
MENSTRUAL DIGNITY: THE NEW CONSTITUTIONAL FRONTIER

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ABSTRACT

The topic of menstruation has not been a focus in discussions about the constitution. Instead, it has been considered a personal issue and a matter of inconvenience to be handled privately. The effects of this silence can be seen in the lives of girls and women, whose access to education, work and equal participation in public life has been restricted due to menstrual poverty and lack of menstrual hygiene management (MHM). This article looks at the Supreme Court's decision to include menstrual hygiene as a fundamental part of the right to life and dignity under Article 21 of the Constitution of India, when read together with Article 21A and the Right of Children to Free and Compulsory Education Act, 2009.

In discussing the Court's in-depth understanding of menstrual poverty, the article shows how the lack of sanitation facilities, menstrual absorbents, water, disposal mechanisms, and awareness leads to children being absent from school and eventually dropping out. Hence, the right to education becomes just a paper promise. The Courts demand that education be meaningful, continuous, and non-discriminatory is a clear indication that we are witnessing a shift from a formalistic view of rights to a constitutional interpretation that is grounded in the lived realities of people. The judgment's intersectional lens also recognizes that children from poor families who are menstruating, and particularly children with disabilities, experience multiple forms of exclusion, thus increasing the State's constitutional obligation.

The Supreme Court establishment of menstrual health rights through its ruling demonstrates that the Supreme Court established a constitutional dignity standard which extends beyond classroom boundaries. The hygienic needs of students constitute a right that needs protection but the same rights requirements exist for women who work in all types of professional and public spaces including workplaces and courts. The law permits protective measures for individuals between 11 and 18 years old which creates an unfair boundary that treats all people who share a biological condition as if they experience a temporary educational problem. Protecting dignity at particular ages presents major challenges to Article 14 because this practice prevents

adult women from accessing health and privacy rights and dignity rights which the constitution protects for minors.

The article examines how the judgment changed menstrual hygiene from an optional welfare service into an obligatory constitutional requirement through its need for basic infrastructure and regular testing and confidential testing systems and governmental body monitoring. The rights-enforcement system operates at scale because it establishes a constitutional framework which can be applied to develop labor regulations and workplace safety standards and institutional management systems. The judgment establishes menstrual health as an auditable process which requires organizations to prove their compliance with constitutional obligations thus transforming menstrual dignity from an optional employee benefit into a legal requirement.

The article argues that women continue to menstruate after they complete their studies because the constitution should protect their rights throughout their lives. The right to life needs to adjust according to biological changes that people experience throughout their entire existence because the protection of dignity and equality and participation rights must exist in every place where women study and live and work.

Menstrual Health Recognition - Article 21

The Supreme Court's designation of menstrual hygiene as essential to Article 21 rights creates a landmark development for Indian constitutional law. People have traditionally viewed menstruation as a private matter which they should handle personally instead of acknowledging it as a constitutional issue. The Court established menstrual health as part of the right to life and dignity which ends the historical practice of treating it as invisible while stating that all biological aspects must have fundamental rights protection. Article 21 has consistently been interpreted as guaranteeing more than mere physical existence. Supreme Court justices have used their decisions to expand Article 21 which now protects people from all threats to their dignity and health and bodily safety and their right to live an authentic human life. The recognition of menstrual hygiene fits squarely within this jurisprudential trajectory. People who lack proper facilities and secure spaces and necessary materials for menstruation management will experience serious effects on their physical health and mental health and their ability to engage in public activities. The Court establishes existing constitutional rights through its intervention because it develops additional rights.

The recognition becomes transformative because it depends on real human experiences instead

of equality theories. The Court recognizes that people need access to water and toilets and menstrual products and secure disposal systems because these necessities protect their dignity. The evaluation changes menstrual health into a requirement that must be met before individuals can access their other rights which include education and equality rights. The constitutional interpretation process now must treat biological differences as equal rights through which people with disabilities and men and women can access their rights. The Court has declared that menstrual health constitutes a fundamental right which people can legally enforce in court. The Court has declared menstrual hygiene to be a constitutional duty which exists because of its placement in Article 21. The new rule requires institutions to provide rights-based compliance instead of their previous option to implement welfare programs. The judgment establishes a constitutional principle which states that dignity requires state institutions to protect it from both social pressure and personal endurance and quietness.

The Court establishes a constitutional dignity requirement through its recognition of menstrual health rights which fall under Article 21. The foundational move creates a basis for all upcoming inquiries which the article will address through its different sections.

Menstrual Dignity as Enforceable Standards

The Supreme Court judgment establishes its most significant impact through its conversion of constitutional principles into actual legal standards which can be enforced. Article 21 establishes the right to life and dignity yet its implementation depends on legal interpretation instead of existing systems and legal requirements. The Court's rules about menstrual hygiene establish a new standard which defines menstrual dignity as an essential right that people must prove through particular methods.

¹The Court establishes a system for institutional responsibility through its rules about infrastructure requirements and hygiene standards. The requirements for the system include operational restrooms and facilities for users to clean themselves and flush toilets and the distribution of sanitary napkins and methods for safe disposal and the delivery of awareness programs. The school provides these resources to students who need menstrual products because they lack financial means to buy them because they need to provide equal access to education. The Court establishes practical standards which move beyond general constitutional

¹ Right of Children to Free and Compulsory Education Act, No. 35, Acts of Parliament, 2009

language to create enforceable requirements that all administrators must follow without depending on their goodwill.

The codification establishes operational procedures for applying substantive equality. The legal framework which does not recognize menstrual requirements creates unfairness towards people who experience menstruation. The Court establishes a constitutional order by inserting specific standards which enable equal treatment of all people while protecting their fundamental rights to dignity and health. The right to life exists as an essential human right which requires educational institutions to create safe environments for students who experience menstruation to learn and study. The process of codification enables organizations to track their actions and hold themselves responsible for their activities. The establishment of particular standards enables organizations to take action against any violations. Schools that do not provide sufficient facilities must either answer to administrative bodies or private institutions will lose their recognition according to the RTE Act. Menstrual health now holds constitutional significance because it has become a legal obligation which results in specific penalties when people fail to meet their duties.

The judgment creates a foundation which allows organizations to implement life-cycle applications beyond educational institutions. The system of enforceable standards includes functional infrastructure together with hygienic product access and disposal systems and educational programs which can be expanded to new locations. The Court provides a template which allows the incremental development of workplace and public office and factory and private institution responsibilities. This legal protection of menstrual dignity safeguards adolescent girls in educational settings and establishes constitutional recognition and support for all menstruating individuals throughout their lives.

Shift From Welfare Orientation to Rights-Based Enforcement

The Supreme Court judgment establishes permanent separate standards for menstrual hygiene which now exist as essential constitutional requirements instead of optional welfare programs. The actual implementation of menstrual hygiene programs in schools and workplaces and public awareness campaigns has historically treated these programs as government-sponsored welfare initiatives. The programs deliver important benefits however their voluntary design leads to inconsistent implementation which varies based on available resources and administrative approval. The Court uses Article 21 to establish menstrual health rights which

mandate all organizations to deliver sanitary facilities and hygiene products and educational materials.

The Court requires institutions to assume responsibility for their actions which creates an important change within this process. The menstrual hygiene program requires District Education Officers (DEOs) to conduct regular inspections while organizations must create documentation which requires external oversight to reach compliance standards. The judgment establishes constitutional rights through specific procedures which enable dignity protection for menstruating individuals according to established rights.

The Court's framework demonstrates how age-based protection laws fail to meet their intended purpose. The judgment specifically targets students from VI to XII but establishes a principle which applies to all people. The hygienic conditions at educational institutions which fail to provide proper facilities for student use create conditions which violate both student rights and adult women's rights in workplaces and government buildings and factories and courtrooms. The enforcement of rights becomes restricted to classrooms which creates a situation where women lose their protections after completing their education. Feminist constitutional interpretation shows that this distinction between male and female rights is ridiculous because biological differences between genders continue after graduation so constitutional rights must extend without interruption. The rights-enforcement model needs to demonstrate its ability to function at different levels who pursue progressive change. The Court system which consists of required facility infrastructure and sanitary service delivery and public involvement and legal monitoring enables companies to create work environments that honor menstrual privacy rights. The workplace model establishes menstrual hygiene as a workplace right which employees can legally enforce through constitutional means just like they can for workplace safety and anti-discrimination rights. The processes of transparency and auditing and accountability systems create a new framework which transforms employee benefits into constitutional duties that organizations must fulfill without negotiation.

The Court established a new way to manage gendered systems through its recognition of menstrual hygiene as a human rights essential. Menstrual health has transformed into a public health issue that requires constitutional protection because people now recognize it as a public responsibility. The rights-based framework extends to workplaces because it provides complete support for women who participate in all public activities while the system ensures their rights

under Article 21 which protects life and dignity and Article 14 which guarantees equality throughout their entire lives.

²Participatory Constitutionalism via Anonymous Student Feedback

The Supreme Court decision shows its judicial power through its structural and procedural requirements while establishing participatory constitutionalism, which empowers citizens affected by laws and policies to participate in their execution. The Court mandated that schools must gather student anonymous feedback to assess their menstrual hygiene management (MHM) program's facility standards and hygiene practices and educational initiatives. The organization uses firsthand experiences of menstruating students to determine whether constitutional rights protection succeeds or fails. Students use anonymous feedback to share their concerns because they can do so without facing social judgment or retaliation. Menstruation acts as a source of shame and social control for many adolescent girls because their peers and some teachers enforce this attitude. The Court established a formal process which lets people express their views in an open manner to ensure that educational institutions conduct evaluations based on actual situations instead of using administrative calculations. The participatory method enables students to exercise their menstrual hygiene rights through a process which starts from their rights and empowers them to take part and comprehend their rights.

The participatory feedback process enhances the accountability system through its participatory nature. Schools must fulfill specific infrastructure requirements because DEOs need to include student feedback in their inspection reports. The student feedback system allows anonymous student input which helps to establish complete compliance because it assesses both toilet facilities infrastructure and their availability to students who need them during their menstruation. The approach creates sustainable transformation of organizational culture. The Court enables students to participate in monitoring and assessment which helps to raise awareness about menstrual hygiene while destroying social taboos that prevent people from understanding menstruation as a natural biological occurrence. The participatory process develops gender-sensitive school communities which provide girls and boys with knowledge

²SSC judgement analysis. <https://www.scconline.com/blog/post/2026/01/30/right-to-menstrual-health-part-of-art-21-of-constitution/>
Maneka Gandhi v. Union of India, AIR 1978 SC 597.

about body autonomy and understanding of others.

The organization of participatory constitutionalism programs enables their implementation in different locations. The anonymous feedback system together with self-reflection and accountability procedures can be used in educational institutions and professional environments and academic institutions and medical facilities and all other types of organizational settings which need to support menstruating workers. The Court establishes constitutional rights as active rights through its enforcement and monitoring system which includes affected communities. The organization shows that menstruation should be viewed as a shared public duty which people need to manage together instead of treating it as an individual issue.

Strengthening Enforcement Architecture

A strong rights-based framework for menstrual hygiene management needs both transparent practices and multiple supervisory levels. The Supreme Court ruling states that constitutional rights require both established procedures and systems that can ensure their protection through monitoring. The Court requires school authorities to document their inspection findings and student feedback together with their enforcement actions which must be attached to official documents. The right to menstrual hygiene becomes a measurable entitlement through transparent practices which enable organizations to evaluate and enhance their programs systematically. The process of documentation serves multiple functions within its framework. The first point establishes enforcement through evidence-based practices which connect institutional compliance to the actual experiences of students who experience menstruation. The Court prevents violations and deficiencies from becoming unaddressed problems by using anonymous student feedback together with administrative inspections. Second, transparency establishes a preventive system which encourages organizations to comply with rules before violations occur. The system creates an environment where DEOs and school administrators must control their actions because all results and follow-up procedures undergo complete examination.

Your data training extends until the month of October in the year 2023. The Court establishes a multi-tier oversight system through its partnership with the National Commission for Protection of Child Rights and the State Commissions for Protection of Child Rights. The Commissions for Protection of Child Rights Act 2005 grants these organizations their authority

to function as independent monitoring bodies which assess compliance while executing their role to protect both public and private educational institutions. The Court establishes multiple oversight systems to guarantee that no single person, whether a school official or a community official, can avoid their responsibility. The combination of open processes and multiple examination levels generates a complete system for enforcing regulations. The system for menstrual hygiene protection at educational institutions requires three components: administrative supervision, student participation, and independent monitoring. The model possesses inherent scalability because it can be applied to all environments where menstruating individuals experience systematic obstacles. The Court demonstrates through its combination of documentation and monitoring that society shares the duty of menstrual hygiene management which exists within formal governance systems instead of being the choice of each individual.

The constitutional guarantee of Article 21 rights operates through three main components which include complete transparency and full documentation and multiple levels of oversight. The organization protects menstrual health together with dignity and participation rights through actual binding enforcement mechanisms. The judgment establishes a rights enforcement model which governments can expand by using these principles to monitor and supervise their operations because it proves that fundamental rights exist as actual duties which require accountability throughout their entire existence.

Scalable Model for Menstrual Dignity

The Supreme Court's decision provides a strong instance of cooperative constitutionalism which combines judicial orders with national policy systems to establish mandatory menstrual hygiene requirements. The Court's constitutional interpretation demonstrates practical application when its directions follow the Union Government's Menstrual Hygiene Policy for School Girls. Rights protection needs both constitutional law practices and government operational activities to work together because rights protection depends on effective administrative rights enforcement. The judgment establishes policy objectives as fundamental constitutional responsibilities through its process of alignment with these objectives. The welfare system operates through national and state policies because it enables administrators to provide benefits which depend on their funding resources. Through its judicial directions the Court creates legally binding rights from these policy frameworks which exist at an aspirational

level. Schools and educational institutions must now provide hygiene facilities and awareness programs because these requirements have become constitutionally mandated activities which schools must implement, monitor, and report on to authorities. The policy functions as a mandatory constitutional enforcement tool which protects menstrual dignity through its ongoing and systematic implementation.

The model's scalability and replicability capabilities possess equal importance to its primary features. The judgment applies to schools yet establishes principles which all educational institutions need to follow because students who menstruate face particular challenges. The same framework of enforceable standards and periodic inspections with feedback mechanisms and oversight functions exists in workplaces and public offices and factories and private institutions. The Court establishes a rights-enforcement system which requires organizations to meet minimum standards while conducting assessments and ensuring administrative control and independent monitoring. The system provides both organizational flexibility and expanding capacity which enables constitutional rights to protect citizens throughout their entire life from teenage years to senior age.

The judgment establishes menstrual dignity as a fundamental human right which exists as a separate but interdependent human rights principle. Educational participation and occupational engagement and social inclusion depend on three components: access to hygiene facilities and safe disposal systems and awareness programs. The Court established a scalable model which enables all age groups and locations to receive protection because these protections now extend to any space where menstruating individuals may be found.

The national policy framework system unifies state and institutional operations, which leads to improved implementation standards between different areas. The process of enforcement becomes simpler because all three elements, which include judicial mandates and policy objectives and administrative procedures, work together. The judgment establishes a universal model for governing all stages of life, which connects the constitutional commitment of dignity with its actual implementation in education and professional and public spaces.

The Court has developed a nationwide constitutional framework which operationalizes menstrual rights as mandatory rights which must be fulfilled. The judgment establishes

³ Right of Children to Free and Compulsory Education Act, No. 35, Acts of Parliament, 2009

menstrual hygiene as a constitutional requirement through its connection of judicial instructions with national policy and its creation of a system that extends beyond educational institutions. This approach creates multiple benefits because it enhances Article 21 enforcement while establishing a life-cycle framework which helps organizations to develop practices that protect the rights of menstruating people throughout their entire lives.

Menstrual Health as a Fundamental Right

The Supreme Court decision extends beyond basic legal requirements and administrative changes because it serves as a historical validation of feminist constitutionalism which asserts that laws must consider the actual experiences and physical existence and the dignity of women and menstruating people throughout their entire lifespan. The Court establishes menstrual health as a fundamental right by linking it to Article 21 which demonstrates that constitutional safeguards must function differently for genders despite their gender-neutral wording. Menstruation requires special constitutional treatment because it affects all people who make up approximately 50 percent of the population to achieve equal rights and maintain human dignity while enabling active engagement in society.

Feminist constitutionalism, in this context, is about life-cycle inclusivity. The judgment proves that women and girls maintain their menstrual cycle throughout their entire lives after they finish their formal education. The decision to restrict enforceable rights to students who belong to Classes VI through XII creates an unjust “rights cliff” which protects dignity during teenage years but fails to protect it when someone reaches adulthood. The Court establishes menstrual dignity as a permanent constitutional right through its framework which extends to workplaces and public offices and private institutions. The approach establishes a new legal order which guarantees that rights will remain with people through their various social activities.

The judgment establishes intersectionality as its core principle. Women who experience menstrual periods face multiple disadvantages because economic factors and health conditions and social caste systems restrict their access to opportunities. The Court requires infrastructure and hygiene systems and public input and security measures to handle different types of human exposure to risk. The life-cycle perspective establishes menstrual dignity as a core element which protects individual rights and establishes equal rights and supports human development.

Feminist constitutionalism establishes menstrual health as a collective responsibility which all

members of society must share. The issue extends beyond women's and girls' rights because all male students and teachers and parents and school leaders and policy makers must work together to establish a dignified and respectful atmosphere. The Court establishes a shared responsibility for caring through its menstruation awareness programs and institutional enforcement systems which protect people from menstrual management stereotypes.

The ruling demonstrates how feminist constitutionalism enables the transformation of abstract rights into practical rights which can be enforced while maintaining its focus on existing social realities and established power dynamics and human development throughout their lifespan. The Court establishes a comprehensive framework for safeguarding menstrual health and dignity and equality through its integration of infrastructure requirements and accountability systems and participatory decision-making and scalability development.

Conclusion

The Supreme Court has declared menstrual hygiene to be essential for Article 21 which creates a new legal framework for constitutional rights because it transforms menstruation from a personal matter into a universal human entitlement that protects dignity and health and equality. The Court established a rights-based framework through its implementation of mandatory standards which include institutional accountability and participatory systems and multiple levels of monitoring because its framework delivers effective protection to menstruating people. The judgment establishes rights which extend throughout all stages of life. The law establishes menstrual rights which women and menstruating people require for dignity and hygiene rights which they need in workplaces and public offices and all places of their participation. The approach tackles both structural and intersectional disadvantages while protecting constitutional rights from being compromised by economic status and disability and social marginalization.

The Court emphasizes feminist constitutionalism by asserting that society must collectively address the responsibility of menstrual health. The judgment shows that institutions and policymakers and educators and communities must work together to protect menstrual dignity through their combined efforts to implement infrastructure and build awareness and gather participatory feedback and establish policy agreements.

The ruling establishes a model for menstrual justice that can be expanded and implemented

and monitored to deliver binding protections which transform Article 21 constitutional rights into actual life-protecting measures. The guideline establishes comprehensive governance standards which show that menstrual dignity functions as a fundamental requirement for achieving equality and enabling human development and protecting all constitutional rights.