

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 6 | Issue 4

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2023

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# Menstrual Equity: Need of The Hour

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## ABSTRACT

*Menstrual equity is not confined to “affordability and accessibility” of products. It also focuses on reproductive health and education. It is about ensuring that women have the necessities, support, and options to choose and make decisions about how they wish to care for their menstrual health. So, menstrual leave also falls within its ambit. Menstrual equity also stresses on ending the stigma that surrounds menstruation which has prevented decision-makers, providers of health care and others from making menstrual health a priority. India is lagging behind in ensuring menstrual equity. India’s schemes for menstrual hygiene are inadequate and the Central Government has not come up with menstrual leave policies yet. This paper discusses about the need for bringing about comprehensive reforms to address the problem of menstrual inequity.*

**Keywords:** *Menstrual Equity, Affordability, Period poverty, Menstrual Leave, Accessibility.*

## I. INTRODUCTION

Menstruation is a very normal biological process. It is a normal aspect of reproductive cycle when blood naturally leaves the uterus through the vagina. It was not always believed that menstruation was an unclean and impure biological process that was used as a tool by society to limit women's freedom. Menstruation was historically seen as auspicious in many cultures of India, and menstrual blood was offered to goddesses. Women who were menstruating received goddess treatment as though society was astounded that women could let blood flow from their body and not die. For instance, in some areas of Assam and Orissa, in monsoon season there was celebration of goddesses’ menstrual rituals. It was a common belief that women and the fertile earth are supposed to rest, be respected and celebrated. However, somewhere down the line, the very same society which praised women for their miraculous bodies began condemning them for their contribution to the advancement of humanity.<sup>3</sup>

In 2022, the Human Rights Council conducted a panel discussion on “menstrual hygiene management, human rights and gender equality”<sup>4</sup>. The denial of basic human rights and

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<sup>3</sup> Janet chawla, *Mythic origin of Menstrual Taboo in Rig Veda* 29(43) Economic and Political Weekly (1994).

<sup>4</sup> *High Commissioner for Human Rights statement on menstrual health*, United Nations Human Rights Office Of The High Commissioner (21 June 2022, 10: 05 AM) <https://www.ohchr.org/en/statements/2022/06/high-commissioner-human-rights-statement-menstrual-health>.

increased gender inequality are the results of the obstacles that menstruators continue to encounter around the world. These obstacles are rooted in the stigma and damaging preconceptions about menstruation. For example, the constant stigmatisation of menstruation as if it were something shameful and needing to be concealed frequently has a negative impact on how women and girls experience menstruation, which affects their capacity to make informed decisions about aspects of menstrual health, from seeking to gain more knowledge regarding their cycle of menstruation and accessing the sexual and reproductive health services to comprehending the use of menstrual products. Sexual and reproductive health as well as rights includes menstrual health as a fundamental component. Menstruating girls' access to education and attendance at school is impacted by the lack of clean water, proper bathroom facilities, and overall cleanliness in schools.<sup>5</sup>

Indian civilization has a long history of gender inequality. In the 2020, Global Gender Gap Index published by the World Economic Forum, India dropped from 108th position to 112th position<sup>6</sup>. The National Family Health Survey – 5 considers menstrual cups, tampons, locally produced napkins, and sanitary napkins to be hygienic methods. In India, “64.4% of women between the ages of 15 and 24 utilise sanitary napkins, followed by 49.6% who use cloth, 15% who use locally produced napkins, and only 0.3% who use menstrual cups”<sup>7</sup>. Overall, 77.6% of the women in this age range use methods that are hygienic for menstrual protection. The study demonstrates a connection between income, education, and hygienic menstruation protection practises. Merely 43.5% of women between the ages of 15 and 24 who are not in school employ hygienic methods. In contrast, 90.3% of people with 12 or more years of education adopt hygienic methods. In a similar vein, urban women (89.6%) are often more likely to employ a hygienic approach than rural women (72.6%).<sup>8</sup>

## II. MENSTRUAL EQUITY IN INDIA

Men's perception of menstruation as women's problem reduces the significance of the matter in a patriarchal society, which is made worse when privileged but ignorant policymakers or human-rights advocates take on the stewardship of managing menstrual concerns. The most neglected aspect of a woman's health is still menstruation. Over the past few years, awareness

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<sup>5</sup> Id.

<sup>6</sup> Karan Babbar, *What NFHS-5 Data Tells Us About Indian Women's Use Of Period Products*, The Wire (29 November 2021, 4: 50 PM) <https://thewire.in/health/what-nfhs-5-data-tells-us-about-indian-womens-use-of-period-products>.

<sup>7</sup> Aastha Ahuja, *In India, About 50% Of The Women Aged 15-24 Years Use Cloth During Periods: National Family Health Survey*, NDTV ( 27 May 2022) <https://swachhindia.ndtv.com/in-india-about-50-of-the-women-aged-15-24-years-use-cloth-during-periods-national-family-health-survey-68515/>.

<sup>8</sup>Id.

regarding menstrual health has increased. However, menstruation is still taboo in India. Moreover, the work culture and attitude towards menstruation in India does little to advance the cause of period sensitivity. There have been few developments in India but there is still quite a long way to go.

### **(A) Menstrual Exclusion**

Menstruators' ability to engage in daily life is largely limited and restricted by practises known as menstrual exclusion. Menstruation is still regarded as unclean and disgusting from cultural point of view in several parts of India. Many young women and girls faces restrictions in their daily routine just because they are undergoing menstruation.<sup>9</sup> Due to the links between menstrual blood and impurity and pollution, women are prohibited from entering the kitchens, the temples, and the other public areas while they are having their periods.<sup>10</sup> Menstruation, therefore, sometimes becomes the period of humiliation and deprivation for some people due extreme poverty, gender discrimination, detrimental customs and humanitarian crises which can jeopardize the ability to exercise certain basic human rights. This is true for the menstruating Trans genders, Non-binary people, women, and girls. This can also be termed as menstrual injustice. Menstruators are subjected to oppression just because they experience menstruation, and they are shamed for bleeding<sup>11</sup>.

Menstrual status-based social exclusion of women is a type of untouchability. In 2018, The Supreme Court made a significant ruling in the Sabrimala case<sup>12</sup>. The case was a constitutional challenge to Kerala government's issued rules that allowed restricting women's access to places of public worship if “custom and usage” prohibited it. These regulations were used to preserve the custom that forbade menstruating women from entering the Sabarimala temple, which prohibited admission to women between the ages of 10-50. Supreme Court with a 4:1 majority held that the prohibition on women entering the Sabarimala temples when they are of menstruating age violates both their right to freedom of religion<sup>13</sup> and their right against sex discrimination.<sup>14</sup> In this ruling, Justice Chandrachud observed that the widespread menstrual taboos are founded on ideas of “impurity and pollution”, which cause “systematic humiliation, exclusion, and enslavement” of women. Such discrimination against women based on their

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<sup>9</sup> Rajvi Desai, *From riches to rags: The evolution of Menstrual Taboo In India*, Swaddle (29 March 2019, 7:35 PM) <https://theswaddle.com/from-riches-to-rags-the-evolution-of-menstrual-taboos-in-india/>.

<sup>10</sup> Vageshwari Deswal, *Menstruation does NOT make women impure ... period*, The Times of India (22 May 2023, 8:30 PM) <https://timesofindia.indiatimes.com/blogs/legally-speaking/menstruation-does-not-make-women-impure-period/>.

<sup>11</sup> Margaret E. Johnson, *Menstrual Justice* 53(1) UC Davis Law Review (2019) .

<sup>12</sup> Indian Young Lawyers Association v The State Of Kerala (2019) 11 SCC 1.

<sup>13</sup> INDIA CONST. art 25.

<sup>14</sup> INDIA CONST. art 15.

menstrual cycle is forbidden by Article 17 as a kind of untouchability. The Sabrimala verdict was groundbreaking having the potential to be extensively used to support constitutional challenges regarding various menstruation exclusion practices.<sup>15</sup>

### **(B) Menstrual Hygiene and Period Poverty**

“Period poverty describes the struggle many low-income women and girls face while trying to afford menstrual products. The term also refers to the increased economic vulnerability women and girls face due the financial burden posed by menstrual supplies”<sup>16</sup> The risk of infection may increase if the appropriate menstruation products are not readily available. Rags, leaves, newspapers, and other improvised materials might be used by them to absorb or collect menstrual blood. Moreover, they can be susceptible to leaks which could cause humiliation or embarrassment.<sup>17</sup>

According to a 2014 comparative study, “there was a highly significant difference between urban and rural areas with regard to the awareness of menstruation. 36% of girls in urban areas and 54.88% of girls in rural areas utilized homemade sanitary pads and then reused them for subsequent period”.<sup>18</sup> Menstruation is associated with many taboos and misconceptions that cause stigma and humiliation, particularly in rural areas. Girls and women start to feel uncomfortable going to pharmacies to buy period products as a result, and they could be hesitant to urge the male family members to do the same. The greater differences in usage of period-products between urban and rural populations may be due to these factors. The reduced use of period products is caused by a lack of menstrual awareness, the continued stigma around menstruation, inadequate accessibility and affordability of menstrual products<sup>19</sup>.

Since 2011, Ministry of Health and Family Welfare has been carrying out Menstrual Hygiene Scheme among girls falling in the age Group of 10-19 years. The scheme's main goals are to raise awareness among adolescent girls regarding menstruation hygiene, promote accessibility and affordability of good sanitary products, and ensure that sanitary products are disposed of safely and disposal is environment friendly. After 2014, rural adolescent girls are provided

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<sup>15</sup> Divya Srinivasan & Bharti Kannan, *Establishing the unconstitutionality of menstrual exclusion practices in India* 41(1) Columbia Journal Of Gender And Law (2021).

<sup>16</sup> UNFPA, *Menstruation and human rights' United Nations Population Fund*, United Nations Population Fund (May 2022) <https://www.unfpa.org/menstruationfaq#Period%20Poverty>.

<sup>17</sup> Id.

<sup>18</sup> Baishakhi Paria et al., *A Comparative Study on Menstrual Hygiene Among Urban and Rural Adolescent Girls of West Bengal* National Library of Medicine (2014).

<sup>19</sup> Karan Babbar, *What NFHS-5 Data Tells Us About Indian Women's Use of Period Products*, The Wire (29 November 2021, 11:14 AM) <https://thewire.in/health/what-nfhs-5-data-tells-us-about-indian-womens-use-of-period-products>.

sanitary napkin packs at price of Rs 6 for a pack of 6.<sup>20</sup> This Scheme leaves out menstruators from other age groups.

2014 witnessed India undertake Menstrual Hygiene Management through the 'Swachh Bharat Mission. It emphasizes the importance of building toilets in homes and schools, which is essential for menstrual hygiene and promotes healthy practices of menstrual hygiene. The issue of incorrect menstrual waste disposal is a significant barrier to the Swachh Bharat Mission's objective of creating a clean India. Women from less affluent families, who cannot afford to purchase plastic sanitary napkins, often make use of cloth napkins and frequently either fail to dispose them or do so in an unhygienic way. Young girls and even some older women are unaware of the hygiene issues brought upon by inappropriate sanitary pad disposal.<sup>21</sup>

State governments in Rajasthan, Uttar Pradesh, Odisha, Maharashtra, Chhattisgarh and Kerala give out sanitary pads in schools. States which are not providing sanitary napkins in schools provides for alternative options, including Bihar's Kishori Swasthya Yojana, which grants teenage females 300 rupees to purchase sanitary napkins. These programmes exclude girls who are not in school. The pandemic had a great impact on commercial supply chains. It also impacted the ongoing closure of schools where most adolescent females used to obtain the sanitary products<sup>22</sup>

The data cited in Chapter 1 of this paper is a clear indication of the failure of most of the government schemes.

In March 2022, a coalition and social impact alliance to establish a platform for menstrual equity was announced by the Miss Universe Organization (MUO) Miss Universe 2021, Harnaaz Kaur Sandhu, the social entrepreneur Arunachalam Muruganantham, the social impact firm DDB For Good, and the humanitarian organisation Plan India. According to a press release, the goal was to implement a pilot programme to provide 'menstrual equity' in India for 50 lakh females by 2025. The partner NGO on the ground would be Plan India. The project would begin in India because 62% of young women and also girls lacked access to proper menstrual care. Nearly 500 million people worldwide suffer from period poverty, and the newly formed coalition's multimillion dollar fundraising target will be used to make considerable impacts on several

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<sup>20</sup> PIB Delhi, *Menstrual Hygiene Among Adolescent Girls*, Ministry of Women and Child Development (30 July 2021, 9:00 AM) <https://pib.gov.in/PressReleasePage.aspx?PRID=1740724>.

<sup>21</sup> Meenakshi Lekhi, *Why we need a proper menstrual waste disposal system*, The Times Of India (07 August 2016) <https://timesofindia.indiatimes.com/blogs/Chargesheet/why-we-need-a-proper-menstrual-waste-disposal-system/>.

<sup>22</sup> Sunaina Kumar, *Menstrual health in India needs more than just distribution of low cost sanitary pads*, Observer Research Foundation (11 November 2020, 3:35 PM) <https://www.orfonline.org/expert-speak/menstrual-health-in-india-needs-more-than-just-distribution-of-low-cost-sanitary-pads/>.

fronts, including lowering stigma and promoting awareness, policy, education and the access to resources and menstrual equity products that are sustainable.<sup>23</sup>

Poor Menstrual hygiene can lead to risk of infections, such as 'reproductive and urinary tract' infections, which can potentially cause infertility and complexities in birth in the future. Infections can also spread if one neglects washing hands after changing menstrual products.<sup>24</sup> The government must realize that simply providing sanitary napkins does not guarantee their use or raise awareness of menstruation hygiene. In fact, it can cause a wide range of issues, including infections from inappropriate use and clogging from improper disposal.<sup>25</sup>

### **(C) Menstrual Leave**

Indian Government has been backward in drafting policies that are menstruation friendly such as menstrual leave. Workplaces must be sensitive of the needs of female employees. Women suffer from various chronic conditions. Some of them are:

- a. Endometriosis: “Endometriosis is a disease where tissue similar to the lining of the uterus grows outside the uterus, causing pain and/or infertility. Endometriosis affects roughly 10% (190 million) of reproductive age women and girls globally. It is a chronic disease associated with severe, life-impacting pain during periods, sexual intercourse, bowel movements and/or urination, chronic pelvic pain, abdominal bloating, nausea, fatigue, and sometimes depression, anxiety, and infertility. At present, there is no known cure for endometriosis, and treatment is usually aimed at controlling symptoms”<sup>26</sup>
- b. Dysmenorrhea – As per The American College of Obstetricians and Gynaecologists, 'dysmenorrhea' or period pain, occurs quite commonly. Every month, one or two days of pain is experienced by more than half of women who menstruate. For some of them the pain that occurs is so bad that they are unable to carry out day-to-day activities.<sup>27</sup>
- c. Adenomyosis: A condition when endometrial tissue in uterus's lining grows into its muscular wall. It causes the uterus to grow larger and can cause extremely severe menstrual flow. Typical symptoms include pelvic pain, dysmenorrhea and also

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<sup>23</sup>Special Correspondent, *Initiative launched for menstrual equity*, The Hindu (22 March 2022) <https://www.thehindu.com/news/cities/Coimbatore/initiative-launched-for-menstrual-equity/article65248331.ece>.

<sup>24</sup>*Menstrual Health and Hygiene*, The World Bank (12 May 2022) <https://www.worldbank.org/en/topic/water/brief/menstrual-health-and-hygiene>.

<sup>25</sup>Raagini Ramachandran, *Why Do Government Efforts to Ensure Menstrual Hygiene Focus on Sanitary Napkins*, The Wire (25 September 2019, 5:05 PM) <https://thewire.in/women/why-do-government-efforts-to-ensure-menstrual-hygiene-focus-on-sanitary-napkins>.

<sup>26</sup> *Endometriosis* World Health Organisation (31 March 2021) <https://www.who.int/news-room/fact-sheets/detail/endometriosis>.

<sup>27</sup>Ratna Singh, *Why paid menstrual leave should be a reality in India: Legal experts weigh in*, Bar and Bench (26 February 2023) <https://www.barandbench.com/columns/>.

menorrhagia.<sup>28</sup>

- d. Menorrhagia: Menstrual bleeding for longer than seven days is referred to as menorrhagia. Menstrual pain, anaemia, blood transfusions, and limits in everyday activities are all heightened risks for women with heavy monthly bleeding (menorrhagia).<sup>29</sup>
- e. Premenstrual Syndrome (PMS): Many women experience a variety of symptoms known as PMS a week or two prior to their periods. Almost 90% of women experience PMS like bloating, headache, and mood swings. These symptoms may be severe for some women who have to skip work or school.<sup>30</sup>

Workplaces must be inclusive of bodies of women not just for ethical considerations, but also to foster more productive and efficient workforce. The ability to participate in the workforce might be greatly impacted by severe menstrual pain. Pain can interfere with concentration, which might result in subpar work and productivity and impact academic achievement. Absentism and decreased performance caused by menstruation symptoms cost workplaces significantly. Using a leave of absence during one's period has no impact on the organization's and economy's productivity.

Discussions and debates with regard to paid menstrual leave has been there in India. The Menstruation Benefit Bill, introduced by an MLA from Arunachal Pradesh which proposed menstrual leave of 2 days to women in both private and public sectors every month. It also applied to students at government schools of 8<sup>th</sup> grade and above. It was withdrawn as it was considered to be a subject that cannot be discussed in Assembly which was a “holy place”. It is interesting to note that since 1992, the Bihar government has provided female employees with 2 days of period leave.<sup>31</sup> Kerala Chief Minister, on 19<sup>th</sup> January 2023, announced that all state universities that are under Department of Higher Education will allow female students to take menstruation leave.<sup>32</sup> Currently these two states are providing it.

There are few private companies who are providing menstrual leaves. Some of them are:

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<sup>28</sup> F. A. Taran, E. A. Stewart & S. Brucker, Adenomyosis: *Epidemiology, Risk Factors, Clinical Phenotype and Surgical and Interventional Alternatives to Hysterectomy* National Library of Medicine <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3859152/>.

<sup>29</sup> *Bleeding Disorders in women*, Centre for disease control and prevention (16 July 2023, 1:30 PM) <https://www.cdc.gov/ncbddd/blooddisorders/women/facts.html>.

<sup>30</sup> *Menstrual Cycle*, Office on Women's Health (22 February 2021) <https://www.womenshealth.gov/menstrual-cycle>.

<sup>31</sup> Rehmat Swami, *Labor resilience: Paid menstrual leave and women's economic empowerment in India* 5(5) International journal of social science and economic research (2020).

<sup>32</sup> *Kerala announces menstrual leave: Time to talk period*, The Indian Express (24 January 2023, 5:45 PM) <https://indianexpress.com/article/opinion/>.



- a. Swiggy – Allows 2 days of paid period leave for its female delivery partners<sup>33</sup>.
- b. Zomato- All women at Zomato, including transgender people, are eligible to take up to 10 days of paid menstrual leave in a year<sup>34</sup>
- c. Byju's - women working at BYJU'S can avail upto 12 Period Leaves annually. One leave each month and female employees may use two 2 half-day leaves or one day off each month.<sup>35</sup>

A well-developed working policy laws must be in place for such a rule to be enforced properly throughout India It is crucial that a sensitive, well-thought-out, and meticulously prepared strategy be implemented if this law is to be passed because there is already enough bias against women in the workplace and elsewhere. If a policy is created for these leaves, it may even start productive discussions about menstruation at work and in educational settings. Hence, we should not limit this discussion to a certain group of women in our culture. It should not be limited to the “public” sector alone if it is adopted or put into practice.

### III. INTERNATIONAL FRAMEWORK

Every year, 28th May is observed as Menstrual Hygiene Day.<sup>36</sup> It is the initiative of the German NGO, WASH United, which started Menstrual Hygiene Day in 2013. WASH United serves as the worldwide secretariat and the overall global coordinator of Menstrual Hygiene Day. In order to promote good menstrual health and hygiene, Menstrual Hygiene Day brings together public, non-profit organization, governmental organisations, the private sector and the media houses.<sup>37</sup> The vision of this initiative is to create a world in which menstruation is not a barrier to advancement by 2030. It aims to create a world order wherein-

1. Everybody has accessibility and affordability to their preferred menstruation products.
2. The shame which is associated with periods is gone.
3. Everyone is informed about the basics of menstruation.

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<sup>33</sup>Swiggy launches two-day paid monthly period time-off policy for female delivery partners, India Today (21 October 2021, 10:30 AM) <https://www.indiatoday.in/technology>.

<sup>34</sup>Geneva Abdul, *Company's Paid Leave for Periods Takes On a Workplace Taboo*, The New York Times (11 August 2020) <https://www.nytimes.com/2020/08/11/business/india-zomato-period-leave.html>.

<sup>35</sup> Brinda Sarkar, *Byju's rolls out additions to employee leave policy*, The Economic Times (16 November 2021) <https://economictimes.indiatimes.com/industry/services/education/byjus-rolls-out-additions-to-employee-leave-policy/articleshow/87735366.cms>.

<sup>36</sup> *Menstrual Hygiene Day*, United Nations Population Fund (28 May 2022) <https://www.unfpa.org/events/menstrual-hygiene-day>.

<sup>37</sup> *World Menstrual Hygiene Day 2022: Themes, History and Significance*, News18 (28 May 2022) <https://www.news18.com/news/lifestyle/world-menstrual-hygiene-day-2022-all-you-need-to-know-and-quotes-5254093.html>.

4. There are period-friendly facilities for sanitation, hygienic drinking water, and personal care.<sup>38</sup>

### **(A) Joint Monitoring Programme and Menstrual Equity**

In 2012 Joint Monitoring Programme (JMP) launched by WHO and UNICEF defined menstrual hygiene management as-

“Women and adolescent girls are using a clean menstrual management material to absorb or collect menstrual blood, that can be changed in privacy as often as necessary, using soap and water for washing the body as required, and having access to safe and convenient facilities to dispose of used menstrual management materials. They understand the basic facts linked to the menstrual cycle and how to manage it with dignity and without discomfort or fear.”<sup>39</sup>

In the recent years, JMP Country Files has been initiated to expand its database to include standardised menstrual health indicators. The data at national level is collected by conducting household surveys that contain a women’s questionnaire and a variety of questions for women and girls who have just menstruated and are between the ages of 15 and 49. There are 1.9 billion people as part of this group, and many of them begin menstruation before the age of 15. This also includes people from transgender, intersex, and non-binary community. The significant of menstrual health is getting recognised increasingly and advances have been made in terms of both monitoring and norms<sup>40</sup>

In 2022, JMP called for expert level meeting in order to seek technical recommendations to update core monitoring questions for tracking menstrual health in surveys, specifically in the questionnaire for individual women. This resulted in zero draft of Proposed questions on menstrual health for inclusion in household survey questionnaires for individual women, which aims to reflect the updated concept of menstrual health, including new suggested questions and indicator domains from Menstrual Health experts and provide significant data that can assist changes in national policy and programmes.<sup>41</sup>

### **(B) Sustainable Development Goals and Menstrual Equity**

The Sustainable Development Goals (SDG) are the result of the United Nations (UN) Conference on Sustainable Development held in Rio, 2012.<sup>42</sup> The core idea behind these goals

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<sup>38</sup> Id.

<sup>39</sup> *Menstrual Health and Hygiene*, The World Bank (12 May 2022, 12:30 PM) <https://www.worldbank.org/en/topic/water/brief/menstrual-health-and-hygiene>.

<sup>40</sup> *Menstrual Health*, WHO UNICEF (15 July 2023, 2:14 PM) <https://washdata.org/monitoring/menstrual-health>.

<sup>41</sup> Id.

<sup>42</sup> *Background of the goals*, UNDP <https://www.undp.org/sdg-accelerator/background-goals>.

was to “establish a set of global objectives relating to the social, political, and economic problems that humanity is currently facing”<sup>43</sup>. As a result, the UN in 2015 identified 17 goals that could be used everywhere to change the world and has pushed them as global goals for sustainable development for the years 2015 to 2030.

In order to satisfy fundamental human rights and several SDGs, menstrual equity is crucial. The SDGs do not directly mention about the Menstrual equity, but a direct link can be found in the SDG target 6.2, which talks about “access to adequate and equitable sanitation and hygiene for all... paying special attention to the needs of women and girls...,”<sup>44</sup> and in recent years, menstrual health issues have received more attention from water, sanitation, and hygiene programmes. Apart from SDG 6 other SDGs like SDG 3 which talks about ensuring healthy lives, SDG 4 which talks about education and SDG 5 which talks about Gender equality can be utilised by countries to ensure menstrual equity.<sup>45</sup>

### **(C) Menstrual Equity Initiatives by Different Countries**

In the past eight years United States has passed around 62 menstrual equity laws, including 2 federal statutes and two state laws. These laws mainly talk about availability and accessibility of menstrual products in Schools, Shelter homes, Prisons and Correctional centres. Leading the way are the states of New York and Illinois.<sup>46</sup> New York has also approved legislation which requires the disclosure of all products’ added ingredients. It has also waived the tax on tampon apart from providing free menstruation products in public schools, shelters, and Prisons. Illinois has also passed the law on the same lines.<sup>47</sup> Recently, The Menstrual Equity for all Act Bill has been introduced in the United States congress, which talks about:

1. Enabling states to supply free menstruation products in schools using federal grant money.
2. Giving schools and universities incentives to launch pilot initiatives for free menstruation products on their campus.
3. Provide guidance for the distribution of free menstruation product distribution prisons.
4. Medicaid coverage of menstruation products.
5. Requiring all companies and businesses with 100 or more employees to offer

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<sup>43</sup> Id.

<sup>44</sup> The Global Health Observatory, *SDG Target 6*, WHO <https://www.who.int/data/gho/data/themes/topics/indicator-groups/indicator-group-details/GHO/sdg-target-6.2-sanitation-and-hygiene>.

<sup>45</sup> Id at 40.

<sup>46</sup> Jamie McConell, *Sixty two Menstrual Equity laws passed in United States*, Women’s voice for the Earth (02 May 2022) <https://womensvoices.org/2022/05/02/sixty-two-menstrual-equity-laws-passed-in-the-united-states/>.

<sup>47</sup> Id.

menstruation products free of charge to their employees.

In 2020, Scotland passed The Period Products (Free Provision) (Scotland) Act, which made it legally required for all public institutions to offer free period related products, including tampons and pads to everyone who needs them. Scotland became first country to pass such law.<sup>48</sup>

A progressive step was also taken by Namibia towards ensuring menstrual equity. In March, 2022 Namibia's government abolished the nation's 15% tampon tax on menstrual products. This motion will take effect in the fiscal year 2022-2023. In an effort to make period products available in public schools, the New South Wales Department of Education began a pilot programme recently with the goal of making the initiative state-wide permanent. On the similar lines Universities in France are required to mandatorily provide free tampon and pad dispensers in the dorms and campus health facilities.<sup>49</sup>

Recently, Spain became the first European country to provide for paid menstrual leave. In Spain, women now can avail the option of monthly menstrual leave for three to five days if their periods are particularly painful. In 1947, Japan made menstruation leave a part of their labour laws. It prohibited employers from asking women who were undergoing painful period. Indonesia also follows the policy of menstrual leave allowing the female workers to avail two days leave in painful periods. Countries like South Korea, Taiwan, Vietnam, and Zambia also provides for menstrual leave to some extent.<sup>50</sup>

#### IV. CONCLUSION

Every time a menstruation taboo is observed, it is an act of gender discrimination which perpetuated by men and women either knowingly or unknowingly. Menstrual exclusion is a sad reality. Sabrimala Verdict that declared it to be form of untouchability was a huge step but still not enough to protect women against such exclusion. Menstrual hygiene and health are subjects that have recently attracted the attention of the world due to their presence as a 'Sustainable Development Goal'. Menstrual inequity is caused by inadequate menstrual hygiene. Not adhering to clean menstruation practises can lead to illnesses and infections that include infections of the reproductive tract, urinary tract, fungal infections and bacterial infections and

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<sup>48</sup> *Scotland becomes first country in the world to make sanitary products free: Can India follow suit?* Indian Express (27 November 2020, 4:30 PM) <https://indianexpress.com/article/lifestyle/health/scotland-first-country-sanitary-products-free-india-7065074/>.

<sup>49</sup> Leah Rodriguez, *9 Wins for Menstrual Equity in 2021*, Global Citizen (14 December 2021) <https://www.globalcitizen.org/en/content/wins-for-menstrual-equity-in-2021/>.

<sup>50</sup> Niha Masih, *Need time off for period pain? These countries offer menstrual leave*, Washington post (17 February 2023) <https://www.washingtonpost.com/world/2023/02/17/spain-paid-menstrual-leave-countries/>.

other diseases of the vagina that have detrimental effects on one's health.

Over the years the various schemes have been initiated by central and state governments but no matter how well-intentioned they might be, they have not brought any significant change in the menstrual health conditions of women in India especially in the rural areas. As a result of the lockdown due to COVID 19, many menstruators in rural areas experienced severe period poverty. All inquiry into why it occurred always comes to the same conclusion: dependence on pads provided by the schools. The menstruators opted to use unsanitary and unhealthy absorbents since schools were still closed. As a result, rather than achieving true liberation, an over reliance on the pads supplied through schools unintentionally has led to dependency.

Absence of menstrual leave for menstruators is another issue rendering menstrual inequity. Right to work can be impacted by menstrual hygiene and health issues. Most businesses and working settings are indifferent to the menstrual period, which exposes women to workplace harassment and discrimination. Private companies are adopting menstrual leave policies which is a sigh of relief for women working there. There has been no step adopted by the Central Government for providing menstrual leave.

There is need for increase in awareness and well-structured reforms to protect menstruators from these menstrual injustices. The reforms should not only be for women but for everyone who menstruates. India can draw inspiration from other countries who have taken steps for addressing the issues of menstrual health such as United States' Menstrual Equity Bill, Scotland's enactment of The Period Products Act, Spain's provision of paid menstrual leave. While other countries have started such initiatives, it is high time that India should address menstrual inequity and prevent menstrual injustice.

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