

MOOT PROPOSITION

1. Indus, a country that occupies the greater part of South Asia. Its capital is New Denus. Its government is a Constitutional republic that represents a highly diverse population consisting of thousands of ethnic groups having different languages. With roughly one-sixth of the World's total population, Indus is the second most populous country, after China.
2. Indus is a Sovereign, Socialist, Secular, Democratic and Republic with a Parliamentary Form of government which is federal in structure with unitary features. There is a Council of Ministers with the Prime Minister as its head to aid and advise the President who is the Constitutional head of the country. Similarly, in states there is a Council of Ministers with the Chief Minister as its head, who advises the Governor.
3. The status of women in Indus has been subject to many changes over the span of recorded Indusian history. Their position in society deteriorated early in Indus's ancient period, especially in the Indo-Aryan speaking regions, and their subordination continued to be reified well into Indus's early modern period. Part III of the Indus Constitution guarantees certain basic rights to all the citizens of Indus irrespective of their caste, race, birthplace, religion or gender. These basic rights are known as Fundamental Rights which are justifiable in nature. These are essential part of the Constitution as they protect the rights and liberties of the citizens of the country against any misuse or intrusion by the government with the power delegated to them in a democracy. These right aims to achieve the goals of Justice, Liberty. Equality, Fraternity and Dignity as has been set out in the Preamble to the Constitution of Indus.
4. The Constitution of Indus ensures that the government of Indus shall not deny to any person equality before the law or the equal protection of the laws within the territory of Indus. It means that the laws shall apply in the same manner to all, regardless of a person's status and it is one of the aspects of the Rule of Law.
5. Menstruation, or period, is normal vaginal bleeding that occurs as part of a woman's monthly cycle. The menstrual flow lasts for three to five days. During menstruation, a woman's body sheds the lining of the uterus, which causes bleeding through the vagina. The menstrual cycle typically lasts between 3-7 days but can vary from woman to woman.

6. Physically, some women experience symptoms such as cramps, bloating, breast tenderness, fatigue, headaches, and nausea. These symptoms are caused by hormonal changes and the body's natural process of shedding the uterine lining.
7. Emotionally, some women may experience mood changes, including irritability, anxiety, or depression. These changes are also influenced by hormonal fluctuations during the menstrual cycle.
8. It's important to note that every woman's experience of menstruation is different and can vary from month to month. Some women may experience minimal physical or emotional symptoms, while others may have more severe symptoms that affect their daily activities.
9. Emily Cooper, a resident of (Indus) was an Engineer by profession and she was working at an MNC named Dripkart, a software development Company, that designs and develop custom software applications, frameworks, and tools that helps to solve problems or achieve a specific outcome. She was working as a software developer with an annual package of INR 16 Lakhs. Dripkart was funded by the Central Government for most of their projects and the central government holds a substantial interest in the company. As a software developer she was involved in researching, designing, implementing, managing software programs, testing and evaluating new programs, identifying areas for modification in existing programs and subsequently developing these modifications and writing and implementing efficient code.
10. On 21st February 2023, Emily Cooper was on her periods and she could not come to her office for 3 days. At the end of the month when her monthly salary was credited to her account, her salary was deducted for not working on those three days. She was well aware about the fact that dripkart never gave paid period leave to their female employees.
11. She got to know that Poa, a state in Indus, granted paid period leave to their employees and after hearing this, Emily Cooper posted on her social media handle "Women are personified as goddess in our country but the said goddess is deprived of even a single day leave on her periods, which breaks her both physically and mentally. The Central government must pass an Act to give paid period leaves to every women at their respective work place". This post was on her private social media account but it was shared by different activists on other social media platforms across Indus.
12. Seeing this post, Women Rights Sangathan (hereinafter referred to as WRS), an NGO which conducts workshops, facilitates discussions, provides legal advice and pro bono

legal services to them who might encounter cases of sexual violence at workplace and has been working since 2008, to prevent gender and sex-based violence against women. WRS moved to the Hon'ble Supreme Court of Indus through a Public Interest Litigation (hereinafter referred to as PIL) for the constitutional recognition of Right to Menstrual Leave as Fundamental Right under Article 14, Article 15 and Article 21. The NGO is of the view that women should be granted paid menstrual leave at her workplace.

13. This would benefit female employees by allowing them to manage their menstrual symptoms without compromising their productivity or workplace attendance. It would also promote gender equality by recognizing and addressing the unique health needs of female employees in the workplace.
14. Furthermore, this would promote workplace diversity and inclusion by acknowledging the challenges that women face due to menstrual symptoms, which can be more severe for some women than others. Providing menstrual leave would create a more supportive and inclusive workplace environment, which could increase employee satisfaction and productivity.
15. Overall, the introduction of paid menstrual leave would be a positive step towards gender equality and a healthier, more productive workforce. The matter is presented before the Apex Court of INDUS with the following issues:
 - **Whether present Public Interest Litigation is maintainable or not?**
 - **Whether non-recognition of menstrual leave to girls and women's of all age is violative of their Fundamental Rights under Art. 14, 15 & 21?**
 - **Whether the menstrual leave ensures socioeconomic equality as enshrined in DPSPs?**

(In addition to the aforementioned Issues, participants are at liberty to frame more issues.)



JUSTICE

NOTE

1. The Constitution and all the other laws of India are paramount to the Constitution of India and other statutes enforced within the territory of India.
2. The participants are allowed to use any relevant statutory laws and case laws of India in their submissions.
3. All the characters, events, and names mentioned in the Moot Problem are not real and are created only for academic purposes. Any resemblance to real-life events or persons, living or dead, is unintentional.
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