
The Study on Balancing Factor Between Women Rights and Religious Constraints During Menstruation

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Abstract: As judgment in the Sabarimala case enabled the right of worship and religious practices of women, still a large sect of the society up hold the religious factors and principles. Various instances reported by social media prove that agitation lies in respect to entry of women into temple shrine. an ambiguity arises with respect to the balancing point between the religious rights and menstruating women at the same time When a close understanding of the cultural practices of menstruating women and the verdict in Sabrimala case is made, though the practices of religious constraints against menstruating women is an antiquity custom, an absurdity prevails with respect to its validity in the current century.. This research aims in identifying what is the balancing point between the religious rights of women and constraints during menstruation. With the help of non probability convenience sampling with a sample size of 1758 and using chi square and correlation test it could be found out that there is no relationship between Public opinion on Acceptance of religious constraints during menstruation and occupation. This helps in framing the conclusion that policy policy acts as a balancing point between women rights and constraints during menstruation. The paper gives a recommendation as that judiciary must give rationales governing individual statements and prospective while rendering judgments.

Keywords: women rights, religious constraints, culture, menstruation, custom

INTRODUCTION

Women crosswise over cultures and customs from the beginning of time have been incomprehensibly both trashed and adulated for their bodies' reproductive ability(Courts and Block Courts, 1993). The paradigm of "mother" is without a doubt worshipped in social orders over the globe. This perfect rule is pursued all the more dynamically in India('Family Relations: United States', no date). The status of women in India is unequivocally associated with family relations. The women are treated as a mother, everything being equal and a fundamental necessity in the house(Narayanan, 2018). The position vested upon a woman is to ensure and safeguard the family. She is viewed for her mental stability and her standard path for genuinely impacting the companions.

A menstruating woman, in any case, is viewed as dirtied, polluting, and hazardous. proof of this broadly held faith in three of the significant religions around the globe - Judaism, Hinduism and Islam - every one of which systematizes remedies and preclusions on menstruating women (Grant, 2015; Barron, Gu and Steen, 2017).

Modern Western cultures also place restrictions on menstruating women and studies show that secular women in countries like the United States, Great Britain, Canada and Mexico endorse many taboos, myths and negative feelings around menstruation, which are reflected in mass marketing which characterizes menstruation as unclean and polluting, necessitating its quiet, secretive management with sanitary product(Heschel, 2018).

As indicated by conventional Hindu conviction, it is simply the menstruating woman that is contaminated(Prof et al., 2016; Colas, 2019). Thusly, menstruating women are secluded as untouchables They can do no work, must not brush their hair, wash, or contact water or fire sources(Colas, 2019). Notwithstanding being precluded from taking part in sexual contact, menstruating Hindu women are likewise confined from offering spaces in all structures to other people(Turner, 1979). Menstrual segregation additionally reaches out to icons and the spaces

where the divine beings and goddesses are housed, consequently disallowing menstruating women from taking part in the dynamic practice of their religion. After this separation, menstruating Hindu women end their month to month pollution by ceremonially washing their hair on the fourth day, and afterward their bodies on the morning of the fifth (Collins, 2019). Albeit some Hindu women may encounter these confinements as oppressive, look into proposes that the separation can likewise fill in as a break from the dullness and battle of work, an invited time of rest (Merriam-Webster and Inc, 2007).

While these practices still continue to exist sometimes in a blemished perspective, the landmark judgment in the case of Indian Young Lawyers Association vs The State Of Kerala (Shah, 2019), established the rights of women by allowing them to perform religious ritual towards the deity, observe the 48 days period of fasting and enter into the temple shrine (Guichard-Anguis, no date; Merriam-Webster and Inc, 2007). As this judgment enabled the enabled the right of worship and religious practices of women, still a large sect of the society up hold the religious an ambiguity arises with respect to the balancing point between the religious rights and menstruating women. Our team has rich experience in research and we have collaborated with numerous authors over various topics in the past decade (Deogade, Gupta and Ariga, 2018; Ezhilarasan, 2018; Ezhilarasan, Sokal and Najimi, 2018; Jeevanandan and Govindaraju, 2018; J et al., 2018; Menon et al., 2018; Prabakar et al., 2018; Rajeshkumar et al., 2018, 2019; Vishnu Prasad et al., 2018; Wahab et al., 2018; Dua et al., 2019; Duraisamy et al., 2019; Ezhilarasan, Apoorva and Ashok Vardhan, 2019; Gheena and Ezhilarasan, 2019; Malli Sureshbabu et al., 2019; Mehta et al., 2019; Panchal, Jeevanandan and Subramanian, 2019; Rajendran et al., 2019; Ramakrishnan, Dhanalakshmi and Subramanian, 2019; Sharma et al., 2019; Varghese, Ramesh and Veeraiyan, 2019; Gomathi et al., 2020; Samuel, Acharya and Rao, 2020)

This research aims in identifying what is the balancing point between the religious rights of women and constraints during menstruation.

Objectives

1. To know the various instances of constraints of women in India during menstruation.
2. To study the judgement in case of Indian Young Lawyer Association vs State of Kerala.
3. To analyse the balance point between women's rights and religious constraints
4. To give effective recommendations for tackling with religious constraints against women in menstruation

REVIEW OF LITERATURE

Forms of restrictions imposed on Menstruating women

No sexual intercourse

This is one of the most significant exhortations given by Hindu sacred writings to menstruating women. This guidance is found in countless writings: Yajurveda Taittiriya Samhita (Verse 2.5.1), Angirasa Smrithi (Verse 37), Manu Smriti (4.40), Sushruta Samhita (Sharirasthana 2.31), and Kashyapa Samhita (Sharirasthana 5.5), to give some examples.

Sexual intercourse during monthly cycle, in the event that it prompts origination, may result in between uterine demise, or passing inside not many long periods of birth, or some type of distortion in the youngster (Ambedkar and Moon, 2003). This explanation is shown in the Vedas and expressly expressed in the Ayurvedic writings (Prabhu, 1991). Second, regardless of whether one were to utilize contraceptives and thus avert origination, there is no approach to counteract the lopsidedness in the Doshas that outcomes from sexual intercourse during feminine cycle (Dutt, 2019). Henceforth, the evasion of sexual intercourse has been proposed. Other minor reasons incorporate the way that feminine cycle is a procedure of starkness and self-refinement and thus, Brahmacharya (chastity) must be drilled, the manner in which it is rehearsed in other grimness works on; menstruating women being in an increased province of Rajas, sexual movement won't be useful for both of the accomplices, particularly the male accomplice, since sex by its very nature is a personal procedure that includes association and trade of energies at numerous levels; and since during period any action including physical effort ought to be kept away from for anticipating the lopsidedness of Prakriti Doshas and the subsequent unfriendly impacts on wellbeing (Haug, 2013; Shah, 2019).

No family unit activities

This exhortation can be found in writings like Angirasa smrithi (Verse 37), Vashishta Dharma Sutras (5.6), and Sushruta Samhita (Sharirasthana 2.24) (Eliot, 2019). The Ayurvedic writings demonstrate, how overabundance physical movement may prompt awkwardness in the Doshas, which may have antagonistic impact on the soundness of the woman (Gore, 2002). Further, if these Doshas continue, because of rehashed physical activities during feminine cycle over a significant stretch of time, at that point it might likewise contrarily affect the kids brought about by such women (Aurobindo, 1992).

Isolation

Albeit no Hindu content expressly talks about any isolation of women, we discover some type of isolation, including having separate cottages for menstruating women in towns, being polished (Baba, 1980). Further, certain fundamentals of feminine cycle rehearses endorsed in writings like Yajurveda Taittiriya Samhita (Verse 2.5.1), Brihadaranyaka Upanishad (6.4.13), Vashishta Dharma Sutras (5.6), and Charaka Samhita (Sharirasthana 8.4), requires a specific level of isolation to execute (Baba, 1980; Ambedkar, 2018).

Aside from the undeniable truth that menstruating women often experience agony and emotional episodes and consequently may like to be left undisturbed, another perspective to consider is the reality feminine cycle includes the executives of a ton of blood.

Restrictions related to performance of religious and spiritual activities, including visiting temples

This is another significant exhortation given to menstruating women. However, generally predominant even today, numerous women don't understand the standard behind this. Confinement on the performance of religious and spiritual activities has been expressly referenced in the Angirasa Smriti (Verse 37), which asks menstruating women to "not take part in blessed/holy activities." Similarly, Vashishta Dharma Sutras (5.6) asks menstruating women to "not touch fire", which is a reference to not preparing nourishment, just as not performing fire-custom love during feminine cycle (Gore, 2002).

The standard explanation for this directive is the way that menstruating women, because of their uplifted territory of Rajas, have entered an impermanent period of custom Ashaucha, which makes them ineligible to perform religious ceremonies (Prabhu, 1991). For playing out any custom, an individual ought to be physically perfect, just as rationally unadulterated and quiet and all the more significantly, ought to have Sattvik air at physical, crucial, and mental levels (Haug, 2013). Be that as it may, since, menstruating women have elevated degree of Rajas at all the three levels, they become ineligible to perform or take an interest in any religious activities. Menstrual blood is additionally considered as transmitting a particular sort of inconspicuous smell, which can possibly upset the spiritual condition inside the sanctuary or at a religious function (Ambedkar, 2018).

Judicial Intervention

The Court conveyed its decision in Sabarimala Temple Entry. A 4:1 majority held that the temple's practice of barring women is unconstitutional. It held that the practice violated the fundamental rights to equality, liberty and freedom of religion, Articles 14, 15, 19(1), 21 and 25(1). It struck down Rule 3(b) of the Kerala Hindu Places of Public Worship Act as unconstitutional. Rule 3(b) took into account Hindu denominations to reject women from public places of worship, if the prohibition was based on 'custom (Choudhry, Khosla and Mehta, 2016)'.

MATERIALS AND METHODS

The purpose of carrying out this study is to identify the balancing factor between rights of women and constraints during menstruation. This is an indicative study and as the researcher intends to understand and identify in the balancing factors the study is divided into 2 categories –

1. Acceptance of the practice
2. respect

The above two categories are intended to fulfill the research gap mentioned above. There are various proven studies that the customs of menstruation is a consistent and antiquious one. when a careful understanding of these parameters are taken into account. The most common factors that determine the validity of the custom and which may be a balancing point is public policy. Policy of the public could be determined using Acceptance of the practice and respect.

The study includes both qualitative as well as quantitative method, which includes analytic method. Present study is based on Primary as well as Secondary sources of data, where the Primary Sources are collected by collecting questionnaires from general public and Secondary Sources collected through literature of N.G.O. reports, Government Reports, Websites, Research Articles, Newspapers. The Variable used can be classified into two types namely, Independent variable as gender of prisoner and Dependent variable namely, Opinion on Acceptance of the practice and Opinion on respect.

The study is carried out with the help of non-probability convenience sampling method, where 703 respondents are male, 853 respondents are females and 90 respondents belong to other communities (Table 1). In this study to determine validity and the determine the study results chi- square analysis method is used. when the Pearson value of 'Asymp. Sig' value is less than 0.05, the alternate hypothesis is considered and when the Pearson value 'Asymp. Sig' value is greater than 0.05, the null hypothesis is accepted. For determining the hypothesis the variables are cross tabulated.

Hypothesis

H0 : public policy doesn't act as a balancing point for women Rights and Religious constraints.

H1 : public policy acts as a balancing point for women Rights and Religious constraints.

RESULT AND DISCUSSION

All the respondents unanimously accept that the religious constraints during menstruation are valid. The asymptotic significance value of Pearson chi square is 0.066 which is greater than 0.05, which proves that there is no relationship between the independent and dependent variable. As a result, the null hypothesis is accepted (Table 2, Table 3).

Respect towards the practice

H₀ : there is no relationship between Public opinion on respecting the religious forebodings during menstruation and occupation

H₁ : there is a relationship between Public opinion on respecting the religious forebodings during menstruation and occupation.

The results show that individuals unanimously show respect towards the religious practice and perpetrators during the menstruation period. The asymptotic significance value of Pearson chi square is 0.110 which is greater than 0.05, which proves that there is no relationship between the independent and dependent variable. As a result, the null hypothesis is accepted (Table 4, Table 5). .

From the current study it could be found out that there is no relationship between Public opinion on respecting the religious forebodings during menstruation and occupation, because individuals unanimously show respect towards the religious practice and perpetrators during menstruation period. The study lets out that All the respondents unanimously accept that the religious constraints during menstruation are valid, this also shows that there is no relationship between Public opinion on acceptance of religious constraints during menstruation and occupation

The parameters that are considered for the purpose of this study are public opinion on the Need for new administrative functions and effectiveness of administrative functions.

The current study is primarily influenced by the individual's ability to perceive an issue and extent of being a victim for the problem. In the ambit of this study it is proven that individuals who haven't faced higher intensity of the problem tend to show a negative response. At the same time individuals who haven't perceived this problem or have not experienced this problem at its fullest have shown a negative response.

When the current study is compared to other forbidding practices during menstruation, these practices are not accepted by individuals and they are deemed to be violative of public policies. The study recommends that the judiciary must give rationales governing individual statements and prospective while rendering judgments. Our institution is passionate about high quality evidence based research and has excelled in various fields ((Pc, Marimuthu and Devadoss, 2018; Ramesh et al., 2018; Vijayashree Priyadharsini, Smiline Girija and Paramasivam, 2018; Ezhilarasan, Apoorva and Ashok Vardhan, 2019; Ramadurai et al., 2019; Sridharan et al., 2019; Vijayashree Priyadharsini, 2019; Chandrasekar et al., 2020; Mathew et al., 2020; R et al., 2020; Samuel, 2021)

Findings

1. There is no relationship between Public opinion on respecting the religious forebodings during menstruation and occupation.
2. All the respondents unanimously accept that the religious constraints during menstruation are valid.
3. There is no relationship between public opinion on respecting the religious forebodings during menstruation and occupation.
4. Individuals unanimously show respect towards the religious practice during the menstruation period.

Recommendations

1. Inclusion of the voices of marginalised communities in planning and decision-making bodies.
2. The participation of women, adolescents, people with disabilities and other marginalised groups must be institutionalized at all levels.
3. Ensure the enforcement of building norms for public institutions,
4. Judiciary must give rationales governing individual statements and prospective while rendering judgments.

CONCLUSION

From the current study it could be found out that there is no relationship between public opinion on respecting the religious forebodings during menstruation and occupation, because individuals unanimously show respect towards the religious practice during menstruation period. The study lets out that all the respondents unanimously accept that the religious constraints during menstruation are valid, this also shows that there is no relationship between public opinion on acceptance of religious constraints during menstruation and occupation.

This helps in framing the conclusion that policy acts as a balancing point between women rights and constraints during menstruation.

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CONFLICT OF INTEREST

Nil

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Table 1 : Sample size and frequencies

OCCUPATION	professional	535
	private sector	691
	public sector	210
	unemployment	322
Total		1758

Table 2. Public opinion on respecting the religious forebodings during menstruation and occupation

		Public opinion on respecting the religious forebodings during menstruation and occupation		Total
		yes	no	
OCCUPATION	professional	400	135	535
	private sector	363	328	691
	public sector	144	66	210
	unemployment	254	68	322
Total		1083	675	1758

Table 3 : Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	109.306 ^a	4	.110
Likelihood Ratio	111.493	4	.110
Linear-by-Linear Association	7.029	1	.008
N of Valid Cases	1617		

Table 4: Public Opinion Acceptance of religious constraints during menstruation

		Public Opinion Acceptance of religious constraints during menstruation		Total
		yes	no	
OCCUPATION	professional	328	207	535
	private sector	546	145	691
	public sector	134	76	210
	unemployment	174	148	322
Total		1061	697	1758

Table 5: Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	211.910 ^a	3	.066
Likelihood Ratio	217.953	3	.066
Linear-by-Linear Association	14.384	1	.071
N of Valid Cases	1758		