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Period: End of Sentence

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The treatise presents a descriptive note on 'Menstruation'. 'Menstruation' is a natural process and is not the choice of people. Therefore, discrimination against menstruators is not at all justified and is against humanity as well as statutes. The aim of the write-up is to bring to the attention of people, the day-to-day challenges faced by menstruating mankind and how society has made the biological cycle misdemeanour, and to add to their knowledge that bleeding is normal and is as natural as breathing. The paper briefly states the historical background and significance that prevailed regarding 'Menstruation'. It further highlights the myths that have been made by society regarding menstruation that prevail and are followed by the people unchained. The problems and challenges faced by menstruators have been minutely discussed in the paper. The idea of 'Menstrual Rights' has also been analyzed in a brief. Although India lacks a proper law regulating menstrual rights, there have been few remarkable judgments made by the Justices which depict that the menstrual rights of the menstruating mankind are backed by the judiciary, if not by society. Moreover, the write-up includes the strides which have been taken by the corporate sector with regard to their menstruating employees. At last, ideas have been advanced to make public places gender-friendly so that it does not become a hindrance to the accessibility of menstruators. Further, the idea of codification of laws in relation to menstruation has also been put forward.

Keywords: mensuration, period, rights.

INTRODUCTION

“When she bleeds she smells, I know change colour. There is iron in her soul on those days. She smells like a gun.”

— **Jeanette Winterson, *Written on the Body*.**

Menstruation; also known by the terms of periods, menstrual cycle, monthlies, menses, flowers, curse, etc. is the vaginal bleeding that occurs every month. Every month the body of a woman prepares for pregnancy and in the non-occurrence of pregnancy, the uterus or womb shed its lining. The menstrual blood is partly blood and partly tissue from inside the uterus. It passes out of the body through the vagina. It usually lasts from 3 to 7 days. Mensuration is set in motion from the age of 11 to 14 years and lasts till the late 40s (**menopause**). Mensuration is not all about vaginal bleeding; the person also has to go through- abdominal and pelvic cramp pain, mood swings, fatigue, headache, bloating, and lower back pain.

However, menstruation does not limit itself only to physical discomforts and pains. Although menstruation is a frequent, natural process, it is often shrouded in stigma.¹It exposes girls as well as women to infinite provocations whether it be mental or social, right from **menarche**. The experiences of menstruating mankind are shaped by physical and socio-culture environments. Several myths and taboos have evolved which people can hardly negate and cannot ignore to follow. These myths eventually lead women to face challenges that are very grievous in their nature and which do not often attract the eyes of the people in the world at large. People are barely found conversing and debating on mensuration and rights relating to it on public platforms. Even women do not feel free to voice out their problems and demand their proper rights concerning mensuration publicly. Women in our society while continuing to internalize the shame and stigma associated with menstruation, also resist and cope with the messages and stereotypes imposed on them.²The sufferings remain subdued, as a result of

¹ Julie Hennegan, Amy O. Tsui & Marni, ‘Missed Opportunities: Menstruation Matters for Family Planning’ (2019) 45 *International Perspectives on Sexual and Reproductive Health* <<https://doi.org/10.1363/45e7919>> accessed 18 June 2022

² Geraldine Moreno-Black & Helen Vallianatos, ‘Young Women’s Experiences of Menstruation and Athletics’ (2005) 33 (1/2) *Women’s Studies Quarterly* <<https://www.jstor.org/stable/40005501?seq=1>> accessed 18 June 2022

which large numbers of girls have to drop out of school and women have to leave their workplaces or skip their work duties without pay. One of the major reasons people are afraid to talk about the menstrual cycle is that they lack the knowledge and confidence to use scientific terms without embarrassment.³Menstruation is being experienced negatively and in secret.

“Menstrual blood is the only source of blood that is not automatically induced. Yet in modern society, this is the most hidden blood, the one so rarely spoken of and rarely seen, except privately by women.”

“We knew we shouldn’t be ashamed. We weren’t ashamed. We were grown-ass women – which is obviously why we paraded to the restrooms with tampons secretly stuffed into our cardigan sleeves as though we were spies delivering encrypted information.”

HISTORIC BACKGROUND OF MENSURATION

The history of menstruation in Indian Culture varies on large grounds from that prevailing in the current milieu. Historically in Indian Culture, menstrual blood was considered one of the most pious and holy things on the earth. It was never contemplated as impure and dirty, rather was believed to be auspicious and was even served as an offering to goddesses. Moreover, the menstruating people were served as goddesses as the society was amazed to see a person bleeding monthly and continuing to live a normal life and not dying. It was also believed that since during menstruation women are physically vulnerable, they should not perform any kind of task which involves them physically and thus were kept away from activities such as cooking, worshipping, and so on. Women were believed to hold supernatural powers such as they can master lightning, hail storms, floods and drought, and so on.

As rightly quoted by Sanober Khan, a poet and freelance writer *“The magic fades too fast, the scent of the summer never last and the night turns hollow and vast.”*; this culture dwindled with the advent of the Vedic age and was replaced by the ideas recited in the Rig Veda and many similar Hindu mythological scriptures. As has been rendered in the Rig Veda, there was a person named Vritra, who was known as the demon of drought, as he used to withhold water from the people. One day Lord Indra, the king of Gods killed the demon and restored the

³ Warren L. McNab, ‘What They Should Know About Menstruation’ (1985) 52 (2) The Science Teacher, <<http://www.jstor.org/stable/24140834>> accessed 18 June 2022

water with the people. Since killing a Brahman was considered a sin, Indra was accused of sin. So, Indra decided to diffuse himself off the sin and went to the womenkind and asked them to take his misdemeanor via menstruation. Thus, mensuration turned into an eternal punishment for women that they were compelled to accept.

Another Hindu mythological text called, Vasishtha Dharmasutra also mentions the Vritra tale and states that women are always under the rule of males who are their masters. It declares that a woman who is neither naked nor temporarily unclean (refers to as mensuration) is paradise. Moreover, according to the text, the monthly excretion of blood from the body of women washes away their sins, and also the text considers that during the period of menstruation women are unholy and impure and should maintain a distance from the things considered pious. Other similar texts recite that the ray and smell that comes out from the body of a menstruating woman can turn food into putrid. Although women had to face several odds in society, they used to experience a much easy and lighter menstrual cycle than we do today. This is merely due to malnutrition. According to historians, there was a lack of proper menstrual hygiene among women as in the name of rags, reusable cotton cloths were used. History itself has unfolded and summoned a large number of myths and tales which evolved from time to time and has resulted in stubborn rituals as well as the mentality of the people around the globe.

MYTHS REGARDING MENSTRUATION

"I have periods now, like normal girls; I too am among the knowing, I too can sit out volleyball games and go to the nurse's for aspirin and waddle along the halls with a pad like a flattened rabbit tail wadded between my legs, sopping with liver-colored blood."

— Margaret Atwood, *Cat's Eye*

Menstruation, like pregnancy and breastfeeding, is an embodied experience, but it differs in that in society menstruation is not a state in which the body functions become visible to the public and thus open to public scrutiny and comment.⁴ It has always been surrounded by several taboos and myths which make the day-to-day life of menstruating mankind

⁴ Geraldine Moreno-Black & Helen Vallianatos (n 2)

complicated. There is a common myth that has been prevailing since the Vedic age that females during menstruation are impure and dirty. In certain parts of India, they are not allowed to enter their houses and are kept away from their day-to-day chores of life. They are required to sleep outside the house until and unless they are purified. They are being prohibited even from entering the 'puja rooms' and similar holy and sacred places. It is further a myth that the food prepared by women during mensuration gets contaminated and they are even not allowed to touch stored edibles such as pickles etc. In some parts of India, menstruating people are not even permitted to eat sour foods such as curd, pickles, etc. during periods as it is a belief that sour foods will affect and stop the menstrual flow. In some groups, it is also prohibited for particular mankind to work out or to go to the gym, do sports, or do any similar kind of physical work as it is believed that physical exercises will blemish their menstrual cycle. These myths hence, part people from their socio-cultural lives and open them to embarrassment and discrimination.

Although credited and followed by a large number of people, these myths have little scientific relevance and it has been proved several times that the myths are contradictory to the theories of science. The myths have been folded by society in such a way to benefit their interests. There prevails another myth that only colleens menstruate. There do exist some non-binary and transgender who do not recognize themselves either as women or as girls and they do bleed. It is not at all justifiable to label mensuration only with women, leading to hurting the gender identity and sentiments of mankind from the transgender and non-binary community.

ISSUES BEING FACED

The myths and taboos prevailing in society expose **menstruators** to an infinite number of issues: they are related either to health or pride. Menstrual health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.⁵ Social well-being, as a part of menstrual health, requires that individuals are free to choose to participate in civil, cultural, economic, social, and political life without restrictions or

⁵ Julie Hennegan, et al., 'Menstrual Health: A Definition for Policy, Practice, and Research' (2021) 29 (1) Sexual and Reproductive Health Matters <<https://www.jstor.org/stable/48645238>> accessed 18 June 2022

exclusions related to their menstrual cycle.⁶When shut out from civil, cultural, and religious life, it becomes brute for women to enforce and enjoy their right to life and liberty. Further, it affects their mental as well as emotional stability. They have to face discrimination and embarrassment on large scale, either at educational institutions or at workplaces. Teens in schools are being teased and ridiculed for menstruating, especially by the boys. The breach of the rights of the menstruators is assumed to be trivial and hence is not generally noticed by the people widespread, which further elevates their grievances.

Schools, workplaces, and many public places lack optimal asepsis facilities. Schools especially those owned by the States lack proper sanitation facilities which manifests girls in large-scale health-related issues. As a consequence, menstruating students have to miss out on regular classes. 20% of the academic classes of a year are missed by the students during mensuration. In rural regions, girls are precluded from attending school. One out of four girls in India drop out of school as soon as they begin menstruating due to the lack of gender-friendly school culture and proper private sanitation facilities. The grievances remain the same for the people in workplaces. Several workplaces in India also lack optimal asepsis facilities, as a result, people either have to skip work during periods or have to search for other alternatives which are not often appropriate or favorable.

Over 77% of the people who menstruate in India use old cotton cloth as a rag instead of better hygienic alternatives. This is either due to the lack of adequate knowledge or because of the unaffordable prices of sanitary pads and tampons. The usage of unhygienic menstrual products exposes menstruating mankind to a large number of health issues that people barely give voice to. The ingress to clean toilets, water for washing, soap, and safe and absorbent menstrual hygiene products is a basic human right that has a straight smash on the psychological and physical well-being of the menstruators. To avoid the use of untidy and unfacilitated toilets, menstruators drink less water and are hence prone to gastritis, damaged kidneys, dehydration, and high blood pressure. Moreover, the usage of such toilet sex poses them to hookworms which put them at the risk of diarrhea, weight loss, anemia, urinary tract infection, and so on.

⁶ *Ibid*

MENSTRUAL RIGHTS IN INDIA

'Menstrual rights' include the right to health as well as the right against discrimination and untouchability, and also the right to gender equality. Menstruators are prone to untouchability which leads to the violation of Article 17⁷. Moreover, out of 355 million people who menstruate in the country, 28 million of them have been the victim of menstrual health issues. The lack of safe bathing facilities and appropriate means of menstrual hygiene results in some grievous health issues. This accounts for the violation of the 'right to life and liberty' under Article 21 of the Indian Constitution⁸ ('Right to Health' has been protected under Article 21.). In India, this violation is rampant and to date, only a few strides have been taken in the protection of those rights. India still lags behind in codifying laws relating to the menstrual hygiene of women.

Dr. D.Y. Chandrachud, J. remarked in the case of *Nirjhari Sinha v Union of India*⁹ "Notions of 'purity and pollution', which stigmatize individuals, can have no place in a constitutional regime. Regarding menstruation as polluting or impure, and worse still, imposing exclusionary disabilities on the basis of menstrual status, is against the dignity of women which is guaranteed by the Constitution. Practices that legitimize menstrual taboos, due to notions of 'purity and pollution', limit the ability of menstruating women to attain the freedom of movement, the right to education, and the right of entry to places of worship and, eventually, their access to the public sphere. Article 17 prohibits the practice of "untouchability", which is based on notions of purity and impurity, "in any form". Article 17 certainly applies to untouchability practices in relation to lower castes, but it will also apply to the systemic humiliation, exclusion, and subjugation faced by women. Prejudice against women based on notions of impurity and pollution associated with menstruation is a symbol of exclusion. The social exclusion of women, based on menstrual status, is but a form of untouchability which is an anathema to constitutional values. As an expression of the anti-exclusion principle, Article 17 cannot be read to exclude women against whom social exclusion of the worst kind has been practiced and legitimized on notions of purity and pollution. Article 17 cannot be read in a restricted manner." The Gujarat High Court in this case issued guidelines to the State government which prohibited the social

⁷ Constitution of India, 1950, art.17

⁸ Constitution of India, 1950, art.21

⁹ *Nirjhari Sinha v Union of India* (2021) Writ Petition (PIL) No. 38/2020

exclusion of women in private, public, religious, and educational places on the basis of their menstrual status.

It was ruled by the Supreme Court in the case of the *Indian Young Lawyers Association v State of Kerala*¹⁰ that the discriminatory emphasis placed on biological differences constituted a violation of 'Right to Equality'¹¹ and emphasized that the social exclusion of women based on menstrual status is a form of untouchability. The court also highlighted that "Women have a right to control their own bodies. The menstrual status of a woman is an attribute of her privacy and person. Women have a constitutional entitlement that their biological processes must be free from social and religious practices, which enforce segregation and exclusion. These practices result in humiliation and a violation of dignity."

Since mensuration is a natural process, every menstruating person has the right to access all kinds of sanitary products at affordable prices. There should be free distribution of sanitary products by the state to the people below the poverty line or to the people who cannot afford them. The Karnataka High Court ordered the State government to ensure the distribution of sanitary napkins to adolescent girls between the age group of 10- 19 years under the Shuchi Scheme.¹² Moreover, in the case of *Court on Its Own Motion v Government Of India*¹³, it was held by the Jammu and Kashmir High Court that there must be the availability of affordable menstrual hygiene products to all adolescent girls and if necessary, such products must be made available at subsidized rates or even free of cost either within the school or in collaboration with local health centres/ clinics.

The Madras High Court also took the stride toward the free and easy accessibility of sanitary napkins to adolescent girls by ruling that wherever possible Napkin Vending Machines shall be installed in all Government Girls and Co-Education High Schools and Higher Secondary Schools and wherever it is not possible, the teachers shall supply the same to the girl students.¹⁴ Further, there shall be the introduction of 2 to 4 days of leaves every month for

¹⁰ *Indian Young Lawyers Association v The State of Kerala* (2019) 11 SCC 1

¹¹ Constitution of India, 1950, art.14

¹² *R. Sudha v The State of Tamil Nadu* (2020) Writ Petition No. 9220/2020

¹³ *Court on Its Own Motion v Government of India* (2020) Writ Petition (Civil) PIL No. 36/2020

¹⁴ *Women Advocates Association v The State of Tamil Nadu* (2014) Writ Petition (MD) No. 18434/2014

women. The leaves must be paid for as menstruation is a natural process and paying for the same is not at all justified on any ground. The provision for the same shall be introduced in both private as well as public offices. The concept of 'menstruation leave' has prior been proposed in Parliament through a Bill named Menstruation Benefits Bill, 2017.

Section 4¹⁵ of the bill stated that women employees in any office registered with the government are entitled to avail of paid leave for four days during their menstruation. Moreover, the section also introduced 4 days of leave for girls studying in or above std. VIII. This section of the Bill further guaranteed overtime allowances for those women who opt to work during mensuration. Section 5¹⁶ of the bill also proposed 30 minutes break twice a day for women during their mensuration. The break should not extend more than 4 days. This provision focused on the interests of those women who did not opt for leave during mensuration.

Section 10¹⁷ of the bill is a protection clause for sections 4 and 5. It lays down the punishment for those who-

- i. Declines menstrual leave to any menstruating person.
- ii. Obstructs women from availing menstrual leave.
- iii. Denies prescribed rest and facilities to women during mensuration.

A decade before the introduction of the bill, in 1992, the Bihar government introduced leave for every government female employee for two consecutive days.

STRIDES TAKEN

Culture Machine is the first company in India that introduced menstrual leave for its female employees, which was then followed by *Gozoop* and *ARC*, a Hyderabad-based marketing research firm. Recently, *Zomato*, a food delivery company initiated to protect the interests of its female employees by introducing 10 days of leave in a year. The following has been expressed by the CEO of the company.

¹⁵ Menstruation Benefits Bill, 2017, s 4

¹⁶ Menstruation Benefits Bill, 2017, s 5

¹⁷ Menstruation Benefits Bill, 2017, s 10

Ladies,

At Zomato, we want to foster a culture of trust, truth, and acceptance. Starting today, all women (including transgender people) at Zomato can avail up to 10 days of period leaves in a year.

- Why 10? Most women have ~14 menstrual cycles in a year. Adjusting for the probability of you having your periods on a weekend, you can now rightfully avail 10 extra leaves compared to men*
- You can only take one-period leave for each menstrual cycle*
- Zomato understands that men and women are born with different biological realities. It is our job to make sure that we make room for our biological needs, while not lowering the bar for the quality of our work and the impact that we create*
- There shouldn't be any shame or stigma attached to applying for a period leave. You should feel free to tell people on internal groups, or emails that you are on your period leave for the day*
- In case you face any unnecessary harassment, or distasteful comments from men or women about the fact that you applied for a period leave, or that you are vocal about it, please report them to speakup@zomato.com – our prevention of sexual harassment (POSH) team will quickly spring into action.*

The rival of Zomato, Swiggy also introduced a similar policy and announced two days of leave every month for its female employees. A stride was also taken by the central government by initiating a scheme in 2014 named 'Shuchi Scheme', which aimed at instilling awareness about menstrual hygiene among adolescent girls. Moreover, the adolescent health program Rashtriya Kishor Swasthya Karyakaram (RKSK), launched in January 2014, identified menstrual hygiene as a key strategic priority, to be addressed through a clinical component for the treatment of menstrual disorders, as well as through the promotion of menstrual hygiene by the provision of sanitary napkins and clean clothes to adolescent girls.¹⁸

In 2017, the Supreme Court of India directed the installation of three sanitary napkin vending machines. The same was followed by the Delhi High Court in 2018, where Acting Chief Justice Gita Mittal took the initiative to install sanitary pad vending machines in the High Court

¹⁸ Nuzrath Jahan, 'Bleeding during the Pandemic: The Politics of Menstruation' (2020) 28 (1)] Sexual and Reproductive Health Matters <<https://www.jstor.org/stable/48617651>> accessed 23 June 2022

building. The initiative was taken to address the difficulties faced by women visiting and working in the High Court.

CONCLUSION

Myths related to menstruation are too durable to elude away from society, which makes it a curse for people to bleed. There are endless ways in which the problems revolving around menstruation can be fathomed. The foremost step that people (sufferers) have to take is to come up and voice out their moans. Voice can be raised only when people are educated about menstruation. Problems that show up from menarche can be solved on a large scale when teens at school are introduced to the subject matter of menstruation. Education on menstruation in both urban as well as rural areas is the demand of the era. Not only in schools but also the adults should be taught the same.

Although the Judiciary has interpreted the Indian statutes with a methodical approach and has tried to elude the discrimination against menstruators and their exclusion from the day-to-day chores of life, there is a need for the codification of proper laws relating to menstruation and the rights of the menstruators. There shall be proper leave with pay during menstruation for working women. Moreover, a specific leave holiday or an alternative to the same should be put into practice for the school-going teens. The demand for these laws will be instigated only by campaigns on a social level. Educating people relating to menstruation is the need of the hour and this is the only solution to the myths. The shift from the use of cotton clothes to proper sanitary products and edifying them about the health risk is instantly required.

“Don’t wait for a girl to become a woman to empower them. Empower a girl’s life by giving sanitary pads to them. With pads, we give them wings. Leaders bleed, period.”

— **Silvia Young, My Fem Truth: Scandalous Survival Stories**