018, India came very close to enacting a menstrual leave legislation. (*Two Days off on Periods; Parliament Will Weigh Nation's First Menstruation Benefit Bill*, n.d.) The “Women's Sexual, Reproductive and Menstrual Rights Bill”, which was introduced in the second half of 2018, demonstrated a considerable understanding of menstrual issues. Neither bill, nevertheless, was passed. (Dr. Shashi Tharoor's *Proposed Women's Rights Bill*, 2019)

In 2023, Kerala has extended this benefit to female students in all universities and institutions as well as government employees, allowing menstruation leave in addition to maternity leave. (“Kerala Grants Two Days of Menstrual Leave Monthly for Female ITI Students,” 2024) In October 2025, Karnataka made news when it implemented a policy that would provide all women in the public and private sectors one paid leave each month, for a total of twelve leaves per year. Compared to earlier state-level interventions, this policy is more comprehensive and involves manufacturing corporations, multinational corporations and IT companies. (*When Period Leave Becomes Law*, 2025)

In March 2026, the Supreme Court of India rejected a Public Interest Litigation filed by Shailendra Mani Tripathi for a nationwide menstruation leave policy. Chief Justice Surya Kant, who led the two-judge panel, stated that enacting such a policy would reinforce the perpetuating gender stereotypes and impairing women of their employability rather than helping them. Menstrual leave has long been a contentious issue in Indian society. (*Supreme Court*, 2026) While many support of Judiciary's view, others contend that having a menstrual policy might help women to maintain their health.

5. Indian Companies Adopting Menstrual Leave Policies

A few Indian companies have incorporated menstrual leave policies and it has received an overwhelming positive response from their female employees.

In August 2020, Zomato, a well-known food delivery service, announced their menstrual leave policy. All female and transgender employees are entitled to up to 10 days of paid menstruation leave annually under the policy. By openly recognizing menstrual health issues, the policy seeks to promote workplace equity and promote employee well-being. (Korn, n.d.)

In 2021, the massive food delivery service offered its female delivery partners a two-day paid menstruation break policy. The company's minimum earnings guarantee is still available to women who take this leave. (*Swiggy Introduces "No Questions Asked" Period Time-off for Women Delivery Partners*, n.d.)

In March 2025, L&T, a significant engineering and construction company, adopted a menstrual leave policy. About 5,000 female employees at the company's headquarters are entitled to one day of paid menstruation leave each month under this policy. ("After 90-Hour Workweek Remark, L&T Chief S N Subrahmanyam Now Announces One Day Paid Menstrual Leave for Women Employees," 2025)

These case studies demonstrate how menstrual leave policies have been implemented in a variety of industries, including delivery businesses, media companies, digital startups, and engineering behemoths. The driving force behind these initiatives are breaking social taboos, gender equity and prioritizing health.

6. Discussion on Menstrual Leaves

Menstruation has historically been a taboo topic, frequently causing discomfort and stigma for women in professional environments. Many women suffer from severe menstrual symptoms like cramps, exhaustion, and migraines, which can make it difficult for them to work efficiently. The introduction of menstrual leave acknowledges these challenges and gives women the chance to rest and manage menstrual symptoms without fear of losing pay or facing discrimination. Paid menstrual leave can help them recover and maintain productivity. Menstrual leave is becoming more and more relevant in India as it addresses the biological and social needs of women while promoting gender equality and workplace inclusivity.

However, opinions on the policy have been divided. While supporters see it as an important step in recognizing women's health issues and fostering supportive work environments, detractors contend that it may perpetuate gender stereotypes, which could result in discrimination in hiring or workload distribution, or they question its necessity in contemporary workplaces that support gender neutrality. Menstrual leave laws have the potential to separate women from men as well as women from other women. Women in white-collar and blue-collar occupations have differing opinions about the leave policy; if a blue-collar worker views it as a solution to the lack of adequate menstrual facilities at work, a white-collar worker may view it as an embrace. Policies may further institutionalize women's traditional roles and reinforce gender norms in the workplace. On the other hand, the case for expanding menstrual leave laws is based on the discourse on equality and equity, the concepts of substantive and formal equality, the concerns for worker's human rights and the constitutional duties to protect worker's rights.

The question to be addressed is whether the idea of menstrual leave is returning to the days when women were discriminated against and excluded on the basis of their biology; whether demanding the leaves is further excluding women from the workplace. Since men and women are not the same, it is necessary to implement the equity concept and substantive equality at work, which can further protect the rights of women in the workforce. Menstrual leave laws are the state's constitutional obligation to protect and nurture women's rights and it appears that the state has a duty to provide all necessary working conditions. In order to ensure the rights of working women, it is necessary to improve the labour standards of flexible work hours, appropriate rest periods and menstrual/menopausal health literacy at work.

7. The way forward

While analysing the need for a legal framework governing menstrual leave, this paper has tried to go beyond the crude dichotomies of "*special protection*" versus "*gender neutrality*". It has critically examined the constitutional, social and employment-related aspects of menstruation while engaging with the ongoing debate on whether such a policy would empower women or unintentionally reinforce existing stereotypes about women's capabilities in the workplace. The discourse surrounding menstrual leave in India is still situated at the unsettling intersection of equality, biology, labour rights and social perception.

While justifying the title "*Between Law and Debate*", the researcher does not aim to portray menstrual leave as merely a welfare measure but rather as a question of dignity, health and substantive equality within contemporary labour jurisprudence. At the same time, the paper acknowledges the concerns related to menstrual leave policies, specifically those related to employability, workplace discrimination and the potential for deepening gendered stereotypes. However, it contends that the lack of legal recognition of a biological reality experienced only by women cannot be used as justification for policy discourse and reform.

Women are capable of becoming pregnant, therefore the Maternity Benefit Act of 1961 rightly offers maternity protection; similarly, menstruation is a unique biological reality that only women go through each month; but no protection is provided for the later. To conclude the researcher raises an important question for the readers; if maternity related protections are seen as progressive and necessary, why are discussions surrounding menstrual leave reforms frequently viewed through the lens of reinforcing gender stereotypes rather than as a legitimate step towards inclusive and humane labour rights? Perhaps it is within this unresolved question that the future of the debate and the law truly lies.

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