
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

IS PERIOD LEAVE POLICY FOR WOMEN CONSTITUTIONAL?- Sushree Ava¹**ABSTRACT**

In India, where almost half of its population consists of women. Still many Indians consider 'periods' or 'menstruation' as a social taboo. We live in a patriarchal society where women are always considered lower than men. Women and girls have been deprived from getting proper education and other facilities. Even in this 21st century, many people don't even talk about periods in public. Women and men both are different. Women suffer from period cramps, mood swings but still manage to do each and every task. The 'Menstrual Benefits Bill' granted women working under both public and private sectors a leave for 2 days per month. The food company Zomato granted 10 days leave to its women employees. But there was no uniformity in the leaves. Many feminists group including a famous journalist Barkha Dutta opposed this idea of period leave, calling it a stupid idea and claiming it as a choice, if a woman wants a leave, she can avail it and if she doesn't then she won't. According to them, this bill is encouraging biological discrimination against women. The Menstrual Benefits Bill, 2017 is absolutely constitutional under Article 42 i.e. to make provisions for securing just and humane conditions to the women for work and maternity relief. Though there is prohibition on discrimination on the grounds of sex under Article 15, but the clause 3 of the same article has given rights to the state to pass special laws for women. This period leave is an implementation of the State's obligation under the Indian Constitution.

INTRODUCTION

In a country like India where approx. half of its population consists of Women it is still a big taboo to talk about 'Periods' or 'Menstruation' or otherwise popularly known by names such as

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'chums', 'aunt flow', 'girl flu', 'crimson tide'. While period being the necessity in one hand for women as well as seen it as a Liability.

In patriarchal society that we live in, though there is an enormous amount of talent distributed among people of different kinds yet the opportunities that women get and receive is significantly much lower in comparison what men get. There have been many instances in the past that we have come across where women, across the country have been deprived from education and other facilities. Periods or Menstruation has always remained an unexplored realm, but with the advent of the 21st century where people have grown out to be more sound and understanding, have comparatively made a difference where earlier people didn't even talked about periods out in public now people have understood the atrocities of it and react accordingly by starting to spread awareness create initiatives to talk about periods and make suitable needed changes. Saying that the very first time one talked about periods for on national television was actress Courtney Cox back in the year 1985, "I'm the first girl to say the word 'period' on television". In order to bring a widespread awareness about menstruation or periods there is a special day observed for it that is the World Menstrual Hygiene Day that is observed every year on the 28th of May, the idea behind marking this day is to change the social stigma associated with menstruation or periods. The date was chosen because periods mostly happen to women every month that is after twenty eight days for a period of five days.

WOMEN AND MEN ARE DIFFERENT

Men and Women both have different body structures. Women, who bleed every month for 3-5 days and not die, while on the other hand if a man would bleed similarly in that way, it would be more fatal for them. Women in their periods suffer from extreme cramp pains, extreme mood swings and other changes yet they manage to do and complete every task that they are given. A woman has to manage the household chores and work at the same time, in order to cope with that an MP from Arunachal Pardesh had come up with Menstruation Benefit Bill, 2017. A woman has to go through a lot of hardships in her life, that doesn't mean a man doesn't get hardships and hurdles, but when compared, a man is subject to less hardship than a woman. This could also be seen in our laws; one such is the Hindu Succession Act, wherein the agnates that is the male counterparts are given more powers and rights than the cognates that is the female counterparts.

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Same is the situation in other countries. Even in foreign countries women have to face work struggles, struggles to cope up with the family and household chores. Menstruation doesn't and won't stop for anything apart from pregnancy. Friendly work hours or leaves for women should be provided, in those times of the month so as to they can cope up with the pain, distress and stress all at the same time that they have to go through.

SHOULD WOMEN BE GRANTED PERIOD LEAVES –

Many feminists groups are opposing this menstrual leave stating that it is a bad idea. Some of them are telling that it is a choice, if a woman wants a leave, she can avail it and if she doesn't then she won't. Many are seeing this leave as the gendering of workplace as a symbol of biological determinism i.e. using biology for offering equal opportunities against females. Few groups are also debating on the social and biological differences. According to them society creates differences not biology.

CEO of Zomato Mr. Deepinder Goyal had said that women should avail the 10 days leave only if they are really unable to do the work. No one should misuse their leaves and use them for doing other stuffs. This statement proved out to be controversial. According to some resources, the word 'really' used in Mr. Goyal's statement was a sign of warning given to the female employees of Zomato. The thing is that men don't have uterus and can never have a period too. So how can they understand the actual pain and sufferings of women during menstruation? Now the time has come to consider period leave mandatory for the women employees.

NO UNIFORMITY IN PERIOD LEAVES –

There is no question of uniformity in the period leaves in India. In the state of Punjab, under the Punjab Shops and Commercial Establishment Act, 1958 the employees of Zomato Gurgaon office have right to take 20 leaves and 7 sick leaves per year. But now women can avail one day leave for their menstrual cycle per year according to the new policy. In Bangalore, according to the Karnataka Shops and Commercial Establishments Act, 1961, the Zomato employees can take 20 leaves per year and 12 sick leaves. Women get extra 5 days of leave than in Gurgaon. In Maharashtra, the employees of Zomato have 8 days leave but no casual leave. The new period leave policy is a relief for women there.

But women who don't work under Zomato have no option of period leaves. They have to utilize there sick leaves in case of pain and menstrual cramps. So, the Parliament should pass the bill and ensure that equal number of period leaves is given to the women across India.

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RIGHT TO PERIOD LEAVES

The Congress Lok Sabha MP, Ninong Ering had introduced the 'Menstrual Benefits Bill'² in the year 2017. According to this bill, women working under both public and private sector organisation should be granted 24 days for period leave per year i.e. 2 days per month.

A famous journalist Barkha Dutta tweeted that this policy by Zomato is totally biological determinism. It is a stupid idea. She also added that she can even fight wars in her periods. In fact every woman should work in their offices on their periods too. Periods are painful and uncomfortable but these can be treated by Tylenol or Meftal and a hot-water bottle.

There are many women who work as housewives at their homes and take care of their households bearing the pain of the menstrual cramps. Should they not be granted leave? Why should only the working women be granted period leaves? What the women engaged in domestic chores?

In Japan, the participation of women at workplaces is 44.5 % and in South Korea, it is 42.1 %. Both these countries have the policy of period leave past many years and the participation of females in workplaces is also high in number. But in India, the participation of females in the workplace has decreased in past few years to 23.3%. The right to menstrual leave will give a reason to the male employees in the workplaces to discriminate against women employees.

CONCLUSION –

There is a saying that men will be men. One out of every ten men will always oppose the policies that are passed in favour women. Some will also say that women's weakness and illness is all fake. The Menstrual Benefits Bill, 2017 is absolutely constitutional under the Article 42 i.e. to make provisions for securing just and humane conditions to the women for work and maternity relief. Though there is prohibition on discrimination on the grounds of sex under Article 15 but the aforementioned acts clause 3 has given rights to the state to pass special laws for women. This period leave is an implementation of the State's obligation under the Indian Constitution.

This new move will bring a positive change in our society and it will also deal with the humiliation and shame women have to deal with due to menstruation by changing the narrow mind-set of the society at large.

² An MP from Arunachal Pradesh had moved a private member's bill into Menstrual Benefits Bill in 2017.



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