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# **Cultural Exploitation of Rural Women** **Subjected to Menstrual Exile: A Review of** **Nepal and India**

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## **Abstract**

*Menstrual exile is an exploitative custom observed in the tribal communities of developing nations across the world, where menstruating women are banished from their own homes. This paper explores the impacts of menstrual exile on the physical, psychological and reproductive health of women. This stigma around menstrual exile interferes with their liberty, bodily integrity and violates the right not to be discriminated against based on sex. The authors have performed a complete review of Chhaupadi and Gaokor in Nepal and India with the help of existing quantitative data, journal articles, international and national reports and case studies. Finally, the authors have highlighted the areas which can be worked upon, and have left room for further discussion as the scope for research is immense. This paper is the authors' contribution to a cause with minimal representation in the mainstream development agendas.*

**Keywords:** *Menstruation, menstrual exile, Chhaupadi, myths and beliefs, awareness campaigns, policy non-compliance, mental health, reproductive health, Nepal, India*

## **1.0 Introduction**

Menstruation, commonly known as a 'Period', is a natural process where the uterus lining sheds, resulting in vaginal bleeding once every 21-40 days, and the bleeding usually continues for 5-7 days. The origin of menstrual myths dates back to the Vedic times. For centuries, menstruation has been so firmly doused in taboos, deeming women impure, polluting, and somehow capable of cursing through their touch. These socio-cultural beliefs have long normalised Menstrual Exile, often known as 'Chhaupadi' in Nepal and 'Gaokor' in India; 'Chau' meaning menstruation, and 'Padi' for women.

In both of these practices, women and young girls are required to spend their entire menstrual duration away from home, typically in isolated huts or livestock sheds, as a centuries-long custom. It is a tradition for these women to give birth in these very sheds, where they risk their pregnancy, due to lack of access to a midwife and proper nutrition. These women are expected to live with no toilet facilities, minimal sustenance, and in poorly ventilated spaces, leading to frequent casualties. Despite the outlaw of Chhaupadi in 2005 and a subsequent criminalization in 2017, menstrual exile continues to prevail.

Women, too, are reluctant to let go of their traditional beliefs, almost afraid of upsetting their deities, some of them even believing their ‘sins’ could bring ill-health to their households. Lack of education and awareness has left generations of these women vulnerable and in desperate need of carving out space for themselves within their culture and society. Menstrual exile is a deeply-rooted public health issue, one that comes in the way of more than 5 Sustainable Development Goals (SDGs) and hence the overarching objective of this paper is to know the underlying reasons for the persistence of this evil. The authors of this paper have reviewed the policy implications and laws already in place in Nepal and India and the various reasons for their non-compliance. There has been an attempt to fully understand the conditions these women are subjected to and the perceptions of the locals on a menstruating woman. The authors have used case studies and secondary data for the same.

## **2.0 Background of Countries**

### **Nepal:**

Women make up about 54% of the population of The Federal Democratic Republic of Nepal. (*Population, Female (% of Total Population) - Nepal | Data, n.d.*) These women are affected by poverty differently than men, mostly due to their occupation, daily chores, biological differences, childbirth and the need to meet societal expectations. Menstruation is one such factor that worsens the social exclusion of women in Nepal.

School education on Menstrual Hygiene Management(MHM) is very important since most girls experience menstruation for the first time in their adolescent years. Even though the Ministry of Education in Nepal has made certain efforts towards including sexual and reproductive health in their curriculum, the ideal situation is nowhere near. Based on a survey done by World Vision, a Non-governmental Organisation, and the National Health Research Council (NHRC), it was found that mothers continue to be the bearers of information regarding periods, while also being the ones imposing several restrictions on their children during their menstrual cycle. (World Vision, 2020)

The gaps in MHM of Nepal are manifold, especially in the Sudurpaschim Province of Nepal, where menstrual exile is most diligently followed. Key findings of World Vision’s and NHRC’s survey included:

- a. 47.4% of Sudurpaschim residents knew of menstruation before menarche, while 71.7% of adolescent girls knew of periods before their first menstruation cycle.
- b. Due to the unavailability of proper disposal mechanisms and lack of facilities, only 45% of the girls could change sanitary materials at school.
- c. 59.2% of girls knew Chhaupadi was illegal, 10% didn't, and 22.5% wished for these practices to continue. 21.2% of adolescent girls had spoken up against the practice in their community. (World Vision, 2020)



Figure 1

Source: World Vision, 2020b

(Key findings of NHRC's and World Vision's survey)

### **India:**

The menstrual experience of 120 million adolescent girls (10-19 years) in India varies between states, cities, villages, and the rich and poor. According to national estimates, 58% of adolescents use hygienic methods of menstrual management. This is not the case in Uttar Pradesh, where the figure is at a low of 43% (Chatterjee, 2020)

Even though rural girls are more aware now than they were a few years ago, menstruation continues to be tabooed and stigmatised, often talked about with long uncomfortable silences.

Many girls even believe it to be a god-given disease, instead of a natural bodily function. This inadequate knowledge of periods makes them fall prey to various exploitative customs. It appears that in rural India, the main issue to date is to tackle the shame around vaginal bleeding.

(Karki & Espinosa, 2018, p. 7)

Key findings:

The National Family Health Survey (NFHS) 2015-16 revealed that the number of women using either sanitary napkins or tampons during periods was 78% in urban areas, 48% in rural areas, and 58% overall. (The Logical Indian, 2017)

- a. A 2016 study on menstrual hygiene found that roughly out of 1,00,000 girls, 50,000 did not know of menstruation until they reached menarche, some of them assuming they had caught a disease instead. (Upadhyay, 2019)
- b. A 2014 report showed that around 23 million girls drop out of school annually once they start menstruating, due to the lack of access to sanitation facilities while in school. (Upadhyay, 2019)

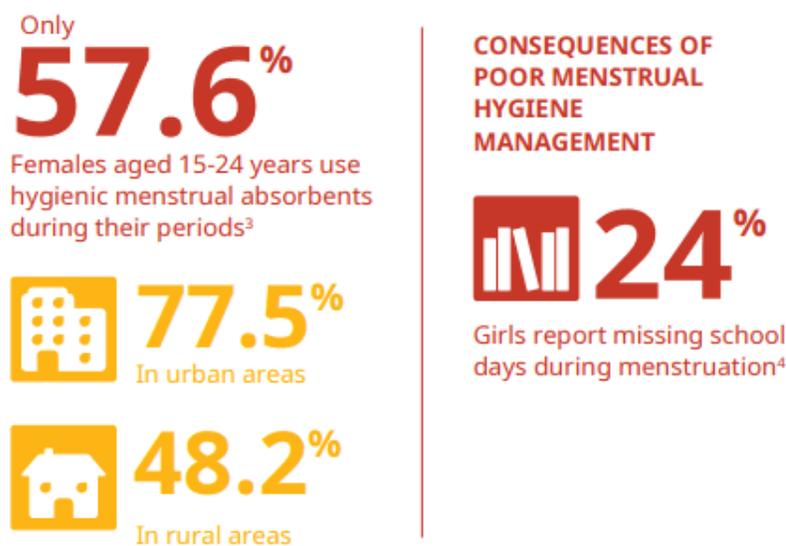


Figure 2.

Source: World Vision. (2020b, December 10)

*Status of Menstrual Health and Hygiene Management among Adolescent Girls in Nepal*

### **3.0 Comparative Analysis of Menstrual Exile in Nepal and India based on Ethnicity and Region**

#### **a. Ethnicity**

A study surveyed a sample of the girls subjected to menstrual exile and/or menstrual taboos at their homes in **Nepal**. 72% of the girls practised menstrual exile, while 28% followed menstrual taboos at home. Based on their findings, 20% of the women were Dalit and the remaining 80% belonged to Upper Caste. (Amatya, 2018) Upper Caste households, having more facilities, can afford the costs of building sheds and can provide other basic facilities to their wives and daughters. Upper caste men also tend to put stricter restrictions to follow the customs as it is also a matter of pride for them. (Jun & Jang, 2018) Also, another study revealed that the women who identified as Janajati have less knowledge about menstruation than the women who identify as Brahman/Chhetri. (Baumann et al., 2019)

In **India**, Gaokor is common in the Gond and Madiya ethnic groups. Another study revealed that those belonging to general castes in India were 1.9 times more likely to adopt safe menstrual practices than those belonging to scheduled castes or scheduled tribes. (Baumann et al., 2019)

#### **b. Regions**

In **Nepal**, menstrual exile is mainly practised in the midwest and far-west regions of Nepal. It is deeply rooted in the migrated communities of Accham, Dailekh, Bajhang, which are often known as the source of Chhaupadi culture. In comparison with Kailali, Bardiya has lesser migration from those districts. As a result, reproductive health problems are significantly lower in Bardiya. (Ranabhat et al., 2015, p. 790) It is also prevalent in Doti, Baitadi, Dadheldhura, Darchula, Jumla, Humla, Mugu, Surkhet and Kanchanpur. (Singh, 2020, pp. 6) Low menstrual knowledge was observed in girls living in hill districts are compared to those living in Tarai (lowland). (Baumann et al., 2019)

In **India**, Gaokor is practised in the states of Uttarakhand, Maharashtra, Andhra Pradesh, Orissa, Chhattisgarh, Tamil Nadu. The practice is very common in Sitalola village in Maharashtra and the Pindar Valley in Uttarakhand.

#### **4.0 Poor Condition of Women and its Subsequent Impact on their Physical Health**

As stated earlier, menstrual exile is the banishment of young girls and women from their homes for the entire duration of their menstruation and childbirth. It had led to the suffering of thousands of women in the past and continues to do so, making it a prominent public health issue in Nepal and India. Away from their family, these women often find themselves facing several physical and psychological hardships, along with health issues. Even during menstruation, these women are expected to work, most spending their time cleaning, mopping, and cutting grass. Moreover, girls experiencing menstruation for the first time are made to stay in their “Chhau sheds” for at least 14 days. (United Nations Resident and Humanitarian Coordinator’s Office, 2011) Casualties caused by menstrual exile tend to make the headlines in Nepal now and then yet there’s very little that’s been done about it.

Women on their period, often known as ‘Chhau girls’, are often left with no supplies and no sanitary protection or washing facilities. Action Aid, an international charity working for underprivileged girls, conducted a study where they questioned young girls in Nepal about their menstrual exile experiences. A few of them reported that their journey to the nearest river was almost a two-hour journey, which made them skip baths very frequently. These girls expressed their dislike for these practices. Their sheds were built without windows, and they feared the night time. (ActionAid, 2021)

Barred from consuming milk, yoghurt, butter, meat and other nutritious food, these women are expected to survive on a diet of dry foods, salt, and rice. Even carrying a blanket along is prohibited, and they’re only provided with a small rug which these women fold as a pillow during the day. (WikiGender, n.d.) So, without a blanket in freezing temperatures, they resort to lighting fires in their sheds, risking suffocation due to poor ventilation. Many of these women, like Parbati Buda Rawat, were suffocated to death by smoke inhalation. (Vaughn, 2019) Apart from this, these women are also at risk of animal attacks, such as snakebites and physical assault by men wandering around the sheds. Mothers are scared about the well being of their children who’re sent away for menstrual exile to “Chau Goths”, especially because drunk men sexually assault or rape these girls while they’re away from their homes. (ActionAid, 2021)

In Sitatola village in Maharashtra, it becomes extremely difficult for women to practice Gaokor since the roof often leaks. In Gaokor, the customs expects women to live alone on the edge of forests. In Gaokor, menstruating women are often not allowed to cook, hence increasing their dependency on their male partners who provide them with food. Out of 223 Gaokors in tribal areas, nearly 98% lacked proper blankets and beds and had temporary bamboo made bathrooms around the huts. Electricity and other basic amenities will be out of the reach of these women for years to come. (The Guardian, 2020) Both Gaokor and Chhaupadi prohibit young girls from going to school, and from even bathing.

These women risk hypothermia and dehydration, by staying in freezing temperatures without proper facilities. Belonging from poor families, these women don't take help even after contracting painful urinary infections due to the use of rags to soak up the blood. (Amatya, 2018) They perform hard labour, such as digging and collecting wood despite the lack of a nutritious and whole diet, which makes them vulnerable to diseases such as pneumonia, respiratory disorders, and diarrhoea. The health status of children was poorer in Chhaupadi-affected areas when compared to the national average because mothers tend to take their small children along with them to the menstrual huts. Also, Anemia and underweight (body mass index<18) was higher in these women. (Ranabhat et al., 2015, p. 790) According to a report by the National Human Rights Commission, 18 deaths have been reported since 2005, 13 of them in Achham district alone, while most other cases have been left unreported. (Shrestha, 2019)

#### **4.1 Impact on Mental Health**

The mental health of these women is severely impacted, due to feelings of abandonment, guilt, isolation, humility and insecurity of being polluting and impure. (Karki & Espinosa, 2018) Having to coexist with animals in sheds reduces their respect for themselves, and these women hardly view themselves as equals to other humans. Staying in livestock sheds, these women are forced to share living and eating spaces with cattle. Some lived experiences show that these animals often urinate in these very sheds (ActionAid, 2021), which over time makes these women accepting of whatever conditions they're subjected to.

The mental health effects are manifold. Isolation leads to depression in particular. The trauma of being sexually assaulted while away from home is something these women carry with themselves for years. More often than not, most of the rape cases are also not even revealed, or reported, due to the shame of being the victim, and to protect the future of their daughters who're yet to marry. These women are angry and hurt for being considered impure for something so fundamentally natural to their being, and beyond their control. Being embarrassed due to a process as natural as vaginal bleeding has severely affected the self-esteem of these women. This perception of women being dirty affects their sense of identity and lowers their self-esteem. Feeling inferior to their male peers, young girls often develop a dislike for their body and its natural functions. They learn to internalise the notion of being subordinate to men, and often become submissive and dependent. (Karki & Espinosa, 2018) There's often a lack of communication between mothers and daughters regarding these customs, which could lead to feelings of loneliness in an adolescent girl. Due to isolation and stigmatisation, these women also tend to fall prey to negative behaviours such as smoking and alcohol consumption throughout their Chhaupadi stay. (Ranabhat et al., 2015, p. 790)

#### **4.2 Impact of Menstrual Exile on Reproductive Health**

The reproductive health facilities in Nepal and India consists of the following:

a. Antenatal Care(ANC)

Regular checkups from trained professionals are necessary for a healthy pregnancy. These checkups are called Antenatal Care (ANC) or visits, meaning pre-birth. For most women, at least 4 visits to trained providers are important to detect any early signs of complications.

(Pradhan & Pant, 2007)

b. Institutional Deliveries

Births taken in the presence of a midwife, a doctor, a nurse or a skilled birth attendant (SBA) are called Institutional deliveries. To lower the pregnancy-related health risks, it is important to increase the number of babies delivered under the supervision of health professionals, and in a health facility. (Pradhan & Pant, 2007) Factors such as region, education and income level affect Institutional delivery to a great extent.

c. Nutritional Status

For both the child and the mother to be healthy, maternal nutritional status is very important. There's a greater risk of adverse pregnancy in mothers with poor nutritional status, thereby giving birth to unhealthy and stunted children. The Body Mass Index (BMI) is defined as the weight in kilograms divided by the height squared in metres ( $\text{kg}/\text{m}^2$ ), and a healthy BMI ranges from  $18.5 \text{ kg}/\text{m}^2$  to  $25 \text{ kg}/\text{m}^2$ . (Pradhan & Pant, 2007)

Childbirth during menstrual exile doesn't let these women receive the above- mentioned facilities, thereby increasing the overall risk of their pregnancy. Most of these women are underweight, with a body weight less than  $18.5 \text{ kg}/\text{m}^2$ , and according to the 2006 National Demographic and Health Survey (NDHS), one in three women in Nepal is anaemic. (Pradhan & Pant, 2007)

Menstruating women often have very poor hygiene due to the limited access to water and the constant use of leaves, mud, rugs and paper in place of sanitary pads, which leads to Reproductive Tract Infections (RTI) and uterovaginal prolapse. Symptoms include backache, painful intercourse, white watery and foul-smelling discharge, itching, burning micturition and difficulty in walking, standing and sitting. (Ranabhat et al., 2015, p. 790) Despite all complications, these women are expected to wait till after their menstruation to receive medical care. (Amatya, 2018)

Delivery is also required to take place in unhygienic sheds, and women along with their fragile newborns are compelled to stay in their sheds for 10-14 days post-delivery. Menstrual exile during childbirth can lead to the deaths of both mother and the child, arising from septic shock, excessive bleeding and sometimes even minor unresolved health complications due to lack of access to health care. Often, these reproductive tract infections are transferred to the child by the pregnant mother. Severe bleeding and lower abdominal pain are very common in weak and feeble postpartum mothers who have a newborn to look after. Chronic pelvic pain, cervical and uterus cancers are extremely common in these women due to recurring human papillomavirus and heavy working. (Ranabhat et al., 2015, p. 790)

The maternal morbidity and neonatal mortality rates are incredibly high in regions where menstrual exile is common, owing to poor nutrition and inhumane living conditions. Infection and hypothermia are two significant factors leading to neonatal death in Nepal. (Kadariya & Aro, 2015) Infant Mortality rate is the number of deaths of children under one year of age per 1,000 live births. India's infant mortality rate was about 28.3 deaths per 1,000 live births in 2019, whereas the infant mortality rate of Nepal in 2019 was at about 25.6 deaths per 1,000 live births. (Pradhan & Pant, 2007)

### **5.0 Myths around menstruation**

Throughout history, menstruation has either been worshipped or looked down upon. There was a time when a menstruating woman was anything but impure and polluting. To date, menstruation is an auspicious event in many states of India. In Assam, young girls are pampered for achieving menarche, at a ceremony called Ritushuddhi, also called Ritu *Kala Samskara*. These girls are bestowed with gifts and love from their family and friends, in an attempt to alleviate her to the status of a goddess. In some states of South India, girls are bathed in turmeric and gifted Saris from their dear ones. The ceremony is grand, with invitation cards being distributed to friends, neighbours and relatives.

However, from a more general perspective, in the 21st century, menstruation is steeped in stigma and taboo and is almost an event of sin. This notion of women significantly changed with the manifestation of menstrual taboo in the Rig Veda. Indra, the king of all gods, slays Vitras, a water demon. Upon learning that Vitras was a Brahmana, an upper caste in the Indian society, Indra is consumed with guilt. He requests the womankind to take up his guilt, in the form of a recurring cycle of repentance. This cycle of vaginal bleeding soon became a punishment forced onto women for eternity, and menstruation came to be associated with guilt and sin. Famous Sanskrit texts such as Vasistha Dharmasutra declared "For month by month the menstrual excretion takes away her sins. A woman in her courses is impure during three days and nights.", , "A female who neither goes naked nor is temporarily unclean is paradise," and "A woman is not independent; the males are her masters" and had various other notions about the status of women in society. (Desai, 2019)

In Hindu culture, a woman is prohibited from participating in her normal activities for the entire duration of menstruation since they need to be purified before she is allowed to return to her family and the chores of life. Most Hindu states follow the culture of 'Ritual Cleansing' to free women of their uncleanness, especially before the worship of a deity. Ritual uncleanness is often not identical to ordinary physical impurity, such as dirt stains. Here, a bodily fluid, such as vaginal blood, is what makes a woman ritually impure. (Wikipedia contributors, n.d.) It is believed that all women, regardless of their social status, are polluted by the bodily processes of menstruation and childbirth, and therefore in need of purification. There is also a practice in Judaism called 'Mikvah'. It consists of ritual bathing at the end of a menstrual period to attain ritual purity. This custom has been known to harm women's health. (Ranabhat et al., 2015, p. 790)

This 'impurity' of a menstruating woman forces restrictions on her which deny her from entering a temple during her period, or even the 'Puja room' at her home. Entering the kitchen, praying, attending guests and touching holy books are a few other acts a menstruating woman can't perform. Sour food like curd, tamarind, and pickles are usually not given to menstruating girls, and neither are they allowed to cook since their impurity is believed to contaminate the food, or that the smell of a menstruating woman can turn food bad. (Anand & Garg, 2015) Water, which is considered to be the most common medium of purification, ought to be protected from menstruating women according to some religions. This is the very reason why menstruating women are not allowed to bathe for the first few days of their period. It is also believed that if a cow comes in contact with a menstruating woman, it would be deemed infertile, further associating menstruation with sin and guilt.

These socio-cultural beliefs have impacted the physical and psychological health of women for years past and have excluded them from society from a very young age. These taboos associate periods with evil spirits, shame and create embarrassment around even the mention of sexual reproduction. Women are taught to bury their clothes used during their bleeding to prevent them from the use of 'evil spirits'. The period cloth is considered by some to be "the most vulnerable object and a potent agent which might be used for casting evil eyes/magic on someone."

In Surinam, period blood is often treated as dangerous, and the woman is taken to be weak, that a malevolent person could use black magic to bring harm to her during her cycle. These women are also known to impose their will over men during their menstruation and hence simply avoiding the lady is preferred. (Anand & Garg, 2015)

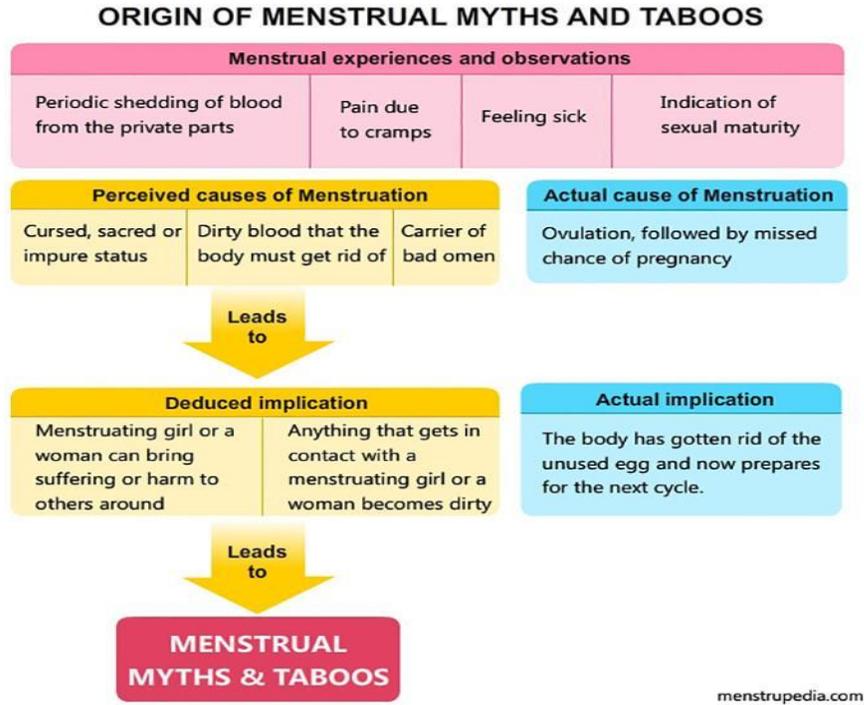


Figure 3

Source: (Gupta, 2012)

Along with violating women’s rights, these taboos also affect their right to bodily integrity, equality, health, right to privacy and freedom from inhuman treatment. These myths and taboos have become a substitute for appropriate sex education in the adolescent years.

### 5.1 Sabarimala Temple Protests (2019)

The Sabarimala Temple is a hill shrine in Kerala, where devotees from all across the country visit between November and January. The presiding deity, Lord Ayyapa was worshipped as a Naishtika Brahmachrior- a celibate, so on the account of ‘purity’, women of menstruating age, that is from 10 to 50, were hitherto barred from entering the temple. (Jacob, 2018)

On 28th September 2018, the Supreme Court bench with Chief Justice Dipak Misra as the head ruled in a verdict that by not allowing women between 10 and 50 years of age into the temple, Article 21 of the Constitution of India, that is, 'Protection of life and personal liberty was being violated. (Jacob, 2018) This ban on the entry of women also violated Article 51A(e), which states that any such restriction based on women's biological features is fundamentally derogatory.

The Bharatiya Janata Party (BJP), The Congress, conservative Hindus and certain political groups were all critical of the judgement, believing it disregarded their traditional and religious beliefs. However, The Communist government in Kerala instructed the Travancore Devaswom Board to ensure that women were not restricted from entering the premises. For several continuous days after the verdict, numerous protestors attempted to prevent women from entering the temple shrine on 17th October. As protests intensified, a lot of women journalists and innocent people were attacked by the opposing parties. (Jacob, 2018) This interlinkage of traditional beliefs with religious beliefs is so deeply rooted that a major proportion of the protesters were women, who accepted their exclusion to honour their customs.

## **5.2 Fear of Gods- Nepal and India**

Menstrual taboos in Nepal and India are "most keenly enforced" by elder family members, including mothers, grandmothers and other senior women, as well as religious leaders and traditional healers. (Vaughn, 2019) Along with Menstrual Exile, women are prohibited from having milk and encouraged to eat and drink only when food and water are offered to them. These women are forbidden from touching men, especially the ones who have performed the rituals of 'Bratabandha'. They're provided with limited access to essentials and made to stay away from plants, kitchen, children, cattle and fruit-bearing trees. (Robbinson, 2015) This perception of menstruation is so firmly doused in Chhaupadi culture that a yearly festival called "Rishi Panchami" is observed in August by young girls and women, where they 'purify' themselves with water, fasting and prayer for all the 'sins' they committed while menstruating. (Hodal, n.d.)

If the practices of Chhaupadi and Gaokor are not followed, it is believed that harm and ill-health will be brought to the whole household. People think that contact with a menstruating woman would make them sick and bad things would start happening to them. In Gaokor, women aren't even allowed to move around the village, because if they do, they would 'contaminate' the others. Even on seeing a menstruating woman, locals have to bathe to purify themselves. (Press Trust of India, 2013)

In most rural communities, people tend to rely on their harvested crops and reared animals for their livelihood. If the menstruating women stop practising menstrual exile or even disregard any of the restrictions, then Gods will be angered, as a result of which the crops will fail and other casualties might occur. Further, some women have seen blood in their buffalo milk after consuming it regularly during their menstrual cycle. When questioned, these women expressed this act as an expression of the anger of their gods. Ideas like these strengthen their belief in Chhaupadi and the fear of upsetting their deities. (ActionAid, 2021)

Nursing mothers believe that they would be punished for taking their babies outside after childbirth, or for going outside, cooking, or touching anyone during their period. If ever something bad happens in the village, these poor women will be blamed for their defiance to follow the customs of Chhaupadi. (WikiGender, n.d.) There's a traditional belief that girls touching books while menstruating would upset their gods, making a huge disparity between the education level of men and women. This linkage of culture and traditional beliefs to religion stops these issues from being widely explored, thereby affecting the status of women in this male-dominated society.

## **6.0 Laws criminalizing Menstrual Exile**

### **Nepal**

The evil of Chhaupadi violates several articles of The Constitution of Nepal such as:

- a. Article 18 of the Constitution provides its citizens with the right to equality. It states that
  - i. All citizens shall be equal before the law. No person should be denied the protection of the law

- ii. There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds. (Global Gender Equality Constitutional Database, n.d.)
- b. Article 29(2), which states that “No one shall be exploited in the name of any custom, tradition and usage or any other manner whatsoever” (Global Gender Equality Constitutional Database, n.d.)
- c. Article 38, which states that “Every woman shall have the right relating to safe motherhood and reproductive health.” (Global Gender Equality Constitutional Database, n.d.)

Keeping these in mind, Chhaupadi gives rise to several legal concerns. The Supreme Court of Nepal passed a significant piece of legislation in 2005, in which a directive was issued to the Government of Nepal for the formulation of laws that help curb the practice of Chhaupadi. In the year 2008, the Ministry of Child and Women welfare laid down certain guidelines to eliminate the practice. Chhaupadi got outlawed in 2005, but the system lacked a defined set of rules which imposed a ban on the practice.

In the wake of a rise in deaths of women practising Chhaupadi, the Parliament of Nepal enacted a new law, criminalizing the practice of Chhaupadi in August 2017. Any person found forcing menstrual exile on a woman would either be punished with a jail sentence of three months or would be charged a fine of 3,000 rupees. Despite a ban on the practice, the implementation process is proceeding at a prolonged rate, especially in far-western Nepal, where the first arrest was made only a few years ago. (Shrestha, 2019)

## **India**

Gaokor violates the following articles of the Indian Constitution:

- a. Article 15, which states that “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.” (George, 2020)

- b. Article 21 of the Indian Constitution provides women with the right to make reproductive choices, as a part of personal liberty. (George, 2020)

Despite Gaokor violating these constitutional rights, no legislation has yet been passed to outlaw this practice.

### **6.1 Loopholes in the implementation process**

Despite all the efforts of the Government, the practice of Chhaupadi has been able to sustain itself. The ban put by the supreme court lacked the adequate mechanism to enforce the act. With the first arrest being made just a few years ago since the 2005 Outlaw of Chhaupadi, the indifference of the Government towards violation of rights shines through. A government-led social change campaign engaged in the practice of destroying huts built specifically for Chhaupadi, and though it was well-intended, knocking down sheds wasn't enough to bring about real change. (Amatya, 2018) Rather, it proved to be counter-productive, since most of these sheds were primarily built for food storage. A few lucky women were provided with new sheds, others exiled to places even more unhygienic and dangerous, co-existing with livestock in a primal state. Also, for the law to work, a woman would have to file a complaint, most likely against a family member, which seems next to impossible in Nepal's patriarchal system. (Preiss, 2017)

### **6.2 Policy non-compliance and the Role of Social Capital**

The traditional beliefs are so deeply rooted that locals rarely question the exact rationale behind the customs, hence leading to policy non-compliance. Policy non-compliance is the modification of behaviours accepted by the government or society. (Jun & Jang, 2018) This non-compliance is encouraged by the following situations:

- a. When the instruction is somewhat vague, inconsistent and abstract.
- b. When the law is considered to be undesirable or not fully understood by the target groups. The affected population is less likely to comply if the policies in effect somehow disturb their traditions and customs.

- c. When the government has no incentive to implement, either due to fewer resources, or a notion that the policy is outside the bubble of the government's interests. (Jun & Jang, 2018) When one wants to avoid becoming a deviant by justifying the unlawful behaviour of the people around. More weight is given to being a deviant in one's community, and the fear of being a lawbreaker lessens.

Shared norms, values, beliefs, networks, social relations, trust, along with the institutions that facilitate cooperation and collective action are together referred to as the Social Capital.

A high level of bonding social capital, that is the level of solidarity in a group, could be a potential obstacle for national governance. According to Putnam, in any community, a high level of social capital will have better governance. For him, social capital has a direct relationship with the public good and he considered trust to be the aggregate indicator of social capital. His theory, however, has been criticized by many. (Jun & Jang, 2018)

A study conducted by (Jun & Jang, 2018) targeting over 400 residents in South-Eastern Nepal proved that the case of Chhaupadi is completely the opposite of what Putnam conceptualised., that is, the social capital in Nepal led to policy non-compliance.

Following are the results:

- a. Women with strong social capital are more likely to adhere to cultural practices such as Chhaupadi. According to some disaster studies, the more solidarity in a group, the more it tries to build a self-regulatory system. (Jun & Jang, 2018) In such a system, behaviours which favour the maintenance of traditional values and practices are encouraged.
- b. Individuals with a strong perception of policies associated with Chhaupadi have a negative opinion of this practice.
- c. The social capital of higher caste individuals is greater than that of the lower caste, hence they're more likely to follow Chhaupadi.

The results confirmed that the bonding social capital is strongly associated with a positive perspective on practices like Chhaupadi, which results in policy non-compliance by the community.

### **6.3 Menstrual Hygiene Campaigns and Social Initiatives**

Several Social Initiatives have been started in India and Nepal to spread menstrual awareness.

Some of them are:

- a. 'No Chhaupadi Shed' is a campaign aimed at reducing menstrual exile. It started as a partnership between the local units and various NGOs. A very far-fetched aim of theirs is to eliminate Chhhaupadi by the end of 2021. (Budha, 2019)
- b. In India, there are several projects aimed at educating young girls about menstruation and sexual health. Lok Biradari Prakalp is one such organisation that has collaborated with the government to educate the villagers in Maharashtra. By visiting Gaokors, they've helped in improving the hygiene of some menstruating women. (The Guardian, 2020)
- c. An NGO 'Sparsh' urged the National Human Rights Commission (NHRC) to intervene and prevent the evil of Gaokor, as it makes the lives of tribal women miserable. (Press Trust of India, 2013)
- d. Young girls have started organising themselves in self-help groups, and have also started campaigns, despite being discouraged by their parents for the same. In 2021 itself, girls in Raskot and Khanda Chakra have started campaigns against practices that are discriminatory against girls and women.
- e. Social media campaigns to spread menstrual awareness have also been started. The Kachra Project launched a 'Period of Change' campaign. Many celebrities in India also trended the hashtag 'Happy to Bleed' after the controversial comments made by the head priest of a Hindu temple.
- f. The national focus on Menstrual Hygiene Management (MHM) gained momentum after the 2015 Gorkha Earthquake, as the need for reproductive health services increased in affected areas. (Maverick Collective, 2017)
- g. Ideas of sanitary napkin vending machines and sustainable menstruation have begun to grow in India, with urban people preferring biodegradable pads to support green consumerism. Various NGOs are providing rural girls with affordable, yet safe alternatives, with the hopes of reducing severe infections.

#### **6.4 Violations of International Agreements**

Since menstrual exile violates the rights of women as humans and as a reproductive group, it violates the following International agreements:

- a. Article 25 of the Universal Declaration of Human Rights states “Everyone has the right to live a standard life with adequate care, food, clothing, housing and necessary social services.” (Kadariya & Aro, 2015)
- b. Vienna Declaration and paragraph 38 of the Program of Action commands “The eradication of any conflict which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.” (Kadariya & Aro, 2015)
- c. The Beijing Declaration, World Conference on Women’s Rights and the Platform for Action have agreed that “Women and girls’ human rights are an inalienable, integral and indivisible part of all human rights and fundamental freedom” (Kadariya & Aro, 2015)
- d. International human rights treaties, including the International Convention on the Elimination of all Forms of Discriminations Against Women, guarantees the right to be free from gender discrimination and gender-based violence. (The Office of the High Commissioner for Human Rights (UN Human Rights), n.d.)

#### **6.5 Liberalism vs. Universalistic Communitarianism**

According to a study, menstrual exile, or Chhaupadi, could be seen as the case of individual rights and personal liberty from the standpoint of Liberalism versus the enforced traditional beliefs from the standpoint of Universalistic Communitarianism.

Liberalism is that branch of philosophy that proposes that if human beings have the will and ability to develop and implement decisions about their well being, then they should have the right to do so. These women from mid and far-western Nepal are banished from their homes against their will, violating their liberty. Deciding to cook, fetch water, mop, cut grass, teach, go to school, eat food are all matters of personal choice for these women, and to be able to decide your environment during your menstruation and childbirth should be too. (Kadariya & Aro, 2015)

Communitarianism focuses on highlighting the goals of the community as a whole over those of individuals. Universalistic Communitarianism is based on the belief that there is a single true form of good society, and hence only one pre-defined way for that society to function. These principles are in direct disagreement with those of liberalism, which focus on the freedoms of an individual over the unifying beliefs of a society. (Kadariya & Aro, 2015) Chhaupadi, therefore, seems like an excuse for spreading ignorant beliefs in the name of tradition and custom, dehumanizing women and young girls and depriving them of respect for something as natural as a period in attempts of keeping a community of people and their forsaken deity at peace. Illiteracy, backwardness and a total lack of genuine reasoning is what perpetuates centuries-old customs like that of menstrual exile, and leaves minimum to no room for change. The fear of the wrath of their Gods and the people in their community makes these women somewhat accepting of social exclusion and everything else they're subjected to.

## **7.0 Recommendations**

### **a. Education**

- i. Education will help de-stigmatize menstruation. Using social beliefs as a way to oppress women and violate their liberty will significantly reduce proper literacy in the form of primary and secondary education. The linkage of culture with religion induces the fear of facing the wrath of their Gods and other villagers, which is why even after the outlaw of menstrual exile, some women willingly participate in these derogatory customs.
- ii. Individual freedom is given less importance than what the community deems crucial. (Kadariya & Aro, 2015) With appropriate schooling, the youth has an opportunity to analyse the role of social capital and cultural bonding in policy non-compliance, and to make better choices, together as a community.
- iii. Education will help break gender hierarchies. Lack of education makes women internalise the notion of being inferior to men, leading to gender disparity and male domination of society. Being less aware than men leaves these women in a subordinated position, as they let biological differences define their worth. (Karki & Espinosa, 2018)

**b. Mass awareness**

- i. A proactive approach to awareness campaigns and community education needs to be taken. (Shrestha, 2019) Prolonged multi-sectoral involvement of the government and NGOs is necessary to increase social awareness. (Kadariya & Aro, 2015)
- ii. Appropriate Menstrual Hygiene Management will reduce the risk of urinary tract infections and would lead to healthy menstrual cycles and pregnancy. Special programs could be set for sexual and reproductive health awareness. Special focus is required on the Health and Water, Sanitation and Hygiene (WASH) initiative.
- iii. The goal is to make the target communities realise the fault in their patterns, and for that, the change has to start with the campaigners. The campaigners have to let go of the embarrassment, secrecy and shame associated with menstruation. (Karki & Espinosa, 2018)

**c. Enforcement**

- i. Despite the outlaw and the ban, the implementation has been very slow. There needs to be better enforcement since change requires more than just the establishment of policies.
- ii. All the campaigns, laws, and policy measures need to be analysed and reconceptualised. The policies should uphold the defiance of the locals.

**d. Global Effort**

- i. There needs to be an increase in the number of policymakers and researchers working on the practices of Chhaupadi and Gaokor.
- ii. There has been invisibility of menstruation within the main development agenda (Karki & Espinosa, 2018) International and National organisations aligned with the promotion of the Sustainable Development Goals (SDGs) need to bring their focus on menstrual taboos and practices in developing countries.

## **8.0 Conclusion**

Patriarchy and gender hierarchies have subjected women to years of suffering. Menstrual exile is a development and public health issue which needs to be tackled on a larger scale. It has become evident that without proper enforcement, the establishment of laws will only lead to policy non-compliance. Despite attempts at social awareness, deeply-rooted beliefs keep the locals ignorant. The secrecy and embarrassment of being a menstruating woman have kept Chhaupadi and Gaokor cultures alive for centuries. Adolescent minds, however, can be trained to think differently, which is why menstruation needs to be de-stigmatised at the primary and secondary school level.

Gender disparity conditions women to be subordinate to men. It perpetuates negative perceptions of their bodies, which is why women associate shame and guilt with menstrual bleeding. Economic participation through small businesses and self-help groups will instil some confidence in young girls, making them not as accepting of everything society forces on them. Without the empowerment of women, there will be no radical change.

To actualise Sustainable Development Goals of No Poverty, Quality Education, Gender Equality and Reducing Inequality, menstrual exile and the silence around it needs to be overcome. The scope for research is broad, but the attention this issue gets from policymakers, researchers and government officials is inadequate for these practices to come to an end.

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