

CHAPTER 11

SUSTAINABLE MENSTRUATION: CONFLICT BETWEEN WOMEN'S RIGHTS AND SOCIETY AT LARGE

*Mr. Gaurav Mittal**

*Mr. Pankaj Chhuttani**

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I. INTRODUCTION

Menstruation is a natural phenomenon that occurs to every girl after attaining the age of puberty. Even in the 21st century, people consider it taboo and avoid any discussions in that matter. There are certain social, religious, and cultural restrictions in the path of the

* Assistant Professor, School of Law, University of Petroleum and Energy Studies (UPES), Dehradun, Uttarakhand. Email: gaurav.mittal@ddn.upes.ac.in

* Student, School of Law, University of Petroleum and Energy Studies (UPES), Dehradun, Uttarakhand. Email: pankajchhuttani9098@gmail.com

Menstrual Health of women as society considers it unclean and dirty and nobody wants to discuss this serious matter openly in a public. In India, there is no proper education on these aspects and girls do not know about any measures of health and hygiene during the time of their menstruation. The right to have proper access to the menstrual product is the fundamental right of every woman as it is necessary for women's life and liberty which is enumerated under Article 21 of the Constitution of India but these menstrual products have certain chemical contents which are non-biodegradable and affect the environment vis-à-vis human health and aquatic animals so at the one side it's a matter of fundamental right of women and on the other hand such products are affecting the health of people and society at large. So, in this paper authors will be discussing the major plights of women in India who are unaware of the menstrual education and conflicts between the right of women to access menstrual products and the interest of the general public and what are the corrective measures which can be taken to balance the situation.

The age between 10- 19 is a very critical age in a person's life in which the person grows from child to adult and which is the age in which all the physical, psychological, and biological development takes place and this phase is of utmost importance for a girl as it is the growth of reproductive period of her life. The menstrual cycle is also a part of that reproductive growth. It is the natural phenomenon in which blood releases from the women's internal organs regularly and which lasts from 4 to 7 days with unbearable pain in the stomach as well as other internal parts. In India, menstruation is considered taboo as people think menstruation being dirty and unclean and nobody wants to discuss this matter openly in public and due to which most of the girls and women are deprived of getting the menstrual education.

In many regions, girls are not even aware of the basic knowledge of health and hygiene during their menstrual cycle due to which they most of the time face difficulty in public places like schools, colleges, offices, etc. And many girls and women are not even aware of the infections and diseases which can be caused due by such ignorance of hygiene.

In rural areas, many girls and women do not have proper access to menstrual products, and those who have don't even know the methods

of using them and disposing of them efficiently, they mostly use reusable clothes and other menstrual products which are not environment-friendly. Women manage menstruation differently at different places and dispose of the menstrual waste either with the domestic waste and choke them or flush them in the toilets which release into the rivers without even knowing the consequences that such disposal will both directly and indirectly through aquatic animals (fishes, etc) affects the human health and hygiene.¹

So, there is a need to make women aware about the using and disposing of menstrual products so that it cannot affect the environment and human health and equally protects the women's right to use such products.

II. CULTURAL AND SOCIETAL BELIEFS ABOUT MENSTRUATION

Can you see the Woman sitting silently at the corner of your house deep inside suffering from pain and irritation out of her menstruation? Is it so difficult or society and culture has made it difficult for women? Menstruating women are treated as untouchables, they are restricted to go to temples, to take nutritious food, to cook or eat with the family or have to wear black clothes because of embarrassment or shame, they have to live far from the home and when the whole process gets over they resume to their normal life also they are not allowed to discuss the menstrual cycle publicly and are restricted severely because the same was considered as an embarrassment, fear, shame or sometimes as a curse to themselves.

In Punjab based study it has been found that the girls and women are restricted to enter their prayer rooms, not allowed in the kitchens, not attending the holy places, not touching religious books². Also, some other practices like not wearing new clothes, not playing with

1. Kholoud K. Alharbi, Afnan A. Alkharan, Doha A. Abukhamseen, Maryam A. Altassan, Wareef Alzahrani, & Amel Fayed, Knowledge, readiness, and myths about menstruation among students at the Princess Noura University, *Journal of Family Medicine and Primary Care* (2 February 2012), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293938> (Last visited on November 3, 2019)
2. S. Puri & S. Kapoor, *Taboos and Myths Associated with Women's Health among Rural and Urban Adolescent Girls in Punjab*, Vol. 31 *Indian Journal of Community Medicine* (4 July 2006), available at <http://www.indmedica.com/journals.php?journalid=7&issueid=83&articleid=1126&action=articlee>. / (Last visited on November 3, 2019)

outsiders, not touching people or looking into a mirror, not having sexual intercourse with their partner under a belief that it will impure her partner and many more results have been found.³

Another study reveals that most adolescent girls and women do not have complete and having inaccurate information about menstrual physiology and hygiene during their cycles⁴ which affects the health care delivery and thus, complicating various reproductive health problems⁵. In a Delhi-based study, it has been found that women in rural areas and villages not only suffer the plights alone but also, do not teach their daughters, and the lack of information results in undue fear, anxiety, and wrong ideas in the mind of adolescents⁶.

In the same study it has been observed that the women in the rural areas use the terms like *Mahina* or *Masik* (Monthly periods), and *Mahine se hona* (Having Monthly Periods) or *Kapda Chalu* (Having Menstruation) for their menstruation which showed how it is perceived by the women from such areas. The process of the menstrual cycle has been defined as the waste released from the body as *Ganda Khoon* (Dirty Blood) and that is why it leads to such societal beliefs and untouchability⁷.

The menstrual taboo has been originated from the societal belief in the impurity of menstrual blood; the taboo is considered as a negative attitude and is a restriction on the girls and women living in society. Today, with the innovation of sanitary napkins or pads the women can now freely live a normal life. This can be believed strongly that in ancient times there was nothing like sanitary napkins, menstruation

3. Id.

4. Syed Emdadul Haque, Mosiur Rahman, Kawashima Itsuko, Mahmuda Mutahara, & Kayako Sakisaka, *The effect of a school-based educational intervention on menstrual health: an intervention study among adolescent girls in Bangladesh*, (Oct 14, 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4091465/>. (Last visited on November 3, 2019)

5. Rajkumar Patil, Lokesh Agarwa, M Iqbal Khan, Sanjeev Kumar Gupta, Vedapriya DR, M Raghavia & Anuj Mittal, *Beliefs about menstruation: a study from rural Pondicherry*, (14 Oct., 2015), <http://ijmstrust.in/pdfs/ijms-vol2-no1/2-1-6-beliefs-about-menstruation.pdf>. ((Last visited on November 3, 2019)

6. Suneela Garg, Nandini Sharma & Ragini Sahay, *Socio-cultural aspects of menstruation in an urban slum in Delhi, India*, (16 April 2016), <https://www.tandfonline.com/doi/pdf/10.1016/S0968-8080%2801%2990004-7>. (Last visited on November 15, 2019)

7. Id.

cups, organic pads, etc. But they may use the piece of old cloth, washes it, and reuses the same until it lasts. The month was not that smooth for the women in the 18th or 19th century. There were also some other things which were followed by women in ancient times some of them are described as follows:

The Egyptians use tampon to deal with the monthly flow which was made up of the thick paper called Papyrus, the plant moss⁸ was used by the women as an absorbent material they fold it into a cloth and make a sanitary pad, the women in China use sand in the cloth and tighten it to soak the blood, washes it and reuses it in their next monthly periods, In the 1800s there were also the sanitary non-elastic belts with cotton pads which were similar to diapers and were reusable too, in France the bandage was used by the nurses for the treatment of soldiers the same they use for their monthly blood flow, Greek sisters used the small piece of wood and then insert into the body for the natural blood flow, the animal fur, the sheep wools were used by the women to deal with monthly bleeding.

Apart from this, the major issue is menstrual hygiene and waste, the questions are whether the methods adopted by the women in their monthly bleeding are safe? Are they saving her by using such absorbent materials? And what about the absorbent materials used by the women are they polluting the whole universe? This paper covers all such aspects which are affecting women's hygiene and the major concern of all the absorbent materials used by the women at the time of the menstruation cycle.

III. IMPORTANCE OF MENSTRUAL HYGIENE

In any way, women are the only sufferer, as the societal and cultural beliefs about menstruation impact not only menstrual health but also mental health. As discussed above, Menstruation is a natural phenomenon that is to be handled with utmost care and hygiene. With such considerations of cultural and societal beliefs women are afraid to share their feelings during their cycle, not even with their mothers. Social support, parents, siblings, peers, partners, and teachers are the

8. A small flowerless green plant which lacks true roots, growing in low carpets or rounded cushions in damp habitats and reproducing using spores released from stalked capsules.

main sources of such information and knowledge, as it requires special comfort or assistance to deal with such situations⁹.

The practice of health and hygiene during menstruation has certain impacts on the health of women and if it is neglected, it leads to toxic shock syndrome, reproductive tract infection, and other vaginal diseases. As per the various studies, poor genital hygiene negatively affects health¹⁰.

In a study conducted on the Delhi based slums, it has been found that most of the women in the rural areas kept old ragged clothes, old sarees, pieces of cloths, ragged pantaloons for the occasions of their monthly cycle¹¹ again, due to lack of knowledge and information, they are not even aware of the basic menstrual products like sanitary napkins, tampons, etc. and if they get aware of such product then also, they cannot afford them.

They knew the usage of clothes in place of sanitary products but, they use to keep the used cloths as they were unable to get a private space to wash such clothes, some dislike washing them because of stains and dirt and throw them along with other waste. Due to different living conditions and cultural factors, some of them preferred to use new clothes every month as it is believed that, it is necessary to prevent witchcraft.

Disposal of Menstrual Products after use is one of the important aspects of this paper. Due to insufficient knowledge, misconceptions, and unavailability of private space, there is a severe problem with the disposal of the menstrual product. In most of the urban areas, menstrual products are disposed into toilets, dustbins, etc. whereas in rural regions mostly women are not aware of these techniques and dispose

9. Julie Hennegan, Alexandra K. Shannon, Jennifer Rubli, Kellogg J. Schwab & G. J. Melendez-Torres, *Women's and girls' experiences of menstruation in low-and middle-income countries: A systematic review and qualitative metasynthesis*, (14 Oct, 2009), <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002803>. (Last visited on November 15, 2019)

10. Rajanbir Kaur, Kanwaljit Kaur, & Rajinder Kaur, *Menstrual Hygiene, Management, and Waste Disposal: Practices and Challenges Faced by Girls/Women of Developing Countries*, (20 July, 2014), <https://www.hindawi.com/journals/jeph/2018/1730964/> (Last Visited on December 02, 2019)

11. Suneela Garg, Nandini Sharma & Ragini Sahay, *Socio-cultural aspects of menstruation in an urban slum in Delhi, India*, (16 April 2016), <https://www.tandfonline.com/doi/pdf/10.1016/S0968-8080%2801%2990004-7>. (Last visited on December 07, 2019)

of it by way of burning, throwing with the ordinary garbage in the public places, into rivers, etc. due to limited privacy and which is ultimately going to affect the area at large.

IV. WOMEN'S RIGHT TO ACCESS MENSTRUAL PRODUCTS

As per Article 21 of the Constitution of India, no one should be deprived of his life and personal liberty¹² which simply means that everyone is entitled to such rights which are directly or indirectly required for the facilitation of dignified life and personal liberty. There has been a wide interpretation as to what can be the components of dignified life and liberty.

In the case of *Maneka Gandhi V. Union of India*¹³, it has been laid down a wide variety of rights about human health and dignified life. In this case, the Hon'ble Supreme Court held that the Right to life and liberty under Article 21 is itself a fundamental basis of life. So many rights have been found within the purview of Article 21. Thus, the necessities, minimum and basic requirements are essential and unavoidable for a person¹⁴. Also, in the case of *Francis Coralie v. Union Territory of Delhi*¹⁵, it has been observed that the Right to life means the bare necessities of life such as adequate nutrition, sanitation, facilities for reading writing, and expressing oneself in diverse form according to diverse culture, freely moving about and mixing with human beings, social recognition, are the necessities of life and also, right to life carry a function and activities as constituting the minimum expression of the human self.

While interpreting Article 21, Supreme Court and High Courts have recognized one most important right which is "Right to Sanitation", the right that has been interpreted by the Judiciary, therefore; the Right to Sanitation is a part of the fundamental right to life and personal liberty under Article 21. This right is also guaranteed under DPSPs under Article 47, which talks about the duty of the

12. Art. 21, The Constitution of India, 1950.

13. *Maneka Gandhi v. Union of India*, 1978 AIR 597, 1978 SCR (2) 621.

14. Riya Jain, UILS Panjab University, *Article 21 of the Constitution of India – Right to Life and Personal Liberty*, *Academike Articles on legal issues* [ISSN: 2349-9796], (14 Oct, 2015), available at <https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/> (Last visited on December 12, 2019)

15. *Francis Coralie v. Union Territory of Delhi*, 1981 AIR 746, 1981 SCR (2) 516.

government to increase the standard of living, but, the DPSPs are not enforceable before the court of law.

The right to access menstrual products by women at the time of menstruation is the right necessarily required to facilitate a dignified life. As I have discussed earlier in this paper about the importance of menstrual health and hygiene, the right to access menstrual products, the right to education about menstruation at the primary level is necessary to live a respectful life. By this we can interpret the Right to access menstrual health and hygiene as part of Article 21 hence; it is the responsibility on the part of the State to protect such right.

Not only Right to access menstrual products but also, numerous rights have been guaranteed under Article 21 for women during their menstrual times¹⁶.—

- 1) *Right to adequate standards of life and well-being*-Women and girls may experience negative health consequences when there is a lack of supplies and facilities to manage their menstrual health. There should be the facilitation of such standards from the State.
- 2) *Right to Education*-Lack of information to manage menstrual hygiene as well as lack of medication facilities to cure the menstruation pain, also, some studies have shown that girls have to take leave from their schools during the time of menstruation because of such pain and embarrassment.
- 3) *Right to work*-Lack of knowledge about menstruation makes women unconfident which limits job options for women and girls. There should not be any discrimination against any woman or girl just because she is on her menstruation.
- 4) *Right to non-discrimination and equality*-Menstrual-related restrictions to school, colleges, workplace, etc. lead to gender inequalities which are supposed to be protected by State.

V. IMPORTANCE OF MWM (MENSTRUAL WASTE MANAGEMENT)

Have you ever given a thought to what happens to menstrual waste after you dispose of it off? Exactly, that is a concerning issue these days. The environment is degrading day by day with human

16. Frequently asked questions, Kumar Raja, Menstruation and human rights available at <https://www.unfpa.org/menstruationfaq#menstruation%20and%20human%20rights> (Last visited on January 10, 2020)

influences and an increase in developing activities. Menstrual waste is one of the most polluting wastes which not only affect Human Health but also the health of aquatic animals as the water is the only source for their survival.

Menstrual Waste Management plays a very important role when it comes to the disposal of used menstrual products such as ragged pieces of clothes, sanitary napkins, tampons, menstrual cups, sanitary underwear, and all other products used during menstruation. It has been found that the women from urban areas use to dispose of their menstrual wastes along with the regular household waste or with other waste management techniques, but, in the case of rural areas, due to lack of knowledge and limited private space, women use to dispose of it by throwing it into the latrines, burying them, burning them, etc. which lead to various health and environmental hazards¹⁷.

Toilet paper, tissue paper, cotton, etc. are natural material used for menstrual purposes are easy to decompose in the latrines and under the surface of the earth but, products like commercial sanitary napkins, tampons which are made up of 90% plastic is very difficult to decompose in latrines, which lead to the blockage in sewage and hence, taken out manually by workers without wearing any gloves or protection which exposes them to harmful chemicals and pathogens. Also, the women from rural areas decompose their menstrual waste by throwing it into the river banks and water bodies which subsequently swells up with the water and harms the aquatic animal and the people living nearby.

VI. CONSTITUTIONAL PROTECTIONS FOR THE ENVIRONMENT

The Constitution of India provides some of the basic fundamental rights under its Part III and Directive Principles of State Policies about the Clean and Healthy of Environment. The first-ever case in the environmental jurisprudence was *State of Punjab v. M.S. Chawla*¹⁸,

17. Rajanbir Kaur, Kanwaljit Kaur, & Rajinder Kaur, *Menstrual Hygiene, Management, and Waste Disposal: Practices and Challenges Faced by Girls/Women of Developing Countries*, (20 July, 2014), <https://www.hindawi.com/journals/jeph/2018/1730964/> (Last Visited on January 20, 2020)

18. *State of Punjab v. M.S. Chawla*, Civil Appeal Nos. 16980-81 of 1996 (Arising out of SLP (C) Nos. 12945 and 18828 of 1996) Order in CA No. 16979/96 @ SLP (C) No. 12472/96.

where it has been observed that the right to life and liberty under Article 21 also includes the Right to health and hygiene within its ambit. Also, in the case of *Vincent v. Union of India*¹⁹, it has been observed by the Supreme Court that a healthy body is a basic necessity and the minimum standards of health are an important facet of the right to life and liberty under Article 21. The Directive Principles of State Policies also talk about the improvement in public health as a primary obligation upon State.

Article 21 is not limited to the protection of fundamental rights of the human being but, also, considers animals under its purview. In the case of *Animal Welfare Board of India v. A. Nagaraja & Ors*²⁰, it has been laid down by the Supreme Court that the meaning of "Life" under Article 21 has given a broad interpretation and any disturbances from the basic environment which includes all forms of life, including animal life, things necessary for human survival within the intrinsic meaning of Article 21.

VII. ANALYSIS

As discussed earlier, the importance of menstrual health, menstrual hygiene, and menstrual waste management, now, it is pretty clear that the facilitation of healthy menstruation is necessary to live a dignified life. But some of the menstrual products being used by the women and girls, which are necessarily required during the time of their monthly cycles, are opposed to the Environment. The latter is the concern of the society at large but, the former is the basic necessity. So, under this head author will try to balance stimulating the situation between women's personal right to access menstrual products, being it under the constitutional framework and the basic environmental principles and need for its protection.

Sanitary napkins, tampons, etc are some of the products used during the time of menstruation that play a very effective role when it comes to menstrual hygiene and health but, at the same place, the contents of such products are not all environment-friendly. Sanitary napkins are made with 90% plastic composites which require about

19. *Vincent v. Union of India*, 1987 AIR 990, 1987 SCR (2) 468.

20. *Animal Welfare Board of India v. A. Nagaraja & Ors.*, Civil Appeal No. 5387 of 2014, Special Leave Petition (Civil) No.11686 of 2007

500-700 years to get decomposed as, together with plastic composites these products contain toxic chemicals used for fragrances leaching the soil, loss of the fertility of the soil, groundwater pollution, etc. And by affecting the environment, it is ultimately affecting society at large.

To overcome this conflicting situation, there is a need for awareness and health campaigns all across India and popularizing the idea of sustainable menstruation. There are certainly better ways to have environment-friendly menstruation. The blood which is released from the body during menstruation is said to be the best fertilizer for the soil and provides nutrition to the plants and shrubs. Also, there are certain environmental health products which could be used in place of toxic commercial napkins and other plastic made product²¹ :-

- 1) *Reusable cloth napkins*- The reusable cloth napkins or pads can be used in the place of sanitary pads as, it is made from cotton and not from any plastic material so, there is no chance of vaginal irritations and it can also be washed and reused again at the time of menstruation. Hence, this product is environment-friendly.
- 2) *Menstrual Cups*- This is the best menstrual product above all products. This product is having a lifetime of up to 10 years without any hazards to health and the environment. This is made up of silicon material with the lowest chances of any vaginal infection, vaginal diseases, or itching, which is generally caused by other menstrual products.
- 3) *Period Panties*- These are cotton-made undergarments that are made specifically for menstruation. It has three composite layers which are responsible for all blood flow and odour generated out of menstruation.
- 4) *Biodegradable Napkins*- This is the napkin used in place of ordinary sanitary napkins. These napkins are generally environment-friendly as it contains less chemical composites.
- 5) *Tampons*- This product is not much environment-friendly but can be a better alternative for commercial sanitary pads. This

21. Rajanbir Kaur, Kanwaljit Kaur, & Rajinder Kaur, *Menstrual Hygiene, Management, and Waste Disposal: Practices and Challenges Faced by Girls/Women of Developing Countries*, (20 July, 2014), <https://www.hindawi.com/journals/jeph/2018/1730964/> (Last Visited on January 25, 2020)

product is not very cost-effective and not easily available in the market.

- 6) *Reusable Tampons*- This product is the same as ordinary tampons but is reusable. These types of tampons are made from bamboo, wool, cotton, banana leaves. Etc. This can act as the best alternative to ordinary sanitary pads as they can be reused after wash and cleaning.
- 7) *Bamboo Fibre Pads*- It can be used in the case of menstrual products that are made from cotton. Bamboo fiber pads have more absorbing capacity than products made up of cotton. They are affordable, easily decomposed, and environment-friendly pads that contain certain antibacterial properties. It prevents vaginal infection and various internal diseases to have irritation-free menstruation.
- 8) *Banana Fibre Pads*- It is a low-cost product than any other menstrual product which is made from waste banana tree fibre and used mostly in rural areas. They are much friendly to the environment and take near about six months to get disposed of.
- 9) *Water Hyacinth Pads*- This kind of menstrual product is made from water hyacinth and sold under the trade name Jani. It is a cost-effective and environmentally friendly product.

Along with these products, certain methods are to be adopted by the consumer of the sanitary products as well as the manufacturer of such products. One of the best methods to dispose of such hazardous menstrual products is Incinerator²².

VIII. CONCLUSION

Menstruation is a biological phenomenon of the female body which is out of human control and cannot be avoided. To have hygiene and healthy menstruation, there is a need for proper education and awareness both in rural and urban areas. Teachers at both primary and secondary levels should teach students about menstrual and menstrual hygiene management not only for awareness but also, to broaden the approach of society and its thinking towards menstruation. The government should give environmentally friendly products free of cost to poor women, constructing public toilets, proper awareness by

22. It is a technique in which women burn down their sanitary napkins

way of campaigns, and other modes about the menstrual disposal mechanisms such as incinerators, etc.

It is not only the obligation of the State and teachers at both primary and secondary levels. But the primary obligation is upon the mothers and family members. Mothers should teach their children that this is the natural function of the body nothing dirty about it and guide their daughter about the practices of safe and hygiene menstruation.

IX. SUGGESTIONS

- 1) Manufactures along with sanitary products should provide bio-bags with the indication for disposing of the menstrual products.
- 2) Menstrual waste should not be disposed of along with domestic waste or toilets. Napkins should be properly wrapped in bio-bags or newspapers and then thrown into the dustbins.
- 3) There should be proper segregation of such waste by the municipalities and Nagarpalikas at different locations like schools, colleges, etc.
- 4) Public toilets should include dustbins especially for the dumping of menstrual products with specific indications.
- 5) Governments at the local level should organize campaigns and spread awareness about menstrual health-related issues openly in public so that people would not think of it as a taboo or curse.
- 6) The waste blood released out of the body is very rich fertilizer for plant-soil; there should be separate bio-plants that can segregate waste blood out of used sanitary pads.
- 7) Along with sanitary products, there are other products like used condoms, baby diapers which are also non-biodegradable and have the same influence on the environment and human health so, there should be segregation of such products also along with sanitary products.
- 8) Last but not least, mothers at homes and teachers at schools and colleges should openly teach students about the menstrual health and hygiene of women.