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PERIODS AND PARADOX: WHEN BIOLOGY MEETS BUREAUCRACY

Abstract

Menstruation, a natural and vital biological process, has historically been misunderstood and stigmatised, particularly in patriarchal societies such as India. Despite its role in sustaining life, menstruation is often associated with impurity, leading to social exclusion and discrimination against women. This article explores the stark contrast between ancient Vedic perspectives, which regarded menstruation as a time for rest and healing, and the present-day regressive practices that marginalise women. Drawing on real-life incidents and legal case studies, especially the landmark Sabarimala judgment, the discussion underscores how cultural misinterpretations and a lack of menstrual literacy have perpetuated systemic inequality. The analysis calls for a revival of informed, respectful, and health-conscious attitudes towards menstruation to ensure gender equity and human dignity.

Keywords: – Menstrual Stigma, Gender Discrimination, Sabarimala Judgment

Introduction

The life of a woman comprises of many episodes which present distinct situations, sometimes leaving her startled at turns. She has been created biologically different from the male counterpart. Nature has bestowed some of its own qualities on women. This endurance in women is similar to the endurance that Mother Nature depicts. Both of them display a courageous outlook that enables them to endure the pain that becomes the basis of the existence of mankind. But more often than not, these biological differences between men and women become discriminatory for women. Generally, the first chapter of a woman's story unfolds when she is born, and the societal differences in expectations and upbringing decide the availability of opportunities and the level of her development. Women, in almost all civilisations of the world, are treated differently, not just because they are biologically distinct from men, but because their biological differences are measured on the social yardstick, which is often not so friendly to women. As she learns to become adept at the so-called ideal feminine ways practised in her society, she is heralded by a major biological phenomenon called menstruation, in which monthly discharge of blood from the uterus of nonpregnant women takes place from puberty to menopause. The age at menarche has fallen down from 16 years to 9-13 years in the recent past. This is in contrast to the psychological strength and maturity of girls to face and accept this biological change. The girls, many a time, are not aware of menstruation and encounter the first episode

as some major health problem, often shrugged off in ignorance and embarrassment. Since in India, talking about sex is a taboo and reproductive health is not a priority in families, girls often find themselves grappling with this natural biological phenomenon. They are treated as untouchables, and disfavoured with separate.

Imagine a society that celebrates the birth of a child but shames the very process that makes it possible. That's the irony we live with. Menstruation is treated as impure when in fact, it is a sign of strength, health, and vitality.

It is profoundly ironic that society reveres motherhood yet shuns the very process that makes it possible. The same biological cycle that enables the continuation of human life is treated with silence, shame, and exclusion. We celebrate the birth of a child with rituals and joy, yet stigmatize menstruation—a prerequisite for that very birth—as something impure or polluting. Temples that preach compassion deny entry to women for simply undergoing a natural bodily function, and homes that teach respect often isolate daughters during their periods. This contradiction reflects not a flaw in culture itself, but in how culture has been selectively interpreted to suit convenience over compassion.

In Vedic and Ayurvedic traditions, menstruation was never viewed as something impure. Instead, it was seen as a natural and necessary bodily process. Ancient scriptures emphasised the importance of rest and self-care for women during their periods. It was believed that a woman's body was undergoing a significant detoxification process, and her energy, or *prana*, was flowing downward (*apana vayu*) to assist in this cleansing. During this time, women were advised to rest and refrain from strenuous physical or spiritual activities, not as a punishment, but as a way to maintain health and balance.

Vedic philosophy places a strong emphasis on energy flow within the human body. During menstruation, the downward flow of energy helps in eliminating waste and maintaining hormonal balance. Activities that direct energy upward, such as intense prayer, meditation, or entering a high-energy spiritual space like a temple, can disturb this natural downward flow. The concern was never about impurity, but about protecting the woman's health and maintaining energetic harmony. This understanding was rooted in respect for the female body and its unique cycles.

Over the centuries, the original intention behind menstrual practices was misinterpreted and distorted. The advice for women to rest and avoid certain activities was gradually replaced by rigid taboos that labelled menstruating women as impure or dirty. Patriarchal influences contributed to this shift, reinforcing ideas that women were unfit to participate in religious or social life during menstruation. These misinterpretations ignored the subtle energy-based reasoning of the Vedic system and instead imposed social exclusion and shame.

It is important to differentiate between cultural practices that developed over time and what was originally written in spiritual texts. The Vedas and Ayurveda never promoted the idea of impurity during menstruation. Rather, they offered guidance on how to support women's health during

this phase. However, later societal norms redefined these guidelines as restrictions, leading to widespread stigma. For example, the idea that women should not enter temples was originally meant to ensure rest and avoid energy imbalance, not to suggest that menstruating women were spiritually unworthy.

Today, there is a growing movement to reclaim and reinterpret ancient wisdom around menstruation in a more scientific and respectful way. By understanding the original context of Vedic teachings, we can break the harmful taboos and restore dignity to menstrual health. It is essential to educate people—especially the younger generation—that menstruation is a natural biological process, not a source of shame. Reviving the true meaning behind these ancient practices can help in promoting both physical well-being and social equality for women.

Real Incidents of Menstrual Discrimination in India

Despite increased awareness around menstrual health, many women across India continue to face discrimination rooted in cultural taboos and outdated beliefs. The following are real-life incidents that reflect the seriousness of this issue:

1. Shree Sahajanand Girls' Institute, Gujarat (2020)

In February 2020, students of Shree Sahajanand Girls' Institute in Bhuj, Gujarat, were forced to remove their undergarments to prove they were not menstruating. The incident occurred after the hostel warden suspected that menstruating girls had entered the temple and kitchen area, which was prohibited under the institute's rules. The girls were humiliated and deeply traumatised, sparking national outrage and protests against the institution's regressive practices.

1. Sabarimala Temple Ban, Kerala

For decades, women between the ages of 10 and 50 were banned from entering the Sabarimala temple in Kerala, a restriction rooted in the belief that menstruating women are impure. In 2018, the Supreme Court of India ruled that the ban was unconstitutional, stating that it violated women's rights to equality and freedom of religion. However, when women tried to enter the temple after the ruling, many were attacked, harassed, or turned away by protestors, demonstrating how deeply the stigma persists.

1. Nepali Community in Maharashtra (2019)

In January 2019, a 21-year-old woman named Roshani Tiruwa died of suffocation in a gaokar (menstrual hut) in a village in Maharashtra. She

belonged to a Nepali- origin community that practised “Chhaupadi,” a tradition that forces women to live in isolated huts during their periods. Though this practice is more commonly associated with Nepal, it is also followed in parts of India. The woman lit a fire to keep warm and died due to a lack of ventilation—a tragic consequence of menstrual isolation.

1. Discrimination in Schools, Tamil Nadu (2022)

In several rural government schools in Tamil Nadu, girls were asked to sit separately in classrooms or even skip school during their periods. In one reported case, a teacher in Tirunelveli district told menstruating girls not to touch other students or share lunch, labelling them “unclean.” The lack of sanitation facilities and these discriminatory attitudes contribute to high dropout rates among adolescent girls.

1. Rural Karnataka: No-Entry Rule in Kitchens (Ongoing)

In villages across North Karnataka, customs still prevent women from entering kitchens or temples during menstruation. A woman from Gadag district reported being forced to eat separately and sleep outside her home during her periods. While not an isolated case, this reflects a widespread issue where menstruation is treated as pollution, and women are systematically excluded from daily life.

CASE LAWS: –

The Sabarimala Temple, considered the abode of Lord Ayyappa, is located in the Periyar Tiger Reserve in the Western Ghats Mountain ranges of Pathanamthitta District, Kerala. The temple is known for its unique religious practices—devotees undertake a 41-day penance, renouncing worldly pleasures, before they visit the temple. Devotees consider Lord Ayyappa to be a celibate deity. Women in their ‘menstruating years’ (between the ages of 10 to 50) were customarily prohibited from entering the temple to protect celibacy.

The exclusion of women was first challenged at the Kerala High Court. In 1991, the Kerala High Court in S. Mahendran v The Secretary, Travancore held that the exclusion was constitutional and justified, as it was a long-standing custom. The practice did not violate women devotees’ Rights to Equality and Freedom of worship.

In 2006, Indian Young Lawyers Association filed a public interest litigation petition before the Supreme Court challenging the Sabarimala Temple’s prohibition of women from the temple premises. The Association argued that the custom violates the Right to Equality under Article 14, as the practice is ‘derogatory to the dignity of women’. Freedom of religion under Article 25 states that ‘all persons are equally entitled to freedom of conscience and the right freely

to profess, practise and propagate religion'. The exclusion of women devotees violates that right.

The [Travancore Devaswom Board](#), an autonomous body formed by the [Travancore Cochin Hindu Religious Institutions Act, 1950](#) manages the Sabarimala Temple's administration. They argued that the exclusion of women was an essential practice in their religion. Further, they argued that the exclusion was not against all women, but only women between 10-50 years of age. Considering the celibate nature of the deity, this exclusion was reasonable. They emphasised that the Sabarimala is a religious denomination, and was protected under Article 26 of the Constitution. [Article 26](#) of the Constitution guarantees a religious denomination the right to manage its own internal religious affairs.

Further, the Sabarimala custom was protected by Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 (Public Worship Rules). It listed the class of persons not entitled to worship in a public place, and included 'Women at such time during which they are not by custom and usage allowed to enter a place of public worship'. The rule allowed the exclusion of women from public places of worship, if the exclusion was based on 'custom'. In contrast, section 4 of the parent Act, namely the [Kerala Hindu Places of Public Worship \(Authorisation of Entry\) Act, 1965](#), stated that regulations that 'discriminate in any manner whatsoever, against any Hindu on the ground that he belongs to a particular section or class' cannot be made.

The State of Kerala initially supported the exclusion but changed their stance [mid-way](#). They submitted that women should be allowed entry into the temple, as age age-based restriction (between ages 10-50) on women can turn out to be a lifelong restriction—there is no guarantee that women would live as long as 50-55 years.

They argued that customary practices can be struck down by the court for fundamental rights violation.

On August 18th 2006, the Supreme Court issued [notices](#) to the parties. On March 7th 2008, the [matter was referred](#) to a 3-Judge Bench. The matter was next heard seven years later, on January 11th, 2016. On February 20th 2017, the Court [expressed its inclination](#) to refer the case to a Constitution Bench. Finally, on October 13th 2017, the three-Judge Bench composed of [Chief Justice Dipak Misra](#), [Justices R. Banumathi](#) and [Ashok Bhushan ordered](#) a 5-Judge Constitution Bench to pass Judgement on the case.

Over seven days of hearings, the Constitution Bench heard arguments on five key issues. First, the parties discussed whether the prohibition of women violated the Right to Equality, the Right against discrimination and the abolition of untouchability. The second set of arguments was on whether the prohibition of women at Sabarimala was an 'essential religious practice', and who decides what is essential to a religion. Third, the SC heard arguments about whether the Sabarimala Temple is a

‘religious denomination’ or a sub-group within a larger religious organisation. [Article 26\(b\)](#) of the Constitution gives religious denominations the right ‘to manage their own affairs in matters of religion’. Fourth, they examined whether the Public Worship Rules allowed a ban on women. The fifth issue was whether the Public Worship Rules allowing the custom went against the parent legislation, which disallowed discriminatory practices.

On September 28th, 2018, a 4:1 majority held that the prohibition of women at the Sabarimala Temple is unconstitutional. Justice Indu Malhotra dissented. Here are the four opinions:

- [Chief Justice Misra](#) (on behalf of himself and Khanwilkar J.)
- [Justice Nariman](#) (concurring opinion)
- [Justice Chandrachud](#) (concurring opinion)
- [Justice Malhotra](#) (dissenting opinion)

The majority ruled that Sabarimala’s exclusion of women violated the fundamental rights of women between the ages of 10 to 50 years. They further held that the devotees of Lord Ayyappa were not a separate religious denomination. Justices Misra, Khanwilkar and Chandrachud held that the custom was not an essential religious practice. While the Judges in the majority did not explicitly comment on whether the custom was against the right to equality under Article 14, they stated that the practice was discriminatory as per Article 15. Justice Chandrachud stated that the right against untouchability is vast, and includes any kind of social exclusion based on notions of ‘purity’. Further, Rule 3(b) of the Public Worship Rules, which allowed the custom of prohibition women, as unconstitutional.

In her dissent, Justice Indu Malhotra observed that in a secular polity, ‘It is not for the courts to determine which of these practices of a faith are to be struck down, except if they are pernicious, oppressive, or a social evil, like Sati.’

More than 50 petitions, seeking a review of the 2018 Judgment, were [filed](#) by various organizations’, including the National Ayyappa Devotees (Women’s) Association, the Nair Service Society and the All Kerala Brahmins’ Association. On November 13th 2018, the Court [began](#) hearing the review petitions in open court. As Chief Justice Dipak Misra had retired, Chief Justice [Ranjan Gogoi](#) replaced him on the Bench.

One year later, on November 14th 2019, by a narrow 3:2 majority, the Bench delivered a [Judgment](#) keeping the review petitions pending. Speculating that other freedom of religion cases may object to the reasoning in the 2018 Sabarimala Judgment, they referred certain overarching constitutional questions to a larger 9- Judge Bench. These overarching issues pertain to women’s access to public religious institutions. Justices Nariman and Chandrachud dissented, holding that

this speculation went beyond the narrow scope of a review petition. Most notably, the Bench stated that the 2018 Judgment would be enforced until the review petitions were decided.

The Supreme Court of India, in a 4:1 majority judgment, held that the practice of prohibiting women of menstruating age (10–50 years) from entering the Sabarimala temple was unconstitutional. The Court ruled that such a ban violated Articles 14 (equality), 15 (non-discrimination), 25 (freedom of religion), and 17 (abolition of untouchability) of the Constitution. It stated that the exclusion of women based on biological factors is discriminatory and cannot be considered an essential religious practice. Therefore, women of all ages must be allowed entry into the temple.

Menstruation is a natural biological process, yet it often brings significant physical discomfort and emotional strain for many women. During this time, women may experience pain, fatigue, hormonal fluctuations, and mood changes that can affect their well-being and daily functioning. Rather than receiving understanding and support, many women in India and other parts of the world are subjected to social exclusion and restrictive practices rooted in stigma. This not only intensifies their physical suffering but also deeply affects their mental and emotional health. Women undergoing menstruation, particularly in unsupportive environments, represent such a vulnerable group.

The practice of isolating or boycotting menstruating women from religious, domestic, or social spaces reflects a lack of empathy and awareness. At a time when care and compassion are most needed, cultural taboos often lead to shame and marginalisation. This treatment goes against the principles of dignity and equality. It is essential that societies replace judgment with sensitivity, ensuring that women are treated with kindness, respect, and support during menstruation. Addressing this issue is not just a matter of health or tradition—it is a step toward gender justice and human dignity.

Conclusion

In light of the evidence and historical context presented, it is evident that menstruation should be acknowledged not as a source of shame, but as an essential marker of women's health and vitality. The prevailing taboos and discriminatory customs not only infringe upon the rights and freedoms of women but also reflect a deep-rooted societal failure to accept biological differences with empathy and respect. Reclaiming the original wisdom of ancient traditions, along with enforcing constitutional protections and promoting public education, is imperative to dismantle harmful practices and restore dignity to menstruating individuals. A just and inclusive society must recognize that honoring women during all phases of their lives is not merely a cultural obligation but a moral and constitutional necessity.

“There is no greater irony than worshipping goddesses and shaming women for menstruating.”

— Popular feminist slogan (anonymous origin)