

ITEM NO.9

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 327/2024

SHAILENDRA MANI TRIPATHI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.117090/2024-EXEMPTION FROM FILING O.T.)

Date : 08-07-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Rakesh Khanna, Adv.
Ms. Mamta Rani, Adv.
Mr. Upendra Mani Tripathi, Adv.
Mr. Vishal Kumar, Adv.
Ms. Deepanashi Dutta, Adv.
Mr. Shashank Singh, AOR
Ms. Prapti Shrivastava, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The jurisdiction under Article 32 of the Constitution of India has been invoked for directing the Union Government, the States and the Union Territories to implement policies for the grant of menstrual leave to women under the Maternity Benefit Act, 1961.
- 2 In a previous Writ Petition, which was filed by the petitioner (Writ Petition (Civil) No. 172 of 2023), this Court, by its order dated 24 February 2023, allowed the petitioner to submit a representation to the Union Ministry of Women and Child Development to consider the policy issues involved in the case. The grievance is that though the petitioner submitted a representation on 19 May 2023 to the

Union Ministry of Women and Child Development and other relevant authorities, no response has been received as yet.

3. Since the issue raised multifarious aspects of policy, this Court was of the view that it must be attended to by the Union and the States.
4. At this stage of the matter, there is no reason for this Court to take a different view, particularly, in the light of the earlier order dated 24 February 2023.
5. However, we permit the petitioner to move the Secretary in the Union Ministry of Women and Child Development once again with a copy to Ms Aishwarya Bhati, learned Additional Solicitor General, who has assisted this Court in similar other matters pertaining to women in the work place.
6. We request the Secretary in the Union Ministry of Women and Child Development to look into the matter at a policy level, after due consultation with all stakeholders, both at the Union and the State levels. The Union Government may consider whether it would be appropriate to frame a Model policy for consideration by all the stakeholders.
7. We dispose of the Writ Petition with these observations at the present stage.
8. We clarify that this order will not stand in the way of the State Governments independently taking an appropriate decision.
9. Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR