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Chhaupadi Pratha in Nepal

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ABSTRACT

"Chhaupadi", a traditional practice centric to the orthodox societies in Nepal, is a custom to expel menstruating women from the house, asking them to live in a small hut called as "goth" which is shed-like, outside the main house area, because women are deemed to be impure during this time period. Women are treated equivalent to untouchables no matter the pain and suffering they go through, even young girls.

Through this research paper my purpose firstly is to look at how this tradition came into practice in the Nepalese society, secondly how immobile people are towards certain aspects especially when it comes to traditions and talk about how law is not law until people consider it as law. I would also like to go through the situation of India in terms of looking towards the women during their menstrual cycle and lastly I will end on the fact that how femininity has been perceived as a pollution in the rural and even Nepalese urban societies. Hence the entire project mainly focuses on how law is a victim or a subject of time.

The reason behind me choosing this topic has a little story that is I had been hearing about this since a very long time and used to think that it is not the actual scenario and even believed that there is a law regarding this so people won't follow it and then when I met a friend in my high school who was from Humla which is located in the mid-western region of Nepal. So one day I was having a conversation regarding hometown and I asked her about this tradition in which she replied I don't want to talk about it. Then later after some days she shared me the situation and I even got the chance to visit her hometown and could see those traditions happening right in front of my eyes and could do nothing. So I wanted to study this deeply and know more about it and also be able to analyze what can be done to make it better.

Keywords: Chhaupadi, Nepal.

I. INTRODUCTION

"Chhaupadi is a social system that is mainly followed in the western part of Nepal which prohibits women from involving themselves in daily family activities at the time of Menstruation and are claimed as "impure". It is a *menstrual taboo* which is basically derived from two Hindu words- 'Chau' which means menstruation and 'Padi' which means women.

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In this system women as well as girls are forced to live away from home in a small hut/shed which is a very congested, narrow as well as dark and dirty place. “*Chau*” consists of two types, major chhau in which women have to live in these sheds for 11 days that is the period after childbirth and minor chhau that is the monthly menstruation for which the girls have to live there for 5 days.

Women who are going through menstrual cycle in these areas are not allowed consume dairy as well as nutritious foods and are only given dry foods, salt and beaten rice which shows clearly that they are deprived of certain facilities and respectful behavior. People in these areas justify the practice on the “*grounds of religion and myths.*” It is said to be like child marriage that is socially acceptable. There has already become a notion that if they don’t follow this then something bad will happen. “The perception of menstruation as impure is so steeped in Nepali culture and tradition that a yearly festival called “*Rishi Panchami*” is observed for one day in August by all menstruating women and girls, who purify themselves with water, prayer, and fasting for the “*sins*” that they committed during their menstrual cycle².”

“*Nepal’s Supreme Court had banned Chhaupadi in 2005*” as considering it as violation of basic human rights of women but that was not affecting people to follow it. Later in “*August 2017 Nepal’s Parliament enacted a new law that if anyone forces a women to follow this custom they will have to either pay fine of Rs. 3000 or 3 months in prison.*” Even after that this custom is still in practice which shows how “*Tradition defies the Law.*”

(A) Origin and Traditional beliefs of Chhaupadi

Chhaupadi practice originated from the superstition of the people in the past that the women who are going through menstruation are temporarily impure. They used to have a myth that ‘*Indra*’ created menstruation as a way to distribute curse. As per this there is a myth that if a menstruating woman touches a man during that 5 days period then it leads to that man’s illness, likewise if she touches a tree then it is said that the tree will never bear fruits again, etc. She is not allowed to attend family functions, marriage and has to be always scared for the fact that she would touch someone accidentally. Not only this but they are also barred from going to the kitchen, touching food, going to temple or touching religious icons. We also see the girls are not allowed to go to school at the time of her periods as they believe goddess saraswati will get angry if they touch her when she is impure.

When a girl goes through her first periods, traditionally she is supposed to remain locked up

² Amatya P, Ghimire S, Callahan KE, Baral BK, Poudel KC, *Practice and lived experience of menstrual exiles (Chhaupadi) among adolescent girls in far-western Nepal*, PLOS ONE, 10th Dec 2018.

in an empty room or shed for 14 days and during that period she is not only restricted to come out during day time but also isn't allowed to see any male member of the family. There also restrictions in terms of water that is considered to be pure in Hinduism. They are not allowed to use main source water in the village i.e. communal water sources. While they are living in the hut they do not get proper bed and blanket but have to sleep in a small mat and a rug which is not enough for them in that cold weather. And the reason why they are not provided with good bed and blankets is because that cannot be used again as it is impure. In some places we can even see that the girls are supposed to cook their own food in the hut but nowadays in most of the places we see they get to eat food cooked in the house the foods are passed in such a way as to prevent touching. And on the last day women have to take bath, wash their clothes in a separate tap known as "Chhaupadi Dhara" and return back home.

(B) Reasons for following Chhaupadi

*"I follow it because my family members and ancestors followed it and it will bring bad luck to my family if I don't follow it and something bad will surely happen."*³

"It's very cold in winter, and the door doesn't shut. I'm only allowed to use a straw carpet, which is spread across the floor of the hut to sleep on. My family believes that if I don't follow Chhaupadi, then God will be angry and he will curse us."

- 1. Religious Beliefs-** These above mentioned are the things that is the opinion of the young girls in that places and even these are considered as the main reason for the girls to follow Chhaupadi was the family tradition. They have been seeing and hearing about this since their childhood that it should be followed by all the female members in the family and if they don't follow this tradition then bad luck will surround their family. And another reason why this tradition is still in practice is because the women themselves don't want to change it. Mothers who know how it feels being there themselves feel that their daughters should also follow this tradition. This tradition stands in support of religious and social misbelieve.
- 2. Illiteracy-** is also another reason why Chhaupadi is still in practice. People in such areas still not aware what it leads to if we don't stop this tradition and they even are not aware of the fact that what can this do to the health conditions of the women. And in case of literate people in that region they also practice this tradition but in a better way. Like some families say that cook your own food in the shed but there are even families who provide food as well as proper materials to sleep well.

³ *Supra* Note 2.

3. **Fear of Society-** Society and the neighborhood are one of the main reason for people to follow such tradition. Even if they want to leave this practice and move ahead they are not being able to do so as their might occur serious consequences. For eg- If one family decides that their daughter is facing difficulties to follow such and such tradition and now its high time so they need to stop but in terms of tradition like this rural communities are strict. You cannot something so easily which has been in practice for 100 years now. You need to conduct meeting where all the villagers sit and decide what can be done and if it doesn't comes to a particular solution then it can't be stopped.

(C) Health Impacts of Chhaupadi

Chhaupadi has various health impacts associated with it. Firstly the women are forced to live in that freezing cold weather in winter and during summer they had to live inside that hut which is suffocating. It leads to dangerous health problems like pneumonia, chest infection, diarrhea, etc. There are also found problems like abnormal discharge and pain and foul-smelling menstruation. Imagining the situation of the young girls who are just 12 years old and had to live their which consists of very unhealthy environment as well as very narrow place in which one person can squeeze inside. Since at that time women are not allowed to go inside the house so at least they should involve themselves in some activities so they do the works like carrying heavy loads, digging, collecting firewood, etc. which results to prolapsed uterus. Mothers who have recently given birth are also supposed to live there which is very unhygienic for them. Postpartum mothers are very weak at that point of time and making them live there that too with their new born. Because of lack of nutrition there is high neonatal and maternal mortality rate in those places where Chhaupadi is common.

Chhaupadi has a major impact on the psychology of the women and girls. Seeing themselves being restricted and isolated from everything effects their mental health. People call them impure and untouchable which makes them feel humiliated. Another problem is staying inside the shed at night is really scary because in the village area there are snakes around and if those poisonous snakes bites it even can leads to death of the girls. And if the shed is in jungle like area there is chance of wild animals attacking, so the girls really need to be careful. Lastly one of the main problem that the young girls in these areas are facing is rape, sexual harassment as in night any person can come inside the shed as it as there isn't much security and more than that the families don't even speak a single word regarding this as they are scared for the fact that if these things come then there will be problem for their unmarried daughters. Thus, women and girls of this regions are deprived from right to food, right to health, right against exploitation and many more.

(D) Chhaupadi and Law

“Nepal’s Supreme Court had banned Chhaupadi in 2005” as considering it as violation of basic human rights of women but government regulations doesn’t reach the remote places. And people at that time were more focused towards following their tradition and weren’t looking at what the law is so this practice continued to flourish. Religious practice like Chhaupadi is very difficult for the people of the community to change as it has been in practice for a very long time. More than 60 percent of people in the western part of Nepal still follow this tradition. After 2005 again the term Chhaupadi came into limelight on Dec 2016 when two girls lost their life due to being forced to live in the shed.

A girl of 19 year old died due to snake bite when she was sleeping at night in the shed, likewise there was another girl who died due to suffocation. “The Criminal Code Bill passed by the Parliament on 9 August 2017 criminalizes an ancient practice that banishes women from the home during menstruation”. It says “A woman during her menstruation or post-natal state should not be kept in Chhaupadi or treated with any kind of similar discrimination or untouchable and inhuman behavior”⁴. If found so then have to bear sanction of 3 months of prison or fine of Rs. 3000 or both. After 5 months of the new law in effect there has not been single complaint filed against it. Is it really because of the law being strong or because it is being normalized in the society? Various organizations as well as police themselves are taking initiative to destroy these huts that are only made for the use of Chhaupadi.

II. ANALYSIS

So firstly here I want to start with why are women still following this tradition? They talk about if they don’t follow the law something bad will happen. This notion has already been set to the girls by the elder members in the family. Mothers should take stand for her daughters as she has also gone through this and knows how humiliating it feels and what it leads to in terms of health aspects of their daughters. But we can’t find that as I saw an interview where the reporter asked the mother that don’t you feel bad that your daughter also has to go through this and her reply was “No” she gave reason to this that it has been followed for 100 years now and it should be followed in the coming years to and she said a line “*She is a girl and she has to follow this*”. Our society has already made a notion that if a girl child is born in the family she has to make sacrifices, have to follow or do whatever their parents tell them and can’t go against them. This is the reason why girls are always behind, they don’t take stand for themselves.

⁴ Agence France Presse, *New Code Criminalizes Chhaupadi*, The Himalayan Times, August 10 2017.

*“Immediately after I get my period, I leave the house for the shed, quietly without touching anything or anyone. My brothers will be sick if I touch them. The cattle will die, and the food will be rotten. There will be a death in the family if we don’t follow it.”*⁵

The first problem in this tradition being followed is the women themselves. She feels that she needs to follow this tradition as something bad will happen now not to let anything bad to happen they will continue following it. Until and unless women themselves feel that this tradition needs to be stopped it is not going to stop.

When Supreme Court banned Chhaupadi in 2005 why didn’t the tradition stop at that time? It’s understandable that it takes time for a tradition like Chhaupadi which has been in practice for such a long time to stop but it didn’t stop till 2016 until there were death reports that came to police. Even after banning it also people didn’t stop following their tradition though that was taking life of the girls of that region. In the village area of the western part of Nepal the tradition is highly followed in comparison to the urban areas. People didn’t stop to follow this tradition as there was no law to punish people- *“Krishna Bhakta Pokhrel, a lawmaker involved with drafting the new bill, told in an interview.”*⁶ In the year 2016 the Nepal government thought that now there should be law for this as the girls who were forced to live there were dying due to suffocation, snake bite, and were even being sexually harassed.

So they passed in bill in 2017 which was to be in effect from 2018 and after that there hasn’t been any police reports that has been filed against this. But women rights activist always questioned that whether the enforcement of law will change this deeply rooted beliefs. There are certain areas in the western part where no one has heard about this law. There is no proper enforcement of this law, at the beginning police went to some areas and they destroyed the huts that was made for the women to stay during Chhaupadi but doing that much is only not enough. So one of the main problem is also this that there is no proper enforcement. And people in those areas where this law hasn’t reached still follow it and not only them but who know that there is sanction for this also follow as for them their tradition is important than law and here is when the concept of *“Tradition defies Law”* comes. .

In Hinduism as we see goddess are given higher position and are worshipped but and on the other hand women in real life are made to suffer just because of the fact that she goes through the menstrual cycle. And this fact is also true that it can be abolished if certain initiative is taken by the young people of that particular area. It is a kind of a tradition which is made by

⁵ Amatya P, Ghimire S, Callahan KE, Baral BK, Poudel KC, *Practice and lived experience of menstrual exiles (Chhaupadi) among adolescent girls in far-western Nepal*, PLOS ONE, 10th Dec 2018.

⁶ Niraj Shah, *New law criminalizes Chhaupadi custom*, The Kathmandu Post, August 10. 2017.

human themselves and it can also be abolished if the people work together. We can take the example the law for Child Marriage has been passed in 1963 in Nepal but still we can see the girls as well as boys getting married before 20 years of age. The reason why child marriage is still in practice is because of some religious and cultural myths. It was said before that the girl child should get married in an early age as they are burden for the parents and they are also not given education thinking that they will get married soon. So for most of the people Tradition has always been of greater importance than that of Law.

“The bill criminalizing Chhaupadi became law as the House endorsed two of the five bills formulated to replace decades-old Muluki Ain (General Code), in an attempt to modernize the country’s legal system integrating traditional and modern laws.”⁷ And there is another law that says “*a one-to-two-year jail sentence and a fine of 10,000 to 20,000 rupees for tampering with a photo, motivated by concern among politicians for the use of their images on social media*”⁸. The Law maker Krishna Bhakta Pokhrel, who was one of the member of the law making body who passed the bill and he said that maybe this law would change the custom. Apsara Neupane, then-mayor of the Chandannath municipality, said, “Having a strong law is important but reforming social customs may take more time... In any case, I am glad to see that there has been a gradual change in how people perceive the Chhaupadi practice.”⁹

“*Krishna Bhakta Pokharel, an MP and coordinator of the subcommittee that drafted the law, said the legislation would come into force in a year.*”¹⁰

When I look in terms of India the one thing that is followed and women are restricted to do is they are not allowed to go to the temple when they are having periods. But in Tamil Nadu women are even restricted to eat certain food items and there is even found that “In 2017, a 12-year-old Indian child in Tamil Nadu died in a cyclone after she was exiled to an outhouse because she was menstruating. Local Police Chief Ganesh Moorthy said, “When a girl comes of age, her family asks her to stay separately in a hut for some time.”¹¹ Not only Hindu community people but also the people from Muslim community follow some restrictions during periods as they don’t observe or pray Ramzan during their menstruation. It is not written in Quran or anywhere else but some people follow it. On the other hand in the North East part of India when a girl child is born there is a huge celebrations. Even in some parts of India like

⁷ *Supra* Note.6.

⁸ *Ibid*

⁹ *Supra* Note.4.

¹⁰ *Nepal Criminalizes banning menstruation women to huts*, BBC News, August 10, 2017.

¹¹ Megha Kaveri, *The Period Taboos of Tamil Nadu and why aren't going away anytime soon*, The News Minute, Jan 24, 2019.

Odisha we see when a girl has her first menstrual cycle there is a grand celebration and the girl is offered with new clothes and gifts. There is one festival that is followed by 9 states in India called as “*Maasika Mahotsav*” is a festival that celebrates menstruation and all those who endure it. It will be held from May 21 to 28. The festival will also be celebrated in the neighboring country of Nepal for the first time this year.”¹²

“As many as 15 girls and women died in chhau sheds in the last 13 years in Achham and Dailekh districts alone, according to a recent report made public by National Human Rights Commission. Many menstruating girls and women are compelled to lose their lives in chhau sheds, but the government and other stakeholders seem least concerned about eliminating this ill practice,” said Mohan Ansari, a member of National Human Rights Commission.¹³” The entire problem lies only in the enforcement. “On the one hand, no girl or woman wants to give statement against the family members who force them to live in chhau shed, and on the other hand, in many cases the culprits use political influence to get clean chit from police,” Deputy Superintendent of Police Dipak Pokharel.¹⁴ And it is also true that how can the government take action until and unless the women speak about it.

“The law was described by women’s rights activist Pema Lhaki to be unenforceable, as it related to a deeply entrenched belief system that is harder to change. “It’s a fallacy that its men who make the woman do this. Yes, Nepal’s patriarchal society plays a part but it’s the women who make themselves follow chhaupadi,” she said¹⁵ Chhaupadi was never made a serious national and a political issue because every single person thought that it is a tradition no one will stop doing it. As being a legal researcher I would like to analyze that yes, I agree that it is a tradition which has been in practice but we need to aware people, we need to take initiative to make people realize that what we are doing is wrong if as a country we are not taking these problems into considerations nothing is going to change. Making law is not only the way for solving this problem as we already know “*Nepal is an exceptionally diverse country of 125 ethnic groups and to tackle with the tradition like Chhaupadi we need to understand firstly that how menstrual beliefs and practices are followed in different ethnic groups.*”¹⁶

Besides just enforcing the law firstly need to talk to the girls how they feel and what really they

¹² Shamani Joshi, *India's period festival that aims to break taboos creatively will also debut in Nepal this month.*

¹³ Himalayan News Service, *15 girls, women died in chhau sheds in 13 years*, The Himalayan Times, March 24 2019.

¹⁴ *Supra* Note.11.

¹⁵ Sarra Alayyan, *Nepal bans use of 'menstrual huts' to banish women from homes*, THE TELEGRAPH, AUGUST 9, 2017.

¹⁶ Kadariya S, Aro AR, *Chhaupadi Practice in Nepal*, June 25, 2015.

want, basically tell let them think critically and most importantly think for themselves. I feel if we talk to the women of age group 30-45 it is worthless because they have already made a mindset regarding following this tradition and they now have already made that it is necessary. If we target young girls who can really raise their voices on this tradition and are have recently started following it. Provide them education regarding this natural process in more beautiful manner rather than what they are hearing from the childhood regarding menstruation. For these young girls this period has been always scary seeing from the childhood so we can make them realize its real value and importance. Give them confidence that you can speak for yourself and no one is going to say anything. For them more than menstruation these taboos are painful and we need to make them realize this fact. How these things are scary and what can it leads to over their health can also be discussed. Seek help from the local organizations who can look into the matter deeply and those girls if any wrong happens can go and talk about it. If as a country is not taking such problems into considerations I think it's high time for the youth like us to speak for it. And I believe one thing we can do is take tradition and law together as being a law student I think that first we should also understand what that it's difficult for them too to move ahead like this so I think step by step we should do the procedures.

It is obvious that Chhaupadi beliefs are so rooted in culture, especially in far-west Nepal, that abolition does not seem possible in the short term so it will take time to implement the well-intentioned government regulation to ban the practice. Until then, governmental and non-governmental public health practitioners must engage with temporary measures to promote the health and safety of Chhaupadi-practicing Nepalese women and girls. Simple precautions such as placing screens on windows or doorknobs / locks on doors can avoid the unfortunate incidents of physical abuse, rape and death caused by bites from animals. Likewise, providing warm blankets, mattresses, food, water, sanitary pads and other basic necessities would help ensure that these young women and girls fulfill their basic needs. In today's society it has become softer when it comes to enforcing the practice. Changes have occurred compared to past decades, such as decreased community-shed distance, community movements to abolish the practice of Chhaupadi, and permission to go to school and read. The challenges we face in abolishing Chhaupadi in our organizations are that people have conventional, hard-to-change values / beliefs.

III. CONCLUSION

“When men bleed red in times of war, hail him as a hero at home.

Yet, we girls, see more blood in our lives than the bravest of warriors.

We battle against our own bodies as it twists our insides into play dough.

We walk through the rains with pain between our thighs and all you can say is, I can't!"

- **Anonymous**

Most traditional Hindu Nepali families, when having their periods, place such restrictions on women. "Chhaupadi is a manifestation, but in a more severe form, of such restrictions. It is driven primarily by a superstitious belief among the people that if women stay at home during their cycles, which is considered a time of impurity, it will anger the gods and therefore wrath will affect the whole family negatively."¹⁷ But from a progressive viewpoint, it can be argued that it is a matter of women's individual choice and freedom in every household living in the mid- and far-west regions of Nepal, whether they are menstruating or not, how to live their daily lives. It should be a matter of personal choice to decide to enter the kitchen in their own house as on any other day, to spend the night in their own cozy bed as on any other night and to show their veneration to their deity of choice by visiting the temple of their choice as on any other day. The same applies to getting and going to school nutritious food. None of these daily practices should be conditioned by some pre-defined societal norm that seeks to determine how people conduct their daily lives in such a way that women are treated as the means to the ends of superstitious group beliefs.

Since Chhaupadi has been in practice for a very long time we cannot expect it to get removed completely but it's just about getting enforced properly. Girls are not allowed to speak for the problems they are facing because parents are sacred about the daughter's future and if this continues and the people who are suffering this cannot raise their voice it's not going to be stopped. And the young girls of those areas don't know much on what to do, they are even not aware of the fact that there is some law regarding this and they can stand against it. Whatever they have been hearing since their childhood they termed it to as that is compulsory and they need to follow it. The same tradition is affecting their health conditions and is also risky for them to stay inside that hut for the entire night. "The Nepali authorities should urgently put in place a comprehensive strategy to eradicate Chhaupadi in collaboration with women's rights groups in Nepal in order to prevent further deaths. This should include active enforcement of existing laws that criminalize Chhaupadi and comprehensive educational programs in affected areas. They need to understand root cause and work accordingly"¹⁸.

¹⁷ *Supra* Note. 5.

¹⁸ *Nepal criminalizes banishing menstruating women to huts*, BBC News, August 10, 2017.