



**Circular No – 006/2026**

Date: 22.01.2026

To  
All Members of The Association

**KEA CHALLENGES ON MENSTRUAL LEAVE  
NOTIFICATION BEFORE THE HIGH COURT**

Karnataka Employers' Association has filed Writ Petition 109/2026 challenging the legality and correctness of the Notification dated 20.11.2025 issued by the Government of Karnataka mandating the Industrial establishments registered under the Factories Act, 1948, the Karnataka Shops and Commercial Establishment Act, 1961, the Plantations Labour Act, 1951, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, and the Motor Transport Workers Act, 1961 to provide one day of paid leave per month to all the permanent, contract, outsourced women employees during their menstrual cycle, restricting to 12 days per annum.

The grounds on which the Notification has been challenged in the Writ Petition are as under:

- i) There is no legislative intendment in any of the five statutes listed above for granting of menstrual leave.
- ii) Govt Order which is in the nature of an Executive Order is violative of Fundamental Right to guaranteed under Article 19(1)(g) which

guarantee right "to practise any profession, or to carry on any occupation, trade or business". The Govt cannot by way of Executive Order restrict the said right. Executive circulars or orders cannot impose obligations which the statute itself does not impose.

- iii) These enactments do not have any statutory provision mandating the employers to provide menstrual leave to its female employees and as such, the Government is not empowered to direct the industrial establishments to provide menstrual leave by way of an executive order.
- iv) The Statute prevails over an executive order or notification issued by the appropriate Government. Such being the case, the notification issued by the State Government is without jurisdiction and therefore non-est in the eyes of law.
- v) Order violates the rule of Separation of Power which is one of the fundamental / basic structure of the Constitution. The State Executive under Article 162 read with Article 166 extends only to matters in respect of which the State Legislature has the power to make laws and is always subject to the constitutional scheme and existing legislation.
- vi) The notification will have serious financial consequences to employers. Since the menstrual leave day is fully paid, the





organisation bears not only the daily wage cost but also all statutory employer contributions.

- vii) Women Labour-intensive industries employing a majority of women workers are disproportionately affected as compared to capital-intensive or service-oriented establishments. The Cost implication for Garmenting Industry alone by the impugned notification is expected to be Rs. 439 Crores.

The Writ Petition of KEA numbered as W.P.NO. 109/2026 and next listed for hearing on 09.02.2026. KEA will keep you updated on the developments.

**For KARNATAKA EMPLOYERS' ASSOCIATION**  
**Sd/**  
**[B C Prabhakar]**  
**President**