

[2023 LiveLaw \(SC\) 309](#)

IN THE SUPREME COURT OF INDIA

DR. D.Y. CHANDRACHUD; CJI., PAMIDIGHANTAM SRI NARASIMHA; J., J.B. PARDIWALA; J.

Writ Petition (Civil) No.1000/2022; 10-04-2023

DR. JAYA THAKUR *versus* **GOVERNMENT OF INDIA & ORS.**

Menstrual Hygiene, Distribution of free sanitary pads to school children, establishment of disposal units - It would be appropriate if the Union Government engages with all the State governments and Union Territories to ensure that a uniform national policy is formulated with sufficient leeway for the States and Union Territories to make adjustments, based on the prevailing conditions in their territories - Bearing in mind the importance of the issue which has been raised, we direct that all States and Union Territories must submit their menstrual hygiene management strategies and plans which are being executed either with the help of funds provided by the Central Government or through their own funds to the Mission Steering Group of the National Health Mission within a period of four weeks - the States and Union Territories shall also indicate to the Mission Steering Group of the National Health Mission the appropriate ratio of female toilets for residential and non-residential schools for their respective territories - All States and Union Territories shall also indicate the steps which have been taken to provide for the availability of low cost sanitary pads and vending machines in schools and for appropriate disposal mechanisms. Besides making a provision for ensuring the availability of low cost sanitary pads and vending machines in all schools, they shall also ensure that disposal mechanisms are available in schools/school complexes with enrollment of female students in upper primary, secondary and higher secondary classes for safe disposal of sanitary pads.

For Petitioner(s) Mr. Varun Thakur, Adv. Mr. Varinder Kumar Sharma, AOR

For Respondent(s) Ms. Aishwarya Bhati, A.S.G. Mr. Gurmeet Singh Makker, AOR Dr. Arun Kumar Yadav, Adv. Ms. Shradha Deshmukh, Adv. Ms. Deepabali Dutta, Adv. Mr. Veer Vikrant Singh, Adv. Mr. Manish Kumar, AOR Mr. Abhimanyu Tewari, AOR Ms. Eliza Barr, Adv. Ms. Swati Ghildiyal, AOR Ms. Devyani Bhatt, Adv. Mr. Lokesh Sinhal, Sr. A.A.G. Mr. Nikunj, Adv. Dr. Monika Gusain, AOR Mr. Nishe Rajen Shonker, AOR Mrs. Anu K Joy, Adv. Mr. Abraham C. Mathew, Adv. Mr. Alim Anvar, Adv. Mrs. Swarupama Chaturvedi, A.A.G. Ms. Mrinal Gopal Elker, AOR Dr. Ravindra Chingle, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv. Ms. K. Enatoli Sema, AOR Ms. Limayinla Jamir, Adv. Mr. Amit Kumar Singh, Adv. Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv. Mr. S. Udaya Kumar Sagar, AOR Ms. Madhumita Bhattacharjee, AOR Ms. Urmila Kar Purkayastha, Adv. Ms. Arushi Mishra, Adv. Mr. Sandeep, Adv. Mr. Siddhesh Kotwal, Adv. Ms. Ana Upadhyay, Adv. Mr. Nihar Dharmadhikari, Adv. Ms. Sampriti B., Adv.

ORDER

1 The petitioner, who is a social worker, has instituted a petition under Article 32 of the Constitution in public interest seeking a direction to the respondents – the Union of India, the States and Union Territories to ensure the provision of (i) free sanitary pads to every female child studying between classes 6 to 12; and (ii) a separate toilet for females in all government aided and residential schools. Apart from this, certain other consequential reliefs have been sought including the maintenance of toilets and the spread of awareness programmes.

2 Though the reliefs which have been sought in the petition under Article 32 are not exhaustive of the subject, the petition raises important issues of public interest bearing on the need for sanitation and menstrual hygiene for females who are studying in schools.

- 3** Notice was issued on 28 November 2022.
- 4** A counter affidavit has been filed by the Union Government as well as by some States.
- 5** We have heard Mr Varun Thakur, counsel for the petitioner and Ms Aishwarya Bhati, Additional Solicitor General for the Union of India.
- 6** The counter affidavit which has been filed by the Union of India indicates that three Ministries of the Union Government, namely, the Ministries of Health and Family Welfare, Jal Shakti and Education deal with the subject matter, to the extent to which they fall within their own domains. At the same time, it has been submitted that the States have also a vital role to play since education and health are State subjects.
- 7** At the present stage, we are of the considered view that it would be appropriate if the Union Government engages with all the State governments and Union Territories to ensure that a uniform national policy is formulated with sufficient leeway for the States and Union Territories to make adjustments, based on the prevailing conditions in their territories.
- 8** Bearing in mind the importance of the issue which has been raised, we direct that all States and Union Territories must submit their menstrual hygiene management strategies and plans which are being executed either with the help of funds provided by the Central Government or through their own funds to the Mission Steering Group of the National Health Mission within a period of four weeks.
- 9** The Mission Steering Group shall reevaluate the national guidelines based on the experiential learning of the previous decade or so. For this purpose, we nominate the Secretary in the Ministry of Health and Family Welfare as the nodal officer to facilitate coordination with all the other Ministries of the Union and with the State governments and the Union Territories.
- 10** Apart from the above direction, the States and Union Territories shall also indicate to the Mission Steering Group of the National Health Mission the appropriate ratio of female toilets for residential and non-residential schools for their respective territories. All States and Union Territories shall also indicate the steps which have been taken to provide for the availability of low cost sanitary pads and vending machines in schools and for appropriate disposal mechanisms. Besides making a provision for ensuring the availability of low cost sanitary pads and vending machines in all schools, they shall also ensure that disposal mechanisms are available in schools/school complexes with enrollment of female students in upper primary, secondary and higher secondary classes for safe disposal of sanitary pads.
- 11** An updated status report shall be placed on the record by the Union Government after three months.
- 12** List the Petition on 24 July 2023.