Tackling the Period of Taboo

Why in news?

Recently Gujarat High Court proposed guidelines that prohibit menstruating women from entering the public, religious and educational places.

What is the history behind the guidelines?

- In February 2020, college authorities of the Shree Sahajanand Girls Institute (SSGI) in Gujarat allegedly forced over 60 girls to remove their undergarments to check if they were menstruating.
- The college authorities said that menstruating women entering the temple and kitchen is against the institute's rules.
- This lead to outrage and four persons were later arrested.

What is the intention behind the action of SSGI?

- The stigma finds its roots in the notion of purity and pollution attached historically to menstruating women in India.
- It is drawn from the notion that menstruating women are impure and this targets the physiological feature of being women.
- Women are treated differently because they have distinct physiological features than men.
- This perpetuates and exacerbates regressive patriarchal notions of our society.

What did Supreme Court said about this issue?

- In Indian **Young Lawyers Association v. The State of Kerala (2018),** known as the Sabarimala case, the court explained the following.
- It said that any social practice which excludes women from participation in public life due to menstruation is discrimination on the ground of sex.
- It is impermissible under Article 14 of the Constitution and against the notion of substantive equality adopted by the Constitution.
- It supports a more formal notion of equality of separate but equal treatment and impacts deeply personal and an intrinsic part of their privacy-menstrual status.
- This type of restrictions imposed on menstruating students is an attempt by

state and non-state actors to take control of their person.
- It is an outrageous exercise of power to prevent them from leading a dignified life during their period and an excessive invasion of a biological feature that makes them women.
- This goes against the intent of our Constitutional values and this practice needs to be changed.

What does Gujarat High Court say now?

- The Gujarat High Court proposed to introduce a set of guidelines that prohibit the social exclusion of menstruating women from private, public, religious and educational places.
- It emphasised on the negative impact created by such practices on a woman's emotional state, lifestyle and most significantly her health.
- But the effect of court intervention is yet to be seen in society as the previous verdict on this have failed to change societal notions surrounding it.
- Previously court held that menstruation is a part of the fundamental right to (private) life.

What can we infer from this?

- The hope for women is that slowly society will consider the norm of menstruation as taboo and abhorrent practices of discriminating as abnormal.
- This will turn into a society where no exclusion will be practiced and tolerated and no discrimination will be perpetrated.
- It will be a society where women can freely live a dignified life, nurturing all facets of their womanhood.
- It will be a society where women will be considered neither polluted nor impure during their menstruation, but will be treated with respect.

Source: The Hindu

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