

# Kathmandu School of Law Review

ISSN 2091-2110

Volume 6

Issue 2

November 2018

## FOREWORD BY EDITOR-IN-CHIEF

*Prof. (Dr.) Yubaraj Sangroula*

## FEATURE ARTICLE

A Critical View of Laws and Regulations of Artificial Intelligence in India and China

*Prof. (Dr.) Avinash Dadbich*

## ARTICLES

Paradigm Shifts in Internalization of International Law: A Case Study of Growing Human Rights Jurisprudence in Nepal

*Prof. Geeta Pathak*

Wartime Violence and Post-conflict Situation: The Nepalese Experience

*Dr. Gajendra Aryal*

Bangladesh-Myanmar Maritime Boundary Delimitation in the Bay of Bengal: An Analysis on the Development of International Law

*Md. Kamrul Hasan Arif*

Increasing Status of Criminal Gangs in Post-conflict Nepal: The Case of Kathmandu Valley

*Dr. Dipesh Kumar K.C.*

Water as Human Right: Impact of Thai Binh 1 Thermal Plant Project on Domestic Water Supply of Riverine People in Chi Thien Village, Vietnam

*Dinh Thi Thuy Nga*

## INTERDISCIPLINARY RESEARCH

Locating Nepalese Mobility: A Historical Reappraisal with Reference to North East India, Burma and Tibet

*Gaurab KC & Pranab Kharel*

Culture in Nepal: An Exploration of the Legacy and its Way Forward

*Mamta Sivakoti & Sanjay Adhikari*

Challenges Faced by Communities Moving Away from Chhaupadi in Far-Western Nepal

*Fiona Gui Xiang Wong*

## LEGISLATIVE COMMENT

Bangladesh's Take on Restoring the Parliamentary Control over the Judiciary: New Course through the 16th Amendment to the Constitution

*Syed Morshed Rahad Udin*

## STUDENT ARTICLES

Battered Women Syndrome: Need for Judicial Objectivity

*Dibya Shrestha & Nisba Bhandari*

Human Rights Violation of Transgender People: A Critical Analysis on Bangladesh Perspective

*Puja Mitra*

## BOOK REVIEWS

South Asia China Geo-Economics

*Dr. Atindra Dahal*

Right to Have Rights

*Arzoo Karki*

An Introduction to World Trade Organization

*Sagar Baral & Sampurna Basnet*



**Kathmandu School of Law (KSL)**

Suryabinayak-4, Bhaktapur, Nepal, Ph: 6634455, 6634663,

Email: [info@ksl.edu.np](mailto:info@ksl.edu.np), [www.ksl.edu.np](http://www.ksl.edu.np)

# Challenges faced by communities moving away from *Chhaupadi* in Far-Western Nepal

Fiona Gui Xiang Wong\*

## Abstract

*Chhaupadi is the practice of menstrual hut seclusion in the Far- and Mid-western regions of Nepal that also prescribes a slew of other menstrual restrictions and taboos that constitute human rights violations. Although both the government of Nepal and activists has worked to make Bedkot municipality in Kanchanpur district a Chhaupadi-free municipality, it is unclear what challenges the community has faced as a result of these efforts. This case study used semi-structured interviews with the residents of Ward 1 and 2 of Bedkot municipality to find out what challenges have been faced by those directly affected by anti-Chhaupadi efforts. The findings of this study reveal that Chhaupadi-eradication efforts resulted in emotional distress, loss of property, and social discontent among the residents of these Wards. This study concludes that resorting to “quick fixes” to eradicate deeply-rooted cultural malpractices like Chhaupadi brings about significant harm and dissatisfaction among the affected population. To better bring about sustainable change within communities would thus require concerted and persistent efforts from all parties and stakeholders involved.*

## Introduction

“*Chhaupadi*” is a word from the *Raute* dialect of Achham, a district in Far-western Nepal, that means menstruating woman, where “*chhau*” means menstruation and “*padi*,” woman<sup>1</sup>. This word has come to be synonymous with *Chhaupadi pratha*, or the practice of menstrual hut seclusion that is still widely practiced in Far-western Nepal, especially in the hilly districts like Achham. In recent times, this practice has been receiving increasing attention both domestically and internationally thanks in no small part to the reports of women and girls dying for the sake of this practice<sup>2</sup>. The

---

\* Fiona Gui Xiang Wong is a graduate of Master of Arts in Human Rights and Democratization at Mahidol University in Thailand.

<sup>1</sup> N. Raut & S. Tandon, ‘Centuries old Nepal banishment ritual endangers girls and women’, 20 March 1999, *Women News Network* available at <https://womennewsnetwork.net/2011/03/20/nepal-banishment-ritual-girls/> accessed on 21 May 2018.

<sup>2</sup> Kamal Dev Bhattarai, ‘Nepal’s Deadly Chhaupadi Custom’, 30 January 2018, *The Diplomat* available at <https://thediplomat.com/2018/01/nepals-deadly-chhaupadi-custom/> accessed on 21 April 2018; Alex Horton & Avi Selk ‘A Nepali teen dies from snakebite after being banished for having her period’, 11 July 2017, *Stuff* available at <https://www.stuff.co.nz/world/asia/94596129/a-nepali-teen-dies-from-snakebite-after-being-banished-for-having-her-period> accessed on 25 May 2018; Govida KC, ‘15-yr-old dies in Chhaupadi shed’, 19 December 2016, *myRepublica* available at <https://myrepublica.nagariknetwork.com/news/11387/> accessed 20 May 2018.

suffering of women and girls for this *kuriti*, or improper cultural practice,<sup>3</sup> has been widely condemned, but it has deep-seated roots in the communities that practice it and eradicating *Chhaupadi* has thus proved to be a formidable challenge.

While *Chhaupadi* is characterized first and foremost by the seclusion of menstruating women and girls, this seclusion may be carried out in various forms, some of which are more visible than others. In the western regions of Nepal, women are commonly visibly secluded in menstrual sheds or *chbau goths*, with the duration of seclusion ranging from three to four days to seven to 10 days<sup>4</sup>. There are many different types of *goths* and menstrual restrictions to be observed. Paudel<sup>5</sup> provides a comprehensive overview of the various types of *goths* that can be found in western Nepal, which she divides into three main categories, namely animal sheds with cattle, animal sheds without cattle, and sheds specifically for menstruating women which might range from make-shift tents to well-kept, concrete structures.<sup>6</sup>

Notwithstanding the different physical conditions of menstrual seclusion, menstruating women and girls are required to observe restrictions related to worship and food: menstruating women and girls are prohibited from doing *puja* and must stay away from anything related to worship (idols, images, temples, etc.)<sup>7</sup>, while dairy products, meat, vegetables, citrus fruits, and pickles must be avoided<sup>8</sup>. There are also restrictions on touch: a menstruant may not touch any of her male relatives especially, but in general, others avoid physical contact with her. Livestock, especially cows, fruit-bearing trees, vegetables, pickles, and water sources must also be avoided.<sup>9</sup> Restrictions on mobility must also be observed as menstruants have to avoid areas dedicated to worship and are not allowed to enter their homes, especially the kitchen, and by extension are not allowed to prepare food.<sup>10</sup> Their presence is also not welcomed at cultural or community

<sup>3</sup> S. Khadka & E. Middleto, *Kuriti: Suffering for Culture*, Society for Humanism (SOCH), Kathmandu, 2014.

<sup>4</sup> Yasoda Gautam, 'Chhaupadi: A Menstrual Taboo in Far Western Nepal', *Journal of Nursing & Healthcare*, 2017, pp. 1-4.

<sup>5</sup> Ibid.

<sup>6</sup> R. Paudel, 'Nepalese Women's Struggles in the Era of 2030 Agenda from Dignified Menstruation to Peace and Development' [PowerPoint presentation]; APWLD (Asia Pacific Forum on Women, Law & Development), *3rd Asia Pacific Feminist Forum: ReSisters, PerSisters, Sisters*. Chiang Mai, Thailand, 2017 (Unpublished).

<sup>7</sup> Nikita Sharma, 'From Fixity to Fluidity: Menstruation Ritual Change among Hindu Women of Nepalese Origin', PhD of sociology, University of Colorado Boulder, 2014, p.157, available at [https://scholar.colorado.edu/socy\\_gradetds/1](https://scholar.colorado.edu/socy_gradetds/1) accessed on 30 January 2018.

<sup>8</sup> (Gautam(n 4); Paudel (n 6).

<sup>9</sup> Hritika Joshi, 'Chhaupadi: Till when?', 10 June 2016, *Republica* available at: <https://myrepublica.nagariknetwork.com/news/chhaupadi-till-when/?categoryId=81> accessed on 25 May 2018.

<sup>10</sup> AWON (Action Works Nepal), *Research report on 'Miteri Gau - Let's Live Together Campaign' to initiate Chhaupadi Free Community in Jumla and Kalikot districts of Karnali, Nepal*, 2012 available at: <https://issuu.com/awon1/docs/Chhaupadi-jumla-kalikot-2012> accessed on 22 November 2017; Samrat Basyal, 'How Menstruation is shaping Girls' Education in Rural Nepal', *JEP: Ejournal of Education Policy*, 2016 available at <https://files.eric.ed.gov/fulltext/EJ1158204.pdf> accessed on 16 October 2017; Loren Hyatt, 'Menstruation matters: How periods are keeping girls out of school in Nepal', 2015, *HuffingtonPost* available at [http://www.huffingtonpost.com/lorenhyatt/menstruation-matters-how-\\_b\\_6174442.html](http://www.huffingtonpost.com/lorenhyatt/menstruation-matters-how-_b_6174442.html) accessed on 16 November 2017.

events and some girls are also prevented from going to school while on their period.<sup>11</sup>

Women and girls must abide by strict restrictions lest they pollute the things and people around them and further anger the gods.<sup>12</sup> Should any of these restrictions be broken, women and girls risk being blamed for any of the misfortunes that befall their families, relatives, and communities. Therefore, to abide by the traditions and customs of their community and to avoid having to shoulder blame gratuitously and having their families ostracized from the rest of the community,<sup>13</sup> most women and girls in this region continue to observe the custom of *Chhaupadi* alongside the accompanying menstrual restrictions. The *chhaupadis* are often ill-equipped to shelter the women and girls adequately from the elements as well as sexual and natural predators alike. Living in the *goths* thus puts women and girls at risk of falling sick, being attacked by snakes and other wildlife, and being sexually assaulted. To make things worse, all this has to be endured while they are weak from a loss of blood and a lack of nutrition.

In recent times, efforts to eradicate the practice of *Chhaupadi* have intensified in Far-western Nepal. However, there has been a lack of effort to document and study how the relevant communities are accepting and/or adapting to these changes. Accordingly, to better understand how *Chhaupadi* can be eradicated more effectively, this case study sets out to explore the challenges that communities have faced as a result of anti-*Chhaupadi* efforts.

## Methodology and Data Collection

Interviewing was the primary tool used for the second phase of data collection for this qualitative study. This phase of interviewing was also conducted in two phases, with the first being interviews with community members and the second being key informant interviews (KII). Respondents for both these phases were selected through two types of purposeful sampling, namely criterion sampling and snowball sampling.

The process of selecting participants for this study was facilitated by a local woman community leader. The main criterion used in selecting participants was that their practice of *Chhaupadi* had undergone some changes as the aims of the interviews was 1) to better understand the processes through which these changes were brought about, and 2) to find out more about the personal experiences and perspectives of the interviewees with regard to these changes. The full list of key questions that were used to guide the interviews with the community members can be found under section II of the Appendix.

From the initial pool of participants who were selected, more participants were recruited through snowball or referral sampling. Although snowball sampling is not ideal for

---

<sup>11</sup> Paudel, (n 6).

<sup>12</sup> Basyal, (n 10); Joshi (n 9); M. Mishra, 'Changing Experience and Interpretation of Menarche by Generation', *Himalayan Journal of Sociology and Anthropology*, 2014, pp. 119-133.

<sup>13</sup> Pragyani Lamsal, 'In Nepal, women are still banished to 'menstrual huts' during their periods. It's time to end this dangerous tradition', 24 May 2017, *The Independent* available at <https://www.independent.co.uk/voices/world-menstrual-hygiene-day-first-hand-account-nepal-menstrual-huts-death-confinement-a7752951.html> accessed on 25 December 2017.

generating a representative sample, it proved to be an effective way to get respondents to open up about the “sensitive” subject of *Chhaupadi* that is shrouded in much taboo and shame.<sup>14</sup> In order to obtain a wider range of perspectives, the researcher also sought out participants from different generations/age groups. All in all, there were 13 respondents in the “community member” category who were between 18 – 63 years old, though about half of the participants were between 30 – 40 years old. All respondents in this category were female and most of them were originally from the hilly districts near Kanchanpur such as Achham and Daledura. Some respondents were interviewed as a group because they expressed that they were more comfortable being interviewed that way. Table 1 provides more information about the respondents.

**Table 1: List of “Community Member” Respondents\***

Interview No.	Name	Age	From	Caste
1	Komala	38	Dadeldhura	Bhramin
2	Soneeya	63	Achham	Dalit
3	Aditi and Bidita	30, 27	Achham	Dalit
4	Shanti, Nalinee, Tulasi	32, 18, 35	Dadeldhura	Dalit
5	Lakshmi	49	Doti	Bhramin
6	Anjuli	43	Doti	Dalit
7	Ishwari	42	Achham	Chettri
8	Rani	38	Dehradun, India	N/A
9	Dipti	32	Kanchanpur	Dalit
10	Nikita	33	Achham	Chettri

\* Names have been changed to protect confidentiality.

Verbal consent, including consent to record the interviews, was obtained from every participant after a brief introduction of researcher and the study. All the interviews were conducted in a semi-structured format and were guided by a set of key questions. Both the loosely- structured interview format and the open-endedness of the questions allowed the interviews to take on a more conversational tone, which was important to ensure that the questions were put forth to the respondents in an “unbiased manner” and that the respondents did not feel like they were being judged be it for their private lives or their professional duties.<sup>15</sup>

## How change happened

Considering the fact that a significant proportion of the efforts to eradicate *Chhaupadi*

<sup>14</sup> Patrick Biernacki & Dan Waldorf, ‘Snowball Sampling: Problems and Techniques of Chain Referral Sampling’, *Sociological Methods & Research*, 1981, pp. 141-163.

<sup>15</sup> Robert Yin, *Case Study Research: Design and Methods*, 3rd edn., Thousand Oaks: Sage Publications, 2003.



have been focused on education and awareness rising, it was heartening to find out that such efforts did manage to effect behavioral changes and reduce the number of menstrual restrictions observed in some families. At least three respondents (Komala (#1), Lakshmi (#5), and Ishwari (#7)) reported that their initial and primary sources of information about sexual and reproductive health and MHM were educational campaigns run by NGOs in order to combat *Chhaupadi*. Furthermore, these respondents also reported that learning about the above topics helped them dispel their previous convictions about menstrual restrictions and understand that *Chhaupadi* was, in fact, cultural malpractice that should be discontinued for the wellbeing of women and girls.

While they were still fearful of divine repercussions in the beginning, they eventually understood that “it was not a sin to bleed”<sup>16</sup>. They came to this realization through a process that can be best described as a form of experimentation or trial-and-error from their perspective, in the sense that they “tested” the boundaries of certain menstrual restrictions and found that no divine repercussions befell themselves or their family members. As the saying goes, “seeing is believing,” so when these women saw that the divine repercussions that were used to justify the restrictive menstrual taboos that had been imposed upon them their entire lives were not actually true and were in fact “man-made,” as Komala put it, they became more confident in relaxing their observation of menstrual restrictions. Subsequently, they even began sharing their knowledge to educate their family members in an effort to change the latter’s perception of *Chhaupadi*.

However, it turns out that these changes in perception did not happen overnight, quite the contrary—Komala (#1), reported that while her first exposure to the educational campaigns to combat *Chhaupadi* was as early as a decade ago, she and her daughters only started staying at home during their periods less than five years ago. While this slow change in behavior can partly be attributed to the time-consuming trial-and-error process described above—it took Komala more than a year to start changing her mentality about *Chhaupadi*—the bigger challenge in Komala’s case was the resistance she faced from the main decision-maker in her household—her mother-in-law.

Furthermore, these women’s efforts to educate and change the minds of non-relatives proved even less effective, for community members often dismissed their “teachings” as baseless. Both Komala and Lakshmi reported that while other people in their community did not force them to live in *chbau goths* during their periods, these community members were not open to the anti-*Chhaupadi* teachings that the women wanted to impart.

“I think that other people should follow my system [of staying at home during menstruation], but they insist that [*Chhaupadi*] is their culture and system and tradition. At least they say that I can do what I like, but they are not interested in following my system” (*Lakshmi*, 49).

Moreover, these women’s neighbors also did not welcome their presence when the women were menstruating, and the women had to make sure that they respected the menstrual restrictions observed by their neighbors within the latter’s compounds. This

<sup>16</sup> All quotations have been paraphrased.

meant that they were not allowed to approach the homes of such neighbors when menstruating.

Since the bill criminalizing *Chhaupadi* was passed on August 2017, there have also been educational and awareness programs targeted at eradicating the practice. These efforts, which covered the new law on *Chhaupadi*, were part of a campaign to make Bedkot a “*Chhaupadi*-free” municipality<sup>17</sup> and were carried out with the underlying intention to compel community members to get rid of their *chbau goths*. While actual records of these programs were not available, community members and government representatives alike reported that these educational programs involved two to three visits from a group comprising workers from the local NGO Conflict Victim and Single Women Development Centre (CVSWDC) and local community leaders (henceforth, demolition group) over the course of two to three months. It also turns out that the nature of these awareness-raising efforts was not purely educational—community members were told that if they did not get rid of their *chbau goths*, not only would it be done for them, the municipality council will also withhold access to public services from them, though it was not specified what these services included. A local community leader involved with the demolition group reported that two warnings were issued with a 10- and seven-day period between them respectively before the demolition group implemented their *chbau goth*-destroying campaign, after which Bedkot was declared *Chhaupadi*-free<sup>18</sup>. As a means of consolation, affected community members were promised that compensation in the form of building material such as wood will be provided to those who had their goths destroyed.

Several changes occurred as a result of the demolition group’s campaign. Firstly, some women like Ishwari and her sisters-in-law did indeed move into their homes during their periods. Many ad-hoc arrangements had to be made to accommodate them indoors, such as a rearrangement of the main cooking and worship areas. There were complaints about the designated room becoming too crowded when more than one woman was menstruating at the same time and the extra caution they all needed to take to avoid “contaminating” things related to worship and cooking, but all in all, the women experienced an increased sense of security and comfort especially because they now had access to electricity (lights, fans) during their periods.

‘We used to have a separate *chbau goth*, but then the activists came to damage it and now we stay in a separate room in our house when we are menstruating. I and my three sisters-in-law used to share that *goth*, but now we stay in the kitchen and have moved the kitchen to another room. Our house is very small so it is very difficult to manage the space, but at least now we can use the light and table

<sup>17</sup> Rastriya Samachar Samiti, ‘Campaign to dismantle Chhaupadi sheds launched in Kanchanpur’, 19 December 2017 *The Himalayan Times* available at: <https://thehimalayantimes.com/nepal/campaign-dismantle-Chhaupadi-sheds-launched-kanchanpur/> accessed on 10 June 2018.

<sup>18</sup> On Poush 3, or 17 December 2017, an official district-level event was held to officiate this declaration. Based on the retellings of this event, it was a high-level meeting that involved government officials of various levels—all key informants who were government officials (Ward 1 Chairperson, Deputy Mayor of Bedkot municipality, and Deputy Chairperson of Kanchanpur district) attended the event. Bandana Rana, current CEDAW committee member, was the guest of honour who officiated the declaration.

fan in the house. We did not have that in the *chbau goth*.’ (*Ishwari*, 42)

Other women were not as fortunate, however, especially those whose families originated from Achham. In these cases, most of the women were not allowed to stay in their homes during their periods despite the fact that their *goths* had been damaged—it was simply too “risky” for them to do so for the gods will be angered. Instead, their families resorted to a few other alternatives: 1) repair or rebuild the damaged *goths*, 2) have the women use a different *goth* or stay in a room at a relative’s home, 3) have the women stay outside the house in a makeshift shelter. Though none of the respondents themselves had to resort to option 3 above, they reported that a cluster of seven to ten Achhami households segregated from the rest of the community by some fields had kept women out of the house in those conditions. Anjuli (#6), whose father- and mother-in-law were *Dhamis*, also expressed that even if her *goth* had been damaged or destroyed by the activists, she and her family would simply reconstruct it and that she would not stay in the house in any case.

‘When the activists came, they did not destroy our *goth* because we made it look like a goat house by putting our goats in it and also some grass for them to eat. But if it was damaged we will just rebuild it. I will stay in there no matter what, my father- and mother-in-law are *Dhamis* so they are very strict, they take religion very seriously.’ (Anjuli, 43)

It is thus evident that while the destruction of the *chbau goths* could and did bring about changes in the lives of those it affected, those changes were not always in the desired direction. If the demolition group’s actions can be considered as a form of external imposition, then there were also forms of internal imposition that brought about change, viz. imposition from within the family. One case in point is a family in Ward 2: inspired by the demolition group’s campaign, the father of an Achhami household<sup>19</sup> decided to completely get rid of his family’s *chbau goth* and to keep his wife and daughter in a separate room in their home when they were menstruating. It was also reported by the neighbors who referred the researcher to the household that the father did not have a problem with making physical contact with his daughter when she was on her period.

However, these reports were denied by the man’s wife, Nikita (#10), who also expressed misgivings about her husband’s “boldness” in destroying the *chbau goth* primarily because she was afraid not only about what the rest of the community would think about it but also how her in-laws (who were living in Achham) would feel about it when they found out. In any case, however, she was glad that her daughter would now be living within the safety of their home even when menstruating. Nikita’s misgivings about her husband’s actions to move away from *Chhaupadi* came as a surprise to the researcher, as the opposite scenario is more often the case; viz. people who practice *Chhaupadi* are reluctant to admit to doing so to outsiders. Gautam<sup>20</sup> reported as much about a study where “100% of the respondents were practicing the *Chhaupadi* ritual but they [did] not want to disclose it.”

<sup>19</sup> The father had recently left the country to work in Dubai and was thus not available to be interviewed.

<sup>20</sup> Gautam (n 4).



There was also change that came about due to rebellion on the women's part. These "rebels" resisted the practice for one of two reasons: 1) they were from parts of Nepal and India where *Chhaupadi* was non-existent; 2) they had spent some time living in places where *Chhaupadi* was non-existent. Women who made up the first category were only exposed to *Chhaupadi* when they got married and moved in with their husbands and in-laws. It was essentially a culture shock for these women when their in-laws and community members forced them to live in *chbau goths* during their periods. This was compounded by the fact that something that used to be a relatively private affair to them had now suddenly become a public one that subjected them to the unwelcomed scrutiny of the larger community. Feelings of fear, discomfort, and indignation characterized their experiences of living in a *chbau goth*, and all of this drove them to rebel against a practice they considered unjust. Rani (#8), who hails from northern India, was so determined to never live in a *chbau goth* again after her first experience that she decided to leave Bedkot and stay in Mahendranagar whenever she was on her period. Eventually, after a temporary falling-out with her in-laws, Rani managed to establish once and for all that her daughter would never live in a *chbau goth*, and even went on to become a member of the demolition group.

Things were not as smooth going for Dipti (#9), however. Like Rani, Dipti was only exposed to *Chhaupadi* upon marriage and felt oppressed by the practice her in-laws and neighbors were imposing on her. Nonetheless, unlike Rani, she did not have the means to physically escape her community and did not receive moral support from her husband nor parents, who advised her to be a "good daughter-in-law" by obliging her in-laws' demands. Today, neither Dipti nor her daughter lives in a *chbau goth* anymore, mainly because her in-laws have passed away and Dipti is now the primary decision maker within her household<sup>21</sup>, but also because her economic status has improved over the years and allowed her to build additional rooms in her home. Therefore, while Dipti was not able to directly rebel against the norms of her community, she rebelled by simply not carrying on with the practice when the main enforcers of it in her life left the scene.

This brings us to the last and most natural, albeit slightly morbid, point of how change ensued—through the death of the older generation. This study found that more often than not, the main enforcers of *Chhaupadi* were those of the older generation, or more specifically, mothers-in-law enforced *Chhaupadi* on their daughters-in-law. Reports in local newspapers about *Chhaupadi* have also reported as much<sup>22</sup>. Daughters-in-law such as Aditi (#3) and Bidita (#3) reported that their mother-in-law, who was in her 60s, was so strict about the menstrual restrictions that she would patrol the compound of their home when the women were on their periods to make sure that they would not get too close. Such treatment made the women feel disrespected and humiliated and even recalcitrant, but they held their silence as their position did not allow them to speak up.

Mothers-in-law like Soneeya (#2) themselves expressed that she would uphold the

<sup>21</sup> Dipti's husband is working abroad.

<sup>22</sup> See Lokantar, 'Chau Banna Buharilai Badhyakari chori lai chut' (छाउ बन्न बहारीलाई बाध्यकारी छोरीलाई छुट), 28 February 2018, *Lokantar Samachar* available at <http://lokaantar.com/samachar/36544> accessed on 10 June 2018.

practice of *Chhaupadi* until her death and that she would not allow anyone in her household to stop practicing it as long as she was living. Should they decide to act differently, they may do so only upon her passing. Consequently, it might appear that the demise of an elder might signify a weakening of *Chhaupadi's* hold on a family, but while the younger generations looked forward to fewer restrictions, they were still not completely ready to do away with all restrictions. For one, respondents whose in-laws were still alive and enforcing *Chhaupadi* expressed that even upon the passing of their in-laws, they would only be comfortable with moving into their homes if and when additional rooms could be built so that the puja areas could be protected, but they were also adamant that their daughters would not be subjected to menstrual hut seclusion.

‘ Our ancestors passed down this tradition to us so we cannot go against it. My daughter will stay at home when she starts menstruating because staying outside is risky. We will build a good room for her and make sure that the puja and cooking areas are all separate so that my daughter can stay inside.’ (*Bidita, 27*)

In any case, the passing of someone from the older generation would signify a redistribution of power within a household which could have the effect of liberating women from some of the more extreme restrictions of *Chhaupadi*. However, this effect is ultimately limited by the views and attitudes of the main decision-maker within a household, be they the father, mother-in-law, or daughter-in-law.

### Impact of change and corresponding challenges

Unsurprisingly, the demolition of *chhau goths* brought about a slew of problems for the affected community members. The loss of property not only created financial problems for a community that was already struggling economically but also caused emotional and psychological distress for those who had to adapt to abrupt and drastic changes in their lifestyles. Women who were glad about being able to stay in their homes during menstruation nonetheless experienced stress from figuring out and adapting to new arrangements. Moreover, their appreciation of the increased comfort and security was shadowed by a fear of divine repercussions and the dread of having to shoulder such blame. This worry and fear robbed them of peace of mind and made them wary about the misfortunes or illnesses that befell people related to them. Indeed, respondents reported that those who experienced misfortunes following a relaxation of restrictions became more convinced of the need to uphold such restrictions and reverted to old ways soon after. This was further corroborated by statements such as the following:

‘The activists forced us to change our habits and this means that our gods will be angry with us. If nothing happens then we will continue staying in our homes, but if something bad happens then we will move back into the *chhau goth* because it means that God is punishing us’ (*Shanti, 32*).

Furthermore, on top of having to bear the above economic losses and emotional anguish, the compensation promised by the demolition group never materialized.

This was primarily due to a disconnect between the community and the administration. On the one hand, community members reported that they did not know how to go about demanding this compensation; while on the other hand, government officials said that no one from the community had filed any documents to make the claims. It turns out, however, that for those claims to actually go through, the process is much more complicated—community members will need to get in touch with a designated community leader who will then report their grievances to the ward and municipality, after which an assessment will be carried out to determine the actual compensation that will be given out. When this study was carried out, no such meetings or interactions had been carried out, nor did it seem like the affected community members were aware of such a process.

The destruction of the *chbau goths* also had the indirect impact of increasing inequality within the community. For one, the demolition group spared the *chbau goths* of those who were of higher socioeconomic status whereas those who were more vulnerable within the community (poorer, lower social status), became easy targets for the demolition group to achieve their target, although some households also managed to protect their *chbau goths* by camouflaging them as goat sheds. Affected community members expressed resentment about this blatant bias and felt further victimized by the demolition group. Needless to say, the women who were still not allowed to stay in their homes during their periods were even more victimized when they had to adapt to ad-hoc and makeshift living arrangements. Security risks became even more heightened as they dealt with physical discomfort and emotional distress.

Those who initiated a change in their observation of *Chbhaupadi* on their own accord were not spared from challenges as well. The most salient challenge was isolation from their families and the larger community. In Rani's case (#8), while her rebellion against *Chbhaupadi* did not anger the gods, it definitely incurred the wrath of her in-laws. They cut off communication with her for months and refused to accept any food or drink from her, so Rani did not serve them anything as well. Those in her neighborhood who disapproved of her actions also gossiped about her and ostracized her, calling her husband weak and passive for not being able to “control” her enough. Likewise, women like Komala and Lakshmi (#5) who set out to educate the community about the evils of *Chbhaupadi* were seen as mavericks that were threatening a tradition close to the heart of the community and were thus also ostracized. Although they moved freely within their homes and compounds<sup>23</sup> during their periods, they did not dare get too close to the compounds of their neighbors. In this sense then, even though the women were no longer physically secluded in *chbau goths*, they were still isolated from the rest of their community during their periods.

The challenges were not confined to the realm of the human community, however, in the sense that the supernatural was also closely linked to the obstacles these women faced. For one, they became sitting ducks for blame to be directed at them whenever the slightest illness or misfortune befell somebody related to them. *Dhamis* who continued preaching about the polluting effects and dangers of menstruation reinforced the fear and distaste the community had for menstruating women and those who challenged

---

<sup>23</sup> Free to the extent that they did not “contaminate” puja and cooking areas.

*Chhaupadi* became targets of blame as a result. Indeed, it was this fear of divine repercussions that kept the women from disregarding restrictions concerning worship, cooking, and the consumption of dairy products.

### Feelings about change

On one hand, respondents who were able to stay inside their homes during menstruation were happy that the *chbau goths* were destroyed as they considered it a source of misery during their periods. Although they thought that the action taken by the demolition group was biased and somewhat excessive, they were still grateful for the change in their lives primarily because of the increased sense of security and comfort they now had. Moreover, they considered it a symbolic act of their dissatisfaction towards the tradition that they could not have carried out by themselves due to the societal forces that bound them. Some even clapped their hands when the activists carried out the destruction of the *chbau goths*. By allowing the demolition group to carry out the destruction, it allowed them to externalize the blame for discontinuing menstrual hut seclusion, allowing them to stay inside their homes free from the castigating gazes of the community. This change, in turn, led to more openness within their households towards menstrual restrictions and some women were even allowed to share toilets with their family members as they gradually accepted the presence of menstruating women within the household.

On the other hand, respondents also felt angry, bitter, and sad about the demolition group's actions and the corresponding changes in their lives. First of all, the changes were too sudden and had been imposed upon them before their "hearts and minds" were ready to accept it. The gradual change was what they really wanted. Feelings of loss were tied to the notion that *Chhaupadi* was a culture and tradition that made up their identity and was part of their heritage, especially when the *chbau goth* had been passed down through the generations. The feelings of anger and bitterness were directed towards the demolition group and the government officials primarily because the promised compensation for the damage never materialized but also because of the perceived biases of the *chbau goth*-demolishment campaign.

‘I don't know how to contact the activists who promised the compensation, I only know that they are Ekelmaila (CVSWDC as referred to by the locals). I am very angry about what they did, they are liars who made empty promises! If I see them again I want to beat them! [*Gestures with hands and laughs*]’ (*Ishwari, 42*).

Apprehension about the changes in their observation of *Chhaupadi* was another common sentiment expressed by the respondents. This was primarily a result of religious belief—because they had been taught that menstruation was polluting and would anger the gods, a relaxation in the menstrual restrictions, as welcomed as they were, gave rise to fear of divine repercussions nonetheless. Beyond this, there was also fear about what others around them thought. Respondents were thus torn between not wanting to be ostracized by the community on one hand and wanting to live inside their homes and see other relaxations in menstrual restrictions on another.

Last but not least, it was thought that change was not really necessary in this context, viz. the way the community was practicing *Chhaupadi* was completely fine. A few factors informed this line of thought. For one, older respondents were convinced that there was nothing lacking from the current conditions of women in *chbau goths*. This is because, according to them, in earlier times, before their families moved to Kanchanpur, women did not even have *goths* to stay in; in fact, they did not even have any makeshift shelter—all they had was the shade of the trees, and even then, they had to stay a significant distance away from their homes and communities<sup>24</sup>. Over the generations, however, things improved gradually; menstruating women were allowed to stay within closer proximity to their homes and makeshift shelters evolved into *chbau goths*. Today, the *chbau goths* can be found as close as five meters from the house—something that was completely unimaginable “back in the day.” Essentially, these respondents were saying that woman these days did not know how “lucky” they were and asking for further relaxation in menstrual restrictions was out of line.

## Conclusion and Recommendations

Based on the findings and analysis above, it is evident that initiatives to eradicate deeply-rooted harmful cultural practices need a significant degree of sensitivity to minimize collateral damage. Target-driven initiatives that focus on numbers instead of the people involved risk causing more harm than good to a community, especially when there is a lack of follow-up efforts to check in with the community on their experiences and progress. At this point, it is more than overdue for stakeholders to do away with a “quick fix” mentality and approach to a problem as entrenched and serious as *Chhaupadi*; one-off efforts will not do much to change a practice that is regarded as tradition by its practitioners, and in fact, such efforts might even cause significant economic, physical, and psychological harm to the community, as discussed above.

Economic empowerment, especially of women, should be higher up on the list of priorities, because, as the findings discussed above reveal, education and awareness-raising alone cannot be translated into behavioral change if the relevant parties simply do not possess the material means to put those changes into action. This means that the efforts and resources invested in raising awareness and education will be for naught as they will not have any tangible impact on the lives of those affected. With economic empowerment, at least the community will be able to take the first step of allowing menstruating women and girls to stay in a separate room within the safety of their homes. Undoubtedly, some might argue that a separate room will not be necessary if the people simply understood that menstruation was not something dirty, impure, or dangerous, but changing minds to that extent without implementing corresponding material changes is a formidable and time-consuming endeavor. Indeed, helping menstruating women and girls be accommodated in a separate room within their homes can be considered a preliminary step towards broader and more substantial change, for this will allow households to better familiarize themselves with the presence of menstruating women in their homes and in doing so learn that the divine wrath they have been taught to fear might not be as real as they believe after all. Taking gradual

<sup>24</sup> Respondents cited distances between 50-100 meters away from the homes.



steps like these to ease people into more substantial change is essential to ensure the wellbeing of the community as a whole, to mitigate the potential harms that come with drastic and abrupt changes.

Ultimately, it must be recognized that deep-rooted discrimination and violence against women cannot be eliminated in one fell swoop; they are all part of the larger structure of the patriarchy that has reigned for as long as recorded history and requires persistence, determination, and a certain amount of ingenuity to be overturned for the liberation and empowerment of women. Quick fixes will only cause more harm to communities that are already disadvantaged and marginalized, and women within such communities will consequently become more vulnerable to more discrimination and violence. A problem like *Chhaupadi* must be tackled with a concerted effort from all fronts before it can truly be eradicated, and only then will places like Bedkot Municipality truly be able to call themselves *Chhaupadi*-free.