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# Period Poverty in India: Social and Legal Dimension

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REENA DEEPAK<sup>1</sup> AND DR. DIPTI CHOUDHARY<sup>2</sup>

## ABSTRACT

*Period poverty is a widespread global problem affecting a significant proportion of people who menstruate worldwide and causing physical, mental and emotional challenges. Lack of access to resources and knowledge about period hygiene e.g. hygiene products, washing facilities and waste disposal, medical facilities etc. referred to as period poverty. A key challenge in this scenario is the lack of availability to safe and hygienic menstrual products, as well as the inaccessibility to basic hygiene. It is a hard fact that menstrual products are not included in the Essential Commodities Act, 1955. Therefore, it is imperative to have a conversation about it. The aim of this doctrinal research is to analyse all the factors that contribute to the social and legal aspects surrounding the issue of period poverty.*

**Keywords:** Menstruation, Period Poverty, Period Product, Policies, Constitution, Law

## I. INTRODUCTION

People Simone De Beauvoir<sup>3</sup> argues that a girl's first menstruation often anticipated with excitement and pride is instead greeted with feelings of disgust and fear. It evokes terror and means illness, suffering and death.<sup>4</sup> As stated by Beauvoir as a girl's grow physically, her self confidence becomes more separated from opposite sex and each phase of this development is perceived as traumatic.<sup>5</sup> The more the girl's body develops, the more dangerous and aggressive society's reaction becomes.<sup>6</sup> According to UNICEF (United Nations Children's Fund), menstruation is normal part of bodily functions and it is estimated that billions menstruators<sup>7</sup>including gender queer of reproductive years menstruate.<sup>8</sup> It is very sad part that

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<sup>1</sup> Author is a Research Scholar at the Department of Law, Kurukshetra University, Haryana, India.

<sup>2</sup> Author is an Associate Professor at the Department of Law, Kurukshetra University, Haryana, India.

<sup>3</sup> Beauviour Simone De, *The Second Sex* (Jonathan Cape Thirty Bedford Square Londaon, 1995)

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Menstruators are those who have menstrual cycles, regardless of gender, and include women, transgender males, and non-binary persons. It's a more inclusive phrase that acknowledges that menstruation affects more than just women.

<sup>8</sup> Guidance on Menstrual Health and Hygiene available at: <https://www.unicef.org/guidance/on/menstrual/health/and/hygiene/> (last visited December 22, 2024)

millions of menstruators globally remain unable of handling periods with dignity and healthy manner.

## II. DEFINITION OF PERIOD POVERTY

Period poverty is defined as a lack of availability of period products, educational resources, hygiene services, waste management systems, or any combination these.<sup>9</sup> Period poverty is a term that is used by the American Medical Women's Association to describe the lack of access to menstrual hygiene resources and information. These resources and information include sanitary products, washing facilities, and waste disposal.<sup>10</sup> The United Nations Population Fund (UNFPA) uses the phrase "period poverty" to highlight the heightened economic vulnerability that girls and women face due to the high cost of menstrual supplies. Products like medications, underwear and sanitary products (such as tampons and menstrual pads) fall under this category.

Period poverty refers to the widespread inequities and disadvantages that many women experience because of their menstruation. Therefore Period poverty has long been neglected as an issue of worldwide public health problem.

## III. PERIOD POVERTY IN WORLDWIDE

World Bank estimates suggest that at least 500 million women globally lack utilization of essential necessities necessary for managing their menstrual cycles.<sup>11</sup> At the same time, an unbelievable data of 1.25 billion girls and women lack access to safe and secure toilet facilities.<sup>12</sup> According to a research published by the United Nations Educational, Scientific, and Cultural Organization (UNESCO), around 10% of girls in Sub-Saharan Africa leave school due to menstruation.<sup>13</sup> In the developing countries just 27 % of the population has access to a hand washing facility that is provided with soap and water at their home.<sup>14</sup> While some countries have recently abolished or decreased the cost on tampons, Scotland stands as the only nation that offers free menstruation products.<sup>15</sup>

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<sup>9</sup>Millar Trisha A & others "Understanding period poverty and stigma: Highlighting the need for improved public health initiatives and provider awareness" 64(1) *American Pharmacist Association* 218-221 (2024)

<sup>10</sup>Period Poverty- A Global Crisis available at: <https://wiisglobal.org/period/poverty/a/global/crisis>. (last visited November 26, 2024)

<sup>11</sup>Menstrual Hygiene available at: <https://www.wvi.org/clean-water-sanitation-and-hygiene-wash/menstrual-hygiene/>(Last visited December 26, 2024)

<sup>12</sup>1.25 Billion Women don't have access to a toilet Water aid, available at: <https://theadvocate.org.au/news/1-25-billion-women-dont-have-access-to-a-toilet-wateraid>,(last visited November 26, 2024)

<sup>13</sup>Period Poverty Statistics Around world, available at: <https://www.actionaid.org>,(last visited December 26, 2024)

<sup>14</sup>*Ibid.*

<sup>15</sup>Claire Diamond, "Period poverty: Scotland first in world to make period products free" *BBC News* (August 15,

#### IV. PERIOD POVERTY: SOCIAL AND LEGAL DIMENSION

Period poverty is a serious issue in India since there is insufficient availability to suitable menstrual products and lack of hygiene facilities to manage menstruation, affecting a huge number of menstruating people. It also refers to a lack of awareness and knowledge about menstrual hygiene education.

##### A. Social aspects of Period Poverty in India

**(a) Poverty:** - Poverty is the struggle many menstruator face when trying to afford menstrual products and maintain basic hygiene. This may be due to economic vulnerability, lack of awareness and poor hygiene standards. The most common products i.e., pads are not financially affordable for a large number of menstruators. Tampons and menstrual cups are mostly available in cities. It is said that approximate 50% female in India cannot afford to sanitary pads.<sup>16</sup> Therefore, they are mainly used in wealthy rural households.<sup>17</sup> A significant proportion, namely 10%, of young girls in India who are under age of 21 years suffer from financial constraints that prevent them from purchasing sanitary products and lead them to resort to unhygienic alternatives.<sup>18</sup>

**(b) Cultural Taboo associated with Menstruation:** - The stigma associated with menstruation is influenced by religious and cultural factors. Young women are unfairly stigmatized as dirty or polluted and are forbidden from entering places of worship. When an Indian girl has her period, eight out of ten girls stated that they weren't permitted to visit places of worship.<sup>19</sup> Six out of ten girls were not allowed to touch food in the kitchen and three out of ten girls have to sleep in a separate room.<sup>20</sup> In 2018 in a study conducted by UNICEF, it was shown that 70% of Indian mothers believed menstruation was dirty.<sup>21</sup>

**(c) Poor Hygiene Facilities:** - In India, hygiene and health during menstruation is an important issue as it is claimed that 70% of reproductive health problems are attributed to inadequate menstrual hygiene.<sup>22</sup> According to the study conducted by National Family Health Survey (NFHS-5), approximately 27% girls and young female in rural regions and 10% of

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2022)

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Spotlight on period poverty in India, available at: <https://toybox.org.uk/news/spotlight-on-period-poverty-in-india>, (last visited November 30, 2024)

<sup>19</sup> Pratap Aayushi "Periods still a taboo in Indian society: TISS study" *Hindustan Times*, (Dec 19, 2016)

<sup>20</sup> *Ibid.*

<sup>21</sup> *Supra Note 10 at 2*

<sup>22</sup> Paul KK, Chaudhuri S, Maiti A. Menstrual hygiene practices among women aged 15-49 years attending a medical college hospital in Kolkata- A cross-sectional study, *Journal of Family Med Prime Care*.30,9(9),4699-4704 (2020)

young women in urban regions use unsanitary menstruation protection methods.<sup>23</sup> According to a recent National Family Health Survey (NFHS),<sup>24</sup> almost 50% of women between the ages of 15 to 24 in India continue to use cloth for menstruation protection.<sup>25</sup> Women residing in the rural areas of India continue use unhygienic homemade alternatives including fabric pieces such as piece of cloth, sand, rags, hay, ash and other substances due to limited availability of hygiene products and hygiene facilities available during their menstrual cycle.<sup>26</sup> In large part of rural India, menstrual hygiene is none-existent due to water scarcity. Period poverty is a leading cause of increased illness and possible deaths from menstrual problems.

**(d) Lack of Awareness:** - All kinds of conversations about menstruation are carried in silence and the stereotypes and cultural taboos worsen the already existing problems. There is evidence that most girls across the whole country lack awareness about menstruation before they experience their first menstruation cycle.<sup>27</sup> *The Toybox Survey* shows that 23 million female students in India, which accounts for one-fifth of the total, discontinue their education when they start menstruating.<sup>28</sup> Female students enrolled in schools often have a monthly absence of at least five days due to social stigma, isolation and embarrassment due to their menstrual cycle.<sup>29</sup>

**(e) Non-Binary People:** Non-Binary people face unique challenges including discrimination based on their gender identity. Studies and policies pertaining to menstrual justice for non-binary people in India are severely lacking.<sup>30</sup> Menstrual products are often labeled as “female” products making them inaccessible to non-binary people.<sup>31</sup> Inadequate access to healthcare and sanitation facilities is closely linked to persistent discrimination against marginalised individuals.

The pervasive neglect of period poverty in society, research, medicine, and public health is due to prevailing menstrual stigma and shame attribute to cultural cycle of silence. This pervasive stigma consistently obstructs open dialogue and policy involvement about menstruation experiences, management and hygiene requirements.

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<sup>23</sup>*Ibid.*

<sup>24</sup> National Family Health Survey-5, Ministry of Health and Family Welfare Government of India ((2019-21)

<sup>25</sup>*Ibid.*

<sup>26</sup>Sankhe Anjuja & others, "Subsidising sanitary napkins alone can't achieve menstrual health and hygiene" *The Wire*, (Aug 20, 2020)

<sup>27</sup>Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6286883>, (Last visited 7 January, 2025)

<sup>28</sup> 'Spotlight on period poverty in india', available at: <https://toybox.org.uk/news/spotlight-on-period-poverty-in-india>, (last visited November 30, 2024)

<sup>29</sup>Millions of Women can't afford Sanitary Products, Available at: <https://www.herzindagi.com/amp>. (Last visited November 30, 2024)

<sup>30</sup> Tibrewala Muskan, "Transgender persons and structural intersectionality: Towards menstrual justice for all menstruators in India" *IX (2) Indian Journal of Medical Ethics* (2024)

<sup>31</sup> *Ibid.*

## B. Legal Aspect of Period Poverty in India

Period poverty has an influence on the right to health, education, dignity, and employment, among other things. It exacerbates already existing gender inequality and prejudice. Let's take a closer look at the law that addresses this issue:

**(i) Constitutional Consideration-**The Constitution of India mandates in its Directive Principles of State Policy that the State must protect and secure social, political and economic justice for its citizens to promote their welfare.<sup>32</sup> The state shall ensure that all citizens have sufficient means of livelihoods and that material resources are dispersed in a greatest way so as to serve the common welfare.<sup>33</sup> The Constitution of India outlines fundamental rights that serve as the cornerstone of social justice. These rights ensure that everyone is treated fairly and living a life that is equal and dignified.<sup>34</sup>

**Right to Equality:** - One essential human right for a prosperous, peaceful, and sustainable world is the right to equality. Period poverty is a human right issue that impacts the right to gender equality in many ways. Stigma and norms surrounding menstruation lead to discriminatory practices. Inadequate access to safe facilities for menstruation management results in poor educational performance and increased school absenteeism. Inaccessibility to menstrual hygiene products and medications leads limited employment opportunities. Article 14 of the Constitution of India provides that everyone should be treated equally before the law. Menstrual taboos and the shame associated with them were addressed in the Supreme Court decision in *Indian Young Lawyers Association and Others*.<sup>35</sup> The Supreme Court determined that discrimination rooted on biological differences constitutes a violation of the Constitution, which protects the right to equality.<sup>36</sup> The concept of equality prohibits unjustified discrimination against individuals. It is the responsibility of the State to ensure fair treatment for all and to take preventative steps against any existing inequalities.

**Right to life and Dignity:** -Human rights recognize that menstruation is a natural and healthy aspect of life, and that people should be able to manage it with dignity. The right to bleed with dignity is a human right that recognizes this as a natural and healthy component of existence.<sup>37</sup> The right to life includes right to fundamental services so the person can live with

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<sup>32</sup> The Constitution of India, 1950, art. 38(1).

<sup>33</sup> *Id at art.39 (a) (b)*.

<sup>34</sup>Dr.S.Suvarakhandi Shridevi,“Social Justice Provisions in Indian Constitution”(6:3)*International journal of Political Science* 1(2020)

<sup>35</sup>(2019) 11 SCC 1

<sup>36</sup> *Ibid*.

<sup>37</sup> Access to safe and dignified menstruation is a fundamental need and a human right, available at:<https://www.unicef.org/mongolia/stories/access-safe-and-dignified-menstruation-fundamental-need->

dignity.<sup>38</sup> Period poverty violates the menstruators ability to live with dignity. The Menstruator should have rights to access menstrual products, water and sanitation as well as sanitary pads disposal facilities. According to the Constitution, women have the right to biological processes that remain unaffected by social and religious norms that promote exclusion and segregation.<sup>39</sup> These actions result in degrading behavior and a violation of dignity.<sup>40</sup>

**Right to Health** –The health of women during their periods is an issue of public health and a fundamental right. The World Health Organisation( WHO) recognizes that menstrual health is a health issue not a hygiene issue.<sup>41</sup> When women and girls lack resources and facilities to maintain their menstrual health, they also suffer health problems. In the landmark opinion given in “*Paschim Banga khet Mazdoor Samiti & others vs. State of West Bengal and Another.*”<sup>42</sup> The Supreme Court found that the fundamental duty of the government in a welfare state is to look out for the welfare of its citizens, and it also has a responsibility to provide them access to adequate healthcare. The Gujarat High Court in *Nirjhari Mukul Sinha vs. Union of India*<sup>43</sup> concluded that stigma associated with menstruation which is widespread in many communities has an impact on the emotional and mental well-being of women and girls as well as their way of life and above all, their health. The Jammu and Kashmir High Court observed in *Court on its own motion vs. Government of India and others*<sup>44</sup> that Menstrual Health must be included in the larger framework of reproductive and sexual health rights.

**Right to Education-** Period poverty can negatively affect the rights of girls to education in many ways including absenteeism, poor educational results, shame and discomfort, unhygienic substitutes. Article 21A of the Indian Constitution recognizes the right to education as a fundamental right. Menstrual hygiene should be important part of education. In addition to this Article 38 enables the State to safeguard the welfare of people and Article 51A (h) provides fundamental duty to promote logical temperament, humanism and the spirit of inquiry and reform. In *Setu Niket vs. Union of India*<sup>45</sup> the Delhi High Court ordered the

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and-human-right,(Last visited april 12,2025)

<sup>38</sup> *Supra* Note 32, art. 21.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> WHO statement on menstrual health and rights available at: <https://www.who.int/news/item/22-06-2022> (Last visited April 12, 2025)

<sup>42</sup> AIR1996 SC 2426

<sup>43</sup> *Nirjhari Mukul Sinha vs Union of India*, available at: <https://www.livelaw.in/news-updates/gujarat-high-court-menstruation-stigmatized-in-our-society-menstruating-women-impure>,(last visited December22, 2024)

<sup>44</sup> Available at: <https://indiakanoon.org>,(Last visited May 24,2024)

<sup>45</sup> AIR Online 2019 Del 2302

Delhi Government to implement a system for informing adolescent females about periods and how to properly manage them and to guarantee the provision of menstrual hygiene products in schools at free of cost or at reduced rates. In the case of *Dr. Jaya Thakur vs. Government of India & others*<sup>46</sup> Central Government was directed by the Supreme Court to develop a national policy on menstrual hygiene for school-going girls. The Court also noted that the above policy must ensure the provision of affordable sanitary napkins and safe disposal methods for the same in schools.

Therefore from above discussion it is clear that period poverty is a violation of fundamental rights and a pressing human issue. We have witnessed that Covid-19 intensified period poverty and impacted the physical and emotional health of menstruator. This underscores the need of addressing the problem of period poverty, which presents a challenge to Indian society.

**(ii) Initiative of Government Policies:** -The Government is carrying out the following steps to address the period poverty:

- *Swachh Bharat Swachh Vidyalaya*<sup>47</sup> a campaign launched in 2014 which aims to provide all school in country with water, sanitation and hygiene (WASH) facilities that help in realizing the sustainable development goals particularly to gender equality.
- On International Women day 2018 the government launched *Suvidha*<sup>48</sup> packets of four sanitary pads, hundred percent biodegradable for ten rupees.
- *The SABLA program*<sup>49</sup> emphasises the importance of access to nutritious foods, promoting physical fitness and ensuring reproductive and sexual health services.
- *National Rural Livelihood Mission*: It supports the production of sanitary pads by small manufacturers and self-help organisations.
- The Ministry of Drinking Water and Sanitation established the National Guidelines for the Management of Menstrual Hygiene in 2015.<sup>50</sup> They seek to tackle all facets of menstruation hygiene, including capacity development, behaviour modification, awareness enhancement, and stimulating demand for superior hygiene products.

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<sup>46</sup>2023 SCC Online SC 881

<sup>47</sup>'Swachh Bharat Vidyalaya' available at <https://www.unicef.org>, (Last visited on May 21, 2025)

<sup>48</sup>On women's day Govt. Launches biodegradable pads priced at Rs 2.50. *The Quint*, (2018)

<sup>49</sup>'Ministry of Woman and Child Development' available at: <https://wcd.nic.in> (last visited on December 1, 2024)

<sup>50</sup>'Ministry of Jal Shakti/Department of Water and Sanitation' available at: <https://jalshakti-ddws.gov.in> (Last visited December 2, 2024)



- *Guidelines for Addressing Gender Issues in Sanitation in 2017*: These recommendations were developed by the Ministry of Drinking Water and Sanitation to empower women and girls in sanitation and to advance gender equality.<sup>51</sup>
- Other initiatives include improving menstrual health and hygiene (MHH) via ASHA (Accredited Social Health Activists), workers and increasing awareness through the Rshtriya Kishore Swasthya Karyakram (RKSK)<sup>52</sup> program. Pradhan Mantri Bhartiya Janaushdhi Priyojna<sup>53</sup> provides inexpensive sanitary Napkins. The Government is promoting the installation of sanitary napkin vending machines and incinerators. While government initiatives have laid a foundation, more work is needed to ensure every woman and girls and non binary people can manage their period with dignity and freedom.

## V. CONCLUSION AND SUGGESTIONS

Ultimately, in order to meet the requirements of this normal bodily function, it is imperative that the right to menstrual hygiene is recognized and implemented. Some important suggestions are summarized as hereunder-

- India should not only improve access WASH infrastructure, but it should also reduce stigma by normalising conversations about menstruation, providing education and adopting gender-sensitive policies for all genders including trans and non binary people.
- Encourage state and national governments to implement multi-pronged initiatives that raise menstrual hygiene education, address the causes and effects of poor menstrual hygiene and provide menstrual products.
- Reusable Menstrual cups and cloth pads have been proposed as potential solutions by advocates for sustainable menstruation. While disposable menstrual products are an ongoing expenditure, reusable entail a much larger initial expenditure but prove to be substantially less expensive in the long term.
- The state government should combat menstrual stigma through public awareness campaigns, media enthusiasm and community conversations. Period poverty can be solved by providing free menstrual products by eliminating additional taxes and

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<sup>51</sup>Guidelines on gender issue in Sanitation, available at: <https://jalshakti-ddws.gov.in>, (Last visited December 26, 2024)

<sup>52</sup>Babbar karan and Ojha Manini, "Towards an inclusive National Policy on Menstrual health and Hygiene" 675 *Observer Research Foundation* (2023)

<sup>53</sup> Available at: <https://janaushadhi.gov.in/pmbjb-scheme>, (Last visited June 10, 2025)

import duties. This would enable individuals to manage their periods with dignity and avoid the risks linked to inadequate menstrual care.

- Health professionals, social health activists, and Aanganwadi workers must need to understand the biology of menstrual cycle to dispel myths. Period-related social exclusion should be addressed in menstrual hygiene campaigns.

The urgent necessity of the hour is to find solutions to these problems since every person has the right to a have dignified life. These challenges provide a larger question mark and disgrace to the civilized society in this age of advanced technology and development.

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