



Breaking Barriers through Law: A Constitutional Perspective on Menstrual Health Rights in India

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Abstract

Menstrual health is more than just a health issue; it is a matter of human dignity, equity, and justice. Yet, in India, the absence of clear legal protections perpetuates stigma, discrimination, and systemic barriers. Despite the Indian Constitution's promises of equality, nondiscrimination, and the right to live with dignity under Articles 14, 15, and 21, menstruators in workplaces and public spaces face persistent challenges that compromise their well-being and restrict their participation in economic and social spheres. This paper adopts a doctrinal approach to analyze menstrual health through the lens of the Indian Constitution, critiquing the inadequacies of current labour laws and public health policies. By examining key case law and constitutional jurisprudence, it highlights the disconnect between legal ideals and the lived realities of menstruators, with a focus on Delhi's workforce. The absence of menstrual leave provisions, inadequate workplace hygiene infrastructure, and lack of awareness initiatives are revealed as critical gaps that violate constitutional values and hinder India's progress toward achieving Sustainable Development Goals, particularly SDG 3 and SDG 5. This research reframes menstrual health as both a constitutional and human rights issue, bridging the gap between legal theory and advocacy. It emphasizes the urgent need for legislative reforms integrating menstrual health into labour laws, public health policies, and anti-discrimination measures. The study contributes to the broader movement for reproductive justice and equality, advocating for a future where menstrual health is embraced as a fundamental right essential to dignity and gender equity.

Keywords: constitutional jurisprudence; human dignity; legislative reforms; reproductive justice; workplace discrimination