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MENSTRUAL EMPOWERMENT: THE RIGHT TO BLEED WITH DIGNITY

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Abstract of the study

This study aims to examine the menstrual rights of women. The various facets pertaining to the growth of menstruating women. The hindrance caused in attainment of such right, it cautiously marks the transformation in our society and further leaves a scope for improvisation in future. It aims in creating a equivalent environment for all in general and one's menstrual status should never be construed as an impediment against the same.

Keywords: Menstruation, menstrual education, female rights, transformation, menstrual Health, menstrual rights, empowerment.

Introduction

Menstruation: A Stigmatized Predisposition

From time immemorial, we all have witnessed the predisposition or taboo associated with menstruation. One of the most natural and biological processes has been subjected to criticism because of the prejudice transmitted through generations without questioning the invalidity behind such denigrating conduct. Females right from the inception of adolescence, the complex nature of transformation which becomes one of the significant aspect of a women's life is shadowed under a taboo of impurity. Wherein a notion purports a woman to be a creature of vulnerability, fragile countenance, she as a whole unit establishes an exemplary of stoicity which was never recognized adequately. This disposition which was not only confined to the familial setting crucial for her growth further culminated to work environment instead of promising a safer space it mocked her existence and her perseverance throughout the entire ordeal. It is a preconceived notion, that seldom one comes across is that women are crafted for endurance, to accommodate pain without establishing or

expressing assistance for the same. It is the pressing need of the hour to transform such degrading beliefs and visualize a female not only in terms of a female but a human who possesses rights, the same who is entitled to a live a dignified life without being deprived by the reason of any biological consequence.

The Physical & Psychological Transformation

When we speak about Menstruation, it is equivalently critical for us to interpret the entire biological process forming part of a female 's system as well its impact on her routine operations. Menstruation which in simpler parlance could be construed as cycle characterized by bleeding via vaginal discharge of blood regulated in a monthly pattern. However this is subject to variation and may differ from one female to another as per the hormonal imbalance leading to the same. This further is accompanied by physical symptoms of cramps, stomach ache, exhaustion paired with fatigue, lower back pain. Now this could be considered as a more physical reflection of such process, however it becomes Essential to examine the psychological position and state coupled with physical changes. The consequence being loss of blood further leading to drain of energy could be affiliated with irritation, annoyance, inconsistent mood fluctuations etc . The result of which that women are often discovered in a distressed state during the timeframe of her cycle. Hence instead of vehemently regarding her state as irrational solely based on her conduct during that particular point of time, unrewarded assistance or even miniscule acts of validation can supplement her condition in a positive manner.

Menstruation: A Celebrated Cause and its Mythological incidence

Various mythological folklore have substantiated the commencement of menstruation as a practice gifted to the female system since the prevalence of Gods & Goddesses and their supreme transformation from supernatural existence to human life. It was previously known as a practice affiliated to the male system wherein males had the potential to bleed as a reason of biological consequence. Thus hereby, the Creator of the universe Lord Shiva himself has undergone this process on numerous accounts. Whereas the source of generation of menstrual flow in respect of a male was from their armpits. When on the occasion of war Lord Shiva could not participate in the same due to such consequence of Menstruation, Goddess Parvati the Adhi Shakti, the Divine counterpart of Lord Shiva as a mark of reverence and affection sought the inception of such gift in order to relieve her husband of agony. Thereby marking the tradition of menstruating for females who shall willingly

embrace such biological transformation without resistance. Lord Shiva obliged accordingly and bestowed this gift onto Goddess Parvati.

Another Mythological incidence states that a distinctive structure was created for Goddess Parvati during the subsistence of her cycle, subsequently such structure was worshipped and revered and received the significance of an auspicious Structure. Greek Mythology has propounded it's own mythological beliefs and perceptions pertaining to Menstruation. Goddess Medusa who is worshipped and simultaneously deemed to be as an epitome of feminine sensitivity, fertility, intellect was associated with menstruation. In ancient Greek, maidens who have not yet attained adolescence at the inception, worshipped and proceeded with offerings to Goddess Artemis who signifies the reproductive development of women. Menstruation at the same time have been connected to the notions of attainment of immortality. Thus there are various instances wherein menstruation is construed to be a process of purification, glory and accomplishing feminine dignity. The spiritual perception underlying menstruation states the complex transformation of women which characterizes her innate development by embracing growth, attainment of maturity and more precisely developing connection with our very own bodies which are a vessel of change that are remarkably built.

Menstruation and the Victims of Disparagement

It is a grieving state that on numerous accounts we have either witnessed or maybe unintentionally submitted into such depreciative conduct which criticizes the process of menstruation. This could be ranging either through expression, an implied conduct which establishes a pattern of seclusion, or even several times adopted oppression as a normal circumstance and phase of a women's life. This continuance in suppression raises a presumptive whether we desire to transform our position and get rid of such persecution the prevalence of such practice is untraceable or do we wish to indulge in persistent condemnation of such natural process through years of being acquiescent? The answer lies in our perception which is solely based on the initiative to improvise our state, eliminate ignorance with flexibility of time and most significantly inculcate culture of openness which embraces natural patterns with dignity.

The pattern of SECLUSION: Who invented it?

It is relatively difficult to trace the deprecating pattern of seclusion which is in unobstructed observance throughout generations. Who introduced the ideology of excluding menstruating women

from submitting their participation in societal affairs be it a celebration, a religious congregation etc . In some parts , wherein menstruation is still construed to be as an omen rather than biological circumstance, an abominable implication prevails that women should dissociate until the subsistence of the cycle , this includes extreme display of seclusion debarring her existence from regular activities, resigning into isolation even in the most serious nature the meals and water are served differently to her . Doesn't such conduct conveys practice of untouchability which is abolished or abrogated which was in contravention of constitutional safeguards ? It leads us to the same question, investigating the source which has cited such norms to be observed when a women menstruates . No man , woman or even supernatural incarnation has opposed this natural practice. Then it clearly raises a presumptive that in absence of such conclusive evidence substantiating the same , whether such pattern of seclusion is merely based on the foundation of speculation about what is right or wrong? Whether such conduct has been corroborated by any scientific application? When A process like Menstruation which is purely a natural circumstance failed to coincide with morality ? And if this is purely a figment of observance of some conduct throughout several generations, thereby have women forbear their right to live with dignity due to cause of menstruating ? Keeping aside the transgressive societal sanctions who always induced intervention in regulating a women's life . Any human under no circumstances shall be subjected to subjugation because of one's rank in the societal stratification, gender demarcation, or even on the basis of a natural circumstance like Menstruation. It has become expedient for us to analyze the resonance behind such conduct and thereby eliminate impediments and withdraw from such inhumane pattern of seclusion and break the cycle .

Nirjhari Mukul Sinha Vs. Union of India 2021

Facts

- A writ petition under Article 226 was filed in the interests of the menstruating women thereby addressing the concern of seclusionary practices endured by females during the subsistence of their cycle.
- Apart from acknowledgement of such anti social practice , the petition filed in the nature of mandamus further implored the concerned authorities for promulgation of legislative measures which curtails such prohibition by formulation of appropriate directions thereby empowering women on the basis of their menstrual status .

- An adequate advisory issued by the Concerned authorities accompanied with unanticipated supervisory checks would create deterrence amongst such perpetrators who voluntarily and willfully indulge in such demeaning practices moreover it would ascertain that no educational institutions, hostels or any institution created for the purpose of sustenance or thereby supporting livelihood of females engage in such anti social conduct .
- There raises a need for proper allocation of funds for the purposes of imparting awareness amongst the citizens about the biological process of menstruation and its lack of affiliation with notions of purification and contamination further restraining individuals to exercise such depreciative conduct.
- This action was instituted in accordance of an unfortunate event wherein women were subjected to unimaginable atrocity of establishing the need to prove the consequence of menstruation through the intrusive and disregarding measure of strip test . This in turn has aggravated the petitioner 's intent of highlighting the deteriorating condition of today's societal affairs.
- Such exclusionary practices have not only the caused the infringement of fundamental rights guaranteed under Article 14, 15,17 and 21 but also exhibit a fragment of untouchability against the aggrieved parties thereof .
- Now such exclusionary practices would subsequently range from exclusion from submitting participation in religious or spiritual events , restraining access into kitchens , living quarters , prohibition from touching food by such menstruating women on the grounds of abhorrent speculation that engagement in culinary during the time frame of menstruation would render impurity upon such food thereby contravenes the pious nature and state of things . This is the recognition of the alarming condition which is delved upon in our society and the nature of suppression inflicted.
- Due to prevalence of such ignorance in our society, there still exists absence of sanitary facilities which has compelled such miserable state and the victims have ultimately compromised to such unhygienic conditions . The writ petition subsequently succeeded in addressing the concern of Stigmatization associated with menstruating women in our society which needs to be transitioned at the earliest simultaneously it further mentioned lack of awareness about the process of menstruation commences from the primitive years of educational life of a student hence it is expedient in the general interests of children that such

awareness must be imparted at an early age so they attain precocity to deal with menstruation in a prudent manner .

- Also the State shall further endeavour to eliminate such practice of exclusion by dissemination of information about the biological consequence of menstruation which thereby aids in eradicating societal predisposition associated with menstruation.

Judgement

In respect of the aforementioned circumstances, the Hon'ble Court has observed the said condition and proposed directions accordingly:

1. The State shall endeavour to curb the exclusionary practices associated with the process of menstruation and empower the position of the women.
2. It shall further adopt relevant measures for exercising dissemination of information pertaining to the menstrual biology through various platforms, audio visual aids. Subsequently seek engagement of NGOs and other institutions maximizing welfare of women at large.
3. It shall further proceed with implementation of sanitization measures thereby preventing the risk of health complications culminated through unhygienic conditions therein.
4. In addition, it shall cause proper allocation of funds for the implementation of such directions accordingly.
5. It shall subsequently monitor the progress of such mechanism in implementation and further prescribe disciplinary action in case of violation of such directions thereof.¹

Menstruation: Debarred from Expression

It has always been a hush hush affair wherein menstruation is concerned. Somewhere the negative ideology with respect to menstruation persists which connotes the expression of such process to be contrary to notions of morality and sanctimony. It has always been subjected to forbiddance especially when in confrontation with other respective gender i.e males. Taking into consideration the private nature of such biological circumstance there is no need to succumb to societal embarrassment. Neither being subjected to any judgement of the society for such natural process which regulates the

¹ Nirjhari Mukul Sinha Vs UOI (2021)

functionality of the female system. The restraint on expression is cultivated into females right from the familial atmosphere which is further carried into their peer atmosphere, organizational environment etc. How long would this compulsion exist? It is now expedient in the interests of females that we should dispel such anti social notions which levies unreasonable restraint, dissuade from engaging into such conduct and most significantly the victims should validly initiate such conversations which includes the expression of menstruation with any individual irrespective of their gender which would aid in dissipation of fear associated with menstruation .

Nowadays varied campaigns and social events aim at addressing and acknowledging the concern of menstrual disparity and thereby educate masses at large to refrain from engaging into degrading conduct against menstruating women. Social media has played a crucial role in expansion of one's vision, altering one's perception towards the conceptuality of Menstruation but ofcourse a transition of such magnanimous attribute would consume time and thereby such practice would attain accomplishment only when each and every individual has accommodated such change in their day to day life.

Menstruation: The Unblemished Stain on the Sanctity of a Women

Lately the perceptions may have undergone change and people are attempting to adopt sensitivity towards the notion of menstruation in general. However from primitive years menstruation was nothing but a stigmatized predisposition, associated with the ideology of being corrupt or impure. One of the illustration of such degrading practice is that women were constrained from touching pickles as it would render the product to be contaminated by her touch and various other practices which are of such unscrupulous nature which are nothing but a consequence of vicious intentions which is further aggravated in committing crimes against menstruating women. On several accounts , women are subjected to absolute petrification solely on the basis of developing a stain whilst engaging in a social environment , the despair that follows subsequently when she is remarked or victimized . In order to eliminate such situation, one should firstly understand the repercussions in association with Menstruation. Menstruation was never a stain on the modesty of a women but rather it is preconceived negatively, it is our own indignation which has ridiculed this practice. Menstruation a natural process of such extent which not only regulates the development of a female body but subsequently builds up the potential of procreation in future should not be shunned. If Menstruation contributes in incorporation of resilience in a female 's body then she should proudly adorn the Stain

Menstrual Education For all

When we speak of menstrual education, the process of awareness is not only confined to the female class who are dispensed with such biological transformation but it aims to encompass each and every individual irrespective of their gender to be acquainted with menstrual biology in general sense. For a very longitudinal span, this practice was shadowed as a taboo, a stigma this consequently resulted in ignorance associated with menstrual conditions. The lack of maturity culminated from the lack of experience and the exposure to deal with such process has intensified the situation and have not only injured the dignity of women for a protracted span but also has subjected the female class to insurmountable ignominy throughout generations. It is imperative to educate various sections of the society and possibly enlighten them to interpret the true nature of Menstruation rather than criticizing it. This change would indefinitely consume time and on several accounts it will be marked with opposition as it is somewhere deeply embedded in the very fabric of our society.

The means assigned with imparting menstrual awareness cannot be limited as the objective is to propagate awareness which is not only constrained to areas centralized with opportunities but also to those remote destinations which should not be left neglected. Educational campaigns through audio - visual representations, social media platforms and varied other initiatives undertaken to eliminate such grossly situation and alleviate the position of women in society.

The most rudimentary form of acquiring menstrual education should commence from our primitive stage of attaining qualification i.e from schools. Schools are not just centres constituted to impart education but simultaneously they hereby play a vital role in sculpting the personality of children, in development of their perception and transforming them into a learned citizen. Menstrual education in such institutions must not be reduced to classes for specific gender this would never resolve the problem. The vision is to inculcate the culture of openness in young boys & girls who shall be simultaneously be acquainted with such biological process which to a considerable extent would aid in eradication of such degrading practice which criticizes menstruation.

Apart from instrumentalities entrusted with the development of society, it is the vested endeavour of every citizen of the nation to submit their contribution as suited to the circumstances therein.

Menstrual education commences from our very own family of orientation which models our ideological belief which is infact the indicia of our replication in the society. Parents who play a critical role in the development and upliftment of their children should adopt initiative to educate their ward about process of Menstruation rather than concealing it. Especially fathers who are looked upon to be as aspirational models by his children must also be aware of the innate aspect of their child's development. It is critical for Mothers to infuse awareness in her children who shall subsequently learn to absorb her reasonability and intellect and lastly the brothers who also have a significant role to play as they are expected to subsume the change , learn to extend unconditional support and never retract and extricate themselves from this acquaintance as they are not a separate part of the society they are a part of the nature , and is rightly observed nature always demands balance and Harmony.

Unhygienic Conditions: Forfeits the right to menstrual health

Just installation of sanitary vending machines is inadequate, proper disposal mechanisms must be brought into existence because in absence of the same the sanitary interests of the aggrieved are still jeopardised. Unhygienic Conditions often thrive from negligence and lack of scrutiny. Proper restrooms, sanitisation of the same are the need of the hour. If we have adopted the path of transition one must not be compelled to submit to comprise wherein unhygienity is the concern.

A Pad for a Pad would make the World an Effusive place

In the light of today's revolutionary age, age old conventions which had been prevalent since eons if discovered to be socially derogatory are hereby abrogated in the interests of the society. An age dawns which no more resides in darkness, but is critically aware of one's rights and obligations in consonance to the environment. One must understand the onus to make world a better place for each of one us lies ultimately on us. Let the world be a centre of adaptation and reverence for all living organisms. Let the world be an Effusive place which embraces change, growth and subsequently development and if a Pad is the key to it so be it!!!