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A CONSTITUTIONAL IMPERATIVE FOR GENDER EQUALITY AND DIGNITY: A DISCOURSE ON MENSTRUAL LEAVE IN INDIA

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Abstract

The concept of menstrual leave is gaining momentum on a global scale as a vital avenue for women to access time off work during their menstruation period. This measure not only recognizes the distinctive physical and emotional challenges that women often encounter during this phase but also seeks to foster a supportive environment that respects their bodily needs. In the Indian context, where the Constitution serves as the cornerstone of the legal system, its provisions resound with the clarion call for gender equality, social justice, and the comprehensive well-being of women. This article delves into the intricate interplay between menstrual leave and the specific articles enshrined in the Indian Constitution, elucidating how this progressive concept seamlessly aligns with the fundamental principles upheld by the Constitution. The tenets of the Indian Constitution inherently emphasize the eradication of gender-based disparities, the establishment of a just society, and the safeguarding of women's rights. This exploration delves into the resonance between menstrual leave and particular articles of the Constitution, shedding light on how this leave policy can be perceived as a tangible stride towards realizing these ideals. By addressing the pragmatic challenges that menstruation poses to women's active participation in the workforce, the implementation of menstrual leave not only mirrors the Constitution's intent but also signifies a significant leap towards gender equity and the preservation of human dignity.

Keywords: Menstrual Leave, Integration, Gender Equality, Social Justice and Human Dignity

INTRODUCTION

The concept of menstrual leave is steadily gaining recognition on a global scale, offering a crucial avenue for women to access time off work during their menstruation period.⁵⁷ This measure acknowledges the unique physical and emotional challenges women often face during this time and seeks to provide them with a supportive environment that respects their bodily needs. In the Indian context, where the Constitution stands as the bedrock of the legal system, its provisions reverberate with the call

for gender equality, social justice, and the holistic well-being of women.⁵⁸ This article delves into the intricate interplay between menstrual leave and the various articles enshrined in the Indian Constitution, elucidating how this progressive concept aligns seamlessly with the fundamental principles that the Constitution upholds.

The Indian Constitution's tenets inherently emphasize the eradication of gender-based disparities, the establishment of a just society, and the safeguarding of women's rights.⁵⁹ The

⁵⁷ Should Corporations Embrace Paid Menstrual Leave?, <https://www.adecgroup.com/future-of-work/latest-insights/should-corporations-embrace-paid-menstrual-leave/>, <https://www.adecgroup.com/future-of-work/latest-insights/should-corporations-embrace-paid-menstrual-leave/> (last visited Aug 17, 2023).

⁵⁸ Sayed Qudrat Hashimy, Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse, 5 *INT'L J.L. MGMT. & HUMAN.* 1270 (2022).
⁵⁹ National Policy for Women Empowerment | Ministry of Women & Child Development|IN|xsnr, <https://wcd.nic.in/womendevlopment/national-policy-women-empowerment> (last visited Aug 17, 2023).

exploration undertaken here dissects the resonance between menstrual leave and specific articles of the Constitution, illuminating how this leave policy can be seen as a tangible step towards realizing these ideals. By addressing the practical challenges that menstruation poses to women's participation in the workforce, the implementation of menstrual leave not only echoes the Constitution's intent but also signifies a significant stride towards gender equity and the preservation of human dignity.⁶⁰

CONSTITUTIONAL PREAMBLE AND SOCIAL JUSTICE

The Constitutional Preamble of India stands as a testament to the nation's commitment to fostering a just, equitable, and inclusive society. At its core lies a resolute dedication to securing social justice, a principle that serves as the bedrock of a harmonious nation. It is an acknowledgment of the past inequalities and a proclamation of the state's responsibility to remedy historical injustices.⁶¹ Within this framework of social justice, it becomes imperative to address instances of discrimination that persist in various facets of society. One such example is the discrimination faced by women due to menstruation, a natural biological process that has, unfortunately, been accompanied by stigmatization and unequal treatment. This kind of discrimination stands in stark contradiction to the very essence of social justice and equality that the Indian Constitution aspires to uphold.⁶²

The concept of menstrual leave emerges as a progressive step towards rectifying this deeply entrenched injustice. By acknowledging the unique physical and emotional challenges that menstruation can pose, this approach aims to level the playing field for women in the workplace. Menstrual leave recognizes that

women should not be compelled to face undue hardship or embarrassment due to a biological phenomenon beyond their control.⁶³ This initiative aligns with the foundational values of the Indian Constitution by striving to create an environment where every individual is treated fairly and with dignity.

Through the provision of menstrual leave, the workplace transforms into a space where diversity is celebrated, and individual needs are respected. Women, who make up a significant portion of the workforce, can now navigate their professional commitments without being burdened by the additional challenges that menstruation might present. This paves the way for a more productive and inclusive work culture, reflecting the spirit of social justice envisaged by the Constitution.

Predominantly, the concept of menstrual leave serves as a microcosm of the broader ideals enshrined in the Constitutional Preamble. It symbolizes the nation's progression towards a society that confronts historical prejudices, eradicates discrimination, and ensures that every citizen, irrespective of gender or biological circumstances, can participate fully and equally in the social and economic fabric of the nation.⁶⁴ By embracing menstrual leave as a means to champion social justice, India takes a step closer to fulfilling its constitutional promise of a just and equitable society for all.

ARTICLE 14: EQUALITY BEFORE LAW

Article 14 of the Indian Constitution stands as a cornerstone of the nation's commitment to justice, fairness, and the rule of law. It proclaims that every individual, regardless of their background, is entitled to equality before the law and equal protection of the laws. While significant progress has been achieved in the pursuit of gender equality, it is imperative to

⁶⁰ Sayed Qudrat Hashimy, *Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse*, (2022), <https://papers.ssrn.com/abstract=4308596> (last visited Aug 17, 2023).

⁶¹ THE CONSTITUTION OF INDIA - Legal Vidhiya, <https://legalvidhiya.com/the-constitution-of-india/> (last visited Aug 17, 2023).

⁶² Sayed Qudrat Hashimy, *Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse*, 5 *ISSUE 6 INT'L J.L. MGMT. & HUMAN.* 1270 (2022).

⁶³ Reducing pain: The Hindu Editorial on menstrual leave, *THE HINDU*, Feb. 26, 2023, <https://www.thehindu.com/opinion/editorial/reducing-pain-the-hindu-editorial-on-menstrual-leave/article66556441.ece> (last visited Aug 17, 2023).

⁶⁴ Sayed Qudrat Hashimy, *Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse*, 5 *INTERNATIONAL JOURNAL OF MANAGEMENT AND HUMANITIES* 1270 (2022).

recognize that certain aspects of this journey remain intricate and nuanced. Menstruation, a biological phenomenon unique to women, introduces complexities that call for tailored policies to truly uphold the spirit of Article 14.

The evolution towards gender equality has undeniably been marked by milestones that have dismantled traditional barriers and provided women with unprecedented opportunities in various spheres of life. However, the issue of menstruation highlights a paradox wherein biological diversity intersects with societal norms, sometimes resulting in inadvertent disparities. Menstrual cycles, an innate part of a woman's life, can often bring with them physical discomfort, emotional fluctuations, and in some cases, even health challenges.

In this context, the concept of menstrual leave emerges as a crucial component in the larger narrative of gender equality. While equality before the law ensures that no one should be subject to discrimination, it is essential to acknowledge that women's experiences are uniquely shaped by their biology. Menstrual leave, as a policy, recognizes this reality and demonstrates a commitment to rectifying any unintended bias that might exist within the workplace. It acknowledges that women should not find themselves at a disadvantage due to a natural process that is beyond their control.

Menstrual leave operates as an embodiment of Article 14's principles, advocating for equal treatment for all individuals while considering the diverse challenges that each gender may face. By providing women with the option to take leave when needed during their menstrual cycles, workplaces signal a move towards fostering an equitable environment where personal well-being is prioritized alongside professional commitments. This proactive step showcases a deeper understanding of the unique hurdles that women might encounter and seeks to address them in alignment with the broader goals of equality.

Therefore, Article 14 of the Indian Constitution symbolizes the nation's unwavering commitment to equality and justice. The inclusion of menstrual leave as a policy initiative signifies a commendable effort to extend these principles into the realm of women's experiences. By acknowledging the distinct challenges posed by menstruation and responding with tailored solutions, society takes another stride towards dismantling gender-based biases and creating a work environment where every individual is empowered to thrive.

ARTICLE 15: PROHIBITION OF DISCRIMINATION

Article 15 of the Indian Constitution stands as a formidable shield against discrimination, a pillar of the nation's commitment to building an inclusive and just society. Article 15(1) boldly asserts that the state shall not discriminate against any citizen on grounds of religion, race, caste, sex, or place of birth. This sweeping proclamation reflects the aspiration to create a society where every individual is treated with fairness and respect, irrespective of their background.

However, within the realm of Article 15, lies an intriguing nuance. Article 15(3) carves out a space for affirmative action, enabling the state to make special provisions for women and children. This acknowledgment recognizes that historical and societal factors might necessitate specific interventions to uplift these marginalized segments of the population. It's a conscious recognition that true equality may require tailored measures to address the deeply entrenched disparities that have persisted over generations.

One such measure that finds resonance with Article 15(3) is the concept of menstrual leave. Menstruation, a biological phenomenon exclusive to women, introduces physiological distinctions that deserve attention within the discourse of equality. Menstrual leave can be considered a form of protective discrimination - a proactive step taken to mitigate the inherent challenges women face due to their unique

biology. By granting women the option of taking leave during their menstrual cycles, society acknowledges the physiological differences while striving to create an equitable space where women's well-being is valued.

In this context, menstrual leave does not stand in contradiction to the principles of gender equality enshrined in Article 15(1). Instead, it operates within the framework of Article 15(3), recognizing that certain situations call for special consideration. It acknowledges that women's experiences, particularly those tied to their biological functions, might require adjustments to ensure that they are not at a disadvantage in the social, economic, and professional spheres.⁶⁵

By embracing menstrual leave as a form of protective discrimination, society acknowledges the intersection between gender and biology. It is a step towards creating an environment where women can fully participate without being hampered by the physiological realities they experience. This approach resonates with the essence of Article 15 - a commitment to eradicating discrimination while ensuring that women's unique needs and challenges are not ignored. It signifies a society that is willing to take thoughtful and deliberate measures to dismantle systemic biases and foster true equality.

ARTICLE 16: EQUALITY OF OPPORTUNITY IN PUBLIC EMPLOYMENT

Article 16 of the Indian Constitution stands as a cornerstone in the realm of public employment, emphasizing the importance of providing every citizen with equal opportunities and fair treatment. It is a commitment to building a meritocratic society where one's abilities, rather than their background, determine their trajectory in the public sector. However, the apparent dichotomy arises when considering the implementation of gender-specific policies like menstrual leave within this framework. Contrary to misconceptions, such policies can

actually enhance the principles of equality by recognizing and addressing the distinct challenges that women encounter.

The principle of equality in public employment, as stipulated by Article 16, is predicated on the notion that all individuals should be given an equal chance to compete for positions based on their qualifications and skills.⁶⁶ However, the reality is that biological differences between genders can lead to unequal experiences, particularly when it comes to matters such as menstruation. This biological fact introduces unique physical and emotional challenges that can affect a woman's performance, productivity, and overall well-being.

Introducing menstrual leave as a gender-specific policy within the scope of Article 16 does not undermine the overarching goal of equal opportunity. In fact, it aligns perfectly with the essence of Article 16 by acknowledging that equal opportunities can only be truly realized when the specific needs and challenges faced by different segments of the population are taken into account.

By providing women with the option of taking leave during menstruation, public employers demonstrate a profound understanding of the biological realities that women experience. This acknowledgment underscores the commitment to leveling the playing field for all employees, ensuring that personal circumstances do not hinder their professional growth and contribution. In this light, menstrual leave can be seen as a mechanism that empowers women to overcome a unique obstacle, thereby enhancing their capacity to compete on equal terms in public employment.

In essence, the introduction of gender-specific policies like menstrual leave operates as an extension of the broader principles of equality enshrined in Article 16. It reflects a society's capacity to adapt and tailor its policies to address specific challenges, ensuring that all

⁶⁶ Sayed Qudrat Hashimy, *Legal Paradigm of Menstrual Paid Leaves Policy in India: A Jurisprudential Discourse*, (2023), <https://papers.ssrn.com/abstract=4383915> (last visited Aug 17, 2023).

⁶⁵ Hashimy, *supra* note 6.

individuals are provided with an equitable environment to thrive. By recognizing the intricacies of gender-related experiences, society takes a stride towards fostering a more inclusive and truly equal workforce, echoing the core values of Article 16 within the dynamic context of the modern workplace.

ARTICLE 17: ABOLITION OF UNTOUCHABILITY

Article 17 of the Indian Constitution stands as a powerful testament to the nation's commitment to justice and equality. It unequivocally declares the abolition of untouchability, a social evil that for centuries relegated certain segments of society to the fringes, perpetuating indignity and discrimination. However, even as Article 17 takes a bold stance against untouchability, the persistence of discriminatory practices against women during menstruation highlights the complex and layered nature of social change.

In various parts of India, regressive practices that restrict women's access to temples and even their own homes during menstruation continue to persist. These practices, while grounded in cultural norms and traditions, fundamentally violate the principles of equality, dignity, and individual rights that the Constitution upholds. They represent an affront to the very essence of Article 17 and serve as a reminder that the battle against discrimination is ongoing and multifaceted.

In this context, the concept of menstrual leave emerges as a potent instrument in the quest for gender equality and the eradication of discriminatory practices.⁶⁷ By recognizing the unique challenges that menstruation brings, menstrual leave signifies a departure from these outdated norms. It acknowledges that women's bodies and experiences are not to be stigmatized or subjected to exclusion, but rather respected and treated with dignity.⁶⁸

By providing women with the option to take leave during menstruation, society sends a strong message that women's well-being and dignity are paramount. It challenges the very roots of discriminatory practices and opens a path towards dismantling the barriers that have hindered women's full participation in various aspects of society⁶⁹. This move aligns with the ethos of Article 17 by fostering an environment where the social hierarchy is dismantled, and individuals are recognized and treated as equals, regardless of their biological processes.⁷⁰

Menstrual leave is not merely a policy; it's a testament to the evolving social consciousness of a nation that aspires to break free from the shackles of tradition and create a more equitable and just society. By recognizing the importance of respecting women's dignity and eliminating regressive practices that have persisted for generations, menstrual leave contributes to the larger narrative of transforming cultural norms and ensuring that the principles of the Constitution are upheld in every facet of life.

ARTICLE 21: RIGHT TO LIFE AND PERSONAL LIBERTY

Article 21 of the Indian Constitution stands as a profound affirmation of the inherent dignity and value of every individual. It declares the inviolability of the right to life and personal liberty, asserting that no person shall be deprived of these fundamental rights except according to established procedures and principles of justice. While the literal interpretation of this article might focus on physical survival and freedom from arbitrary detention, its broader implications encompass every aspect that contributes to a life of meaning, fulfillment, and dignity.

In this expansive context, the concept of menstrual leave finds resonance as a policy

⁶⁷ Sayed Qudrat Hashimy, *Legal Paradigm of Menstrual Paid Leaves Policy in India: A Jurisprudential Discourse*, 1 TRINITY LAW REVIEW (2023).

⁶⁸ Sayed Qudrat Hashimy, *Legal Paradigm of Menstrual Paid Leaves Policy in India: A Jurisprudential Discourse*, 3 12 (2023).

⁶⁹ Sayed Qudrat Hashimy, *Emerging Paradigm of Disability Laws and Protecting Differently Abled Person: Flying Kites in the Indian Sky*, 3 1 (2023).

⁷⁰ Sayed Qudrat Hashimy, *Emerging Paradigm of Disability Laws and Protecting Differently Abled Person: Flying Kites in the Indian Sky*, (2023), <https://papers.ssrn.com/abstract=4383911> (last visited Aug 17, 2023).

that honors the spirit of Article 21. Menstruation, for many women, is not just a physiological process; it carries with it a range of physical discomforts, emotional fluctuations, and sometimes even health challenges.⁷¹ These factors can combine to create significant physical and mental distress for women during their menstrual cycles.

By acknowledging these realities and introducing menstrual leave, society takes a proactive step to ensure that women's right to life and personal liberty is upheld even in the face of biological circumstances. Menstrual leave recognizes that a woman's well-being and choice to manage her body's needs without unnecessary discomfort or hardship is an essential component of her personal liberty. It reflects a commitment to reducing undue physical and mental stress during a period that is often accompanied by physical discomfort and emotional sensitivity.

Furthermore, menstrual leave aligns with the spirit of Article 21 by respecting an individual's autonomy and choices. It recognizes that women should not be compelled to push through their menstrual challenges, potentially compromising their health and overall quality of life. Instead, it provides the freedom to make choices that prioritize self-care and well-being during this natural process.

Henceforth, menstrual leave becomes a tangible embodiment of the principles enshrined in Article 21. It showcases society's willingness to adapt and tailor policies to ensure that the right to a dignified and fulfilling life is not compromised by biological realities. By introducing this policy, society recognizes that personal well-being and autonomy are integral aspects of the right to life and personal liberty.⁷² This approach aligns with the dynamic nature of the Constitution, constantly adapting to reflect the evolving needs and understanding of

a progressive society that values the comprehensive well-being of its citizens.

ARTICLE 23: PROHIBITION OF FORCED LABOR

Article 23 of the Indian Constitution stands as a resolute shield against one of the most egregious violations of human dignity: forced labor. It unequivocally asserts that no person shall be subjected to such labor, reflecting a commitment to protect every individual from exploitation and coercion. However, when we examine the specific context of women and their experiences during menstruation, the significance of Article 23 becomes even more pronounced.

Menstruation, an entirely natural and biologically inherent process, should not become a basis for coercion or exploitation. In many instances, women continue to face situations where they are compelled to work against their will during their menstrual cycles. Whether it's due to social norms, economic pressures, or a lack of understanding, this practice not only infringes upon their fundamental rights but also violates their human rights.⁷³

When employers demand work from women during menstruation against their will, it transforms a natural bodily process into a vehicle for exploitation. Such demands negate the very essence of autonomy and free choice that underpins the principles of personal liberty. By forcing women to work under such conditions, employers infringe upon their dignity, physical comfort, and emotional well-being.

In this light, menstrual leave emerges as a crucial countermeasure against the violation of Article 23. By granting women the option to take leave during menstruation, society acknowledges that women should have control over their bodies and the right to manage their well-being without facing coercion. This policy

⁷¹ Hashimy, *supra* note 12.

⁷² Sayed Quadrat Hashimy & Habibullah Ibrahimy, *Role of Self-Help Groups in Socio-Economic Development of Women in India*, 1 LAW AND SOCIAL POLICY REVIEW 50 (2023).

⁷³ Habibullah Ibrahimy et al., *Role of Self-Help Groups in Socio-Economic Development of Women in Yaranahalli Panchayat, Mysore*, 1 JOURNAL ON VULNERABLE COMMUNITY DEVELOPMENT 29 (2023).

empowers women to resist any form of forced labor during their menstrual cycles, aligning perfectly with the ethos of Article 23.

Furthermore, menstrual leave acts as a reminder that the principles enshrined in the Constitution extend beyond mere legalities. They are a reflection of the broader commitment to human rights and dignity. Menstrual leave stands as a concrete demonstration that a progressive society values its citizens' physical and emotional well-being, ensuring that they are not compelled to engage in labor that infringes upon their rights and autonomy.

Therefore, Article 23's prohibition of forced labor finds relevance within the discourse of menstrual leave by highlighting the need to safeguard women's rights and dignity during menstruation. By upholding the principles of free choice and autonomy, menstrual leave stands as a bulwark against exploitation and coercion, ultimately contributing to a society that respects and protects the human rights of all its members.

ARTICLE 25 AND 26: FREEDOM OF RELIGION

Articles 25 and 26 of the Indian Constitution stand as pillars of religious freedom, embodying the nation's commitment to fostering a diverse and inclusive society that respects every individual's right to practice their chosen religion. These articles assert that all persons are equally entitled to the freedom of conscience and the right to profess, practice, and propagate religion, subject to certain restrictions that maintain public order, morality, and health.

However, the stark reality persists that even within the realm of religious freedom, certain discriminatory practices endure. Many women are subjected to the unjust tradition of being barred from entering places of worship during menstruation. This deeply rooted practice infringes upon their right to freely engage in their religious practices and rituals, relegating

them to a position of exclusion and marginalization.

The concept of menstrual leave intersects with this issue, serving as a mechanism to recognize and address the violation of religious freedom that occurs when women are barred from places of worship during their periods. By allowing women the option to take leave during menstruation, society acknowledges and affirms their right to practice their religion without discrimination. It signals a departure from the archaic norms that hinder women's access to their spiritual spaces, fostering an environment where religious practices can be observed without gender-based constraints.

Menstrual leave aligns with the principles of Articles 25 and 26 by embracing the fundamental tenets of religious freedom: the right to practice religion without interference and the right to access sacred spaces without discrimination. This policy underscores the understanding that religious practices should adapt to contemporary sensibilities, promoting a more inclusive and equitable environment where women's rights are respected and upheld.

Furthermore, by acknowledging the violation of religious freedom that occurs when women are excluded from places of worship during menstruation, menstrual leave becomes a proactive step in dismantling gender-based discrimination within religious contexts. It champions a vision of equality and freedom of religion that extends beyond legal formalities to encompass the very essence of respectful coexistence and inclusivity.

In conclusion, the intersection of menstrual leave with Articles 25 and 26 reflects the dynamic nature of the Constitution and its adaptability to contemporary challenges. By acknowledging and addressing the violation of religious freedom that occurs due to gender-based discrimination, menstrual leave supports a society that respects every individual's right to

worship and engage in religious practices without prejudice or barriers.

DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy enshrined in the Indian Constitution serve as a roadmap for the nation's governance, guiding the state's endeavors towards creating a just, equitable, and compassionate society. Among these principles, Articles 38, 39, 42, and 47 stand as beacons for the promotion of women's welfare, ensuring their health, and establishing humane working conditions. Within this framework, the concept of menstrual leave emerges as a practical and progressive measure that resonates deeply with the spirit of these principles.⁷⁴

Article 38 calls for the state to secure a social order that promotes the welfare of the people. Menstrual leave aligns seamlessly with this principle by recognizing and addressing the unique challenges that women face during menstruation. By providing women with the option to take leave during their menstrual cycles, society takes a concrete step towards securing their well-being, acknowledging their specific needs, and fostering an environment that supports women's physical and mental health.⁷⁵

Article 39 emphasizes that the state shall direct its policies towards ensuring that men and women receive equal pay for equal work and promoting the health and strength of workers. Menstrual leave contributes to these objectives by reducing the physical and mental stress that women might face during their periods, thus ensuring their well-being and capacity to contribute productively to the workforce.

Article 42 underscores the importance of securing just and humane conditions of work for all citizens.⁷⁶ Menstrual leave aligns with this

principle by recognizing that women should not be compelled to work under circumstances that may cause them physical discomfort and emotional distress during menstruation. By providing the option of taking leave, the state acknowledges the need for working conditions that accommodate the natural physiological variations experienced by women.⁷⁷

Article 47 directs the state to raise the level of nutrition and the standard of living and improve public health. Menstrual leave aligns with this principle by recognizing that women's health is integral to the well-being of the society as a whole. By allowing women to prioritize self-care and health during menstruation, this policy contributes to the broader objective of improving public health and enhancing the quality of life.⁷⁸

Hence, the introduction of menstrual leave aligns harmoniously with the Directive Principles of State Policy outlined in the Constitution. It reflects a proactive approach by the state to address women's specific needs during menstruation, fostering an environment that upholds their well-being, health, and dignity. By embracing menstrual leave, the nation takes a step closer to realizing the vision of a just, equitable, and compassionate society as enshrined in these guiding principles.

CONCLUSION

The integration of menstrual leave into India's workplace policies embodies a pivotal convergence between contemporary societal needs and the foundational principles enshrined in the Constitution. This progressive measure resonates profoundly with the Constitution's overarching objectives of advancing gender equality, fostering social justice, and upholding the dignity of every

⁷⁴ Sayed Qudrat Hashimy, *Exploring Menstrual Leave in Islamic Jurisprudence: Cultural and Religious Perspectives*, 6 3457 (2023).

⁷⁵ Sayed Qudrat Hashimy et al., *Nurturing Leadership and Capacity Building for Success: Empowering Growth*, 3 INTERNATIONAL JOURNAL OF REHABILITATION AND SPECIAL EDUCATION 1 (2023).

⁷⁶ Article 42: Provision for just and humane conditions of work and maternity relief, CONSTITUTION OF INDIA,

<https://www.constitutionofindia.net/articles/article-42-provision-for-just-and-humane-conditions-of-work-and-maternity-relief/> (last visited Aug 17, 2023).

⁷⁷ Varnika Chaudhary & Vaibhav Pratap Singh, *Lettering Menstrual Leave In the Constitution*, (2023), <https://www.livelaw.in/lawschoolcolumn/lettering-menstrual-leave-in-the-constitution-221613> (last visited Aug 17, 2023).

⁷⁸ Period Leave for Women - A Violation of Right to Equality?, KNOWLAW (Feb. 13, 2022), <https://knowlaw.in/index.php/2022/02/13/period-leave-for-women-a-violation-of-right-to-equality/> (last visited Aug 17, 2023).

individual. By acknowledging the unique hurdles posed by menstruation and crafting legal provisions to address them, the Indian society can propel itself towards the eradication of gender-based discrimination and the cultivation of an environment that is inherently inclusive, equitable, and respectful of human dignity.

At its core, the Indian Constitution champions the fundamental tenets of equality and justice. By recognizing menstruation as a biological reality exclusive to women, menstrual leave encapsulates the spirit of gender equality that the Constitution seeks to achieve. This policy reframes the narrative, underscoring that true equality necessitates recognizing and accommodating the diverse needs of different genders. Through this lens, menstrual leave acts as a catalyst for dismantling the systemic barriers that have historically disadvantaged women in the workplace.

Furthermore, the provision of menstrual leave addresses the essence of social justice, a principle that is interwoven with the Constitution's fabric. Menstrual leave stands as a tangible commitment to rectifying the injustices that have arisen due to the sidelining of women's unique physiological experiences. By allowing women the autonomy to manage their bodies and well-being during menstruation, this policy endeavors to level the playing field, ensuring that women are not unduly burdened by circumstances beyond their control.

In a broader context, menstrual leave aligns with the constitutional aspiration of upholding human dignity. The Constitution envisions a society where every individual is treated with respect, irrespective of their gender or biological circumstances. By providing women the option to take leave during their menstrual cycles, society affirms that dignity is not compromised by the physiological aspects of life. This policy reflects the values of compassion and empathy, recognizing that upholding an individual's

dignity includes acknowledging and accommodating their unique needs.

In the last, integrating menstrual leave into India's workplace policies serves as a powerful testament to the Constitution's contemporary relevance and adaptability. It is an embodiment of the Constitution's vision of a just, equitable, and dignified society. By addressing the challenges posed by menstruation and embracing legal provisions to support women's well-being, the Indian society takes a significant stride towards gender equality, social justice, and the unwavering commitment to the dignity of all its citizens. This is not just a policy shift; it's a constitutional affirmation of the values that guide India's journey towards a more inclusive future.

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