

Landmark Judgement

**Case Study: Union of India v. Dr. Jaya Thakur (2023) |
Menstrual Hygiene**



**DR JAYA THAKUR
VS
UNION OF INDIA (**

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The case analysis "**Dr. Jaya Thakur v. Union of India, (2023)**" explains how menstruation hygiene was deemed a delicate subject and why the government should pay it the proper attention.

On April 10, 2023, the Supreme Court of India, acting through the **Bench of Chief Justice DY Chandrachud, Justices PS Narasimha, and JB Pardi Wala**, ordered the Central government to establish a uniform national policy on menstrual hygiene, which included giving students free menstrual pads and cups.

Case Title: Dr Jaya Thakur v. Union of India

Court: Supreme Court of India

Citation: W.P.(C) No. 001000 - 001000/2022

Judges: Chief Justice DY Chandrachud, Justices PS Narasimha and JB Pardi Wala

Date: 10.04.2023

The case's facts

Congressman and social worker Dr. Jaya Thakur filed a Public Interest Litigation (PIL) in the public interest, requesting that the Union of India, the States, and the Union Territories provide free sanitary pads and improved restrooms for schoolgirls as a result of the Union government and the governments of the States and Union Territories.

Problems Involved

The Hon'ble Supreme Court of India has to rule on the following primary issues in this case:

(i) Should all female students in grades 6 through 12 receive free sanitary pads? (ii) Should all government-aided and residential schools have separate restrooms for girls? In addition, the upkeep of restrooms and the dissemination of awareness campaigns are two other crucial reliefs that have been requested.

Applied Laws

The Hon'ble Supreme Court cited the rights guaranteed by Article 32 of the Indian Constitution in order to decide the aforementioned case. The Court believed that the relief requested in the Article 32 petition was not all-inclusive and that the petition raised significant

issues of public interest pertaining to the necessity of menstrual hygiene and sanitation for female students.

Decision/Judgment

When the Hon'ble Court issued an order in the aforementioned case, it took into consideration that it would be appropriate for the Union Government to work with all of the State governments and Union Territories to ensure that a uniform national policy is developed with enough flexibility for the States and Union Territories to make adjustments based on the conditions that exist in their respective territories.

The Hon'ble Court ordered all **States and Union Territories to submit their menstrual hygiene management plans and strategies to the Mission Steering Group of the National Health Mission** within four weeks, taking into account the significance of the issue that has been brought up. These plans and strategies are being carried out either with the assistance of funds from the Central Government or through their own funds.

The Honorable Court held the thoughtful opinion that the Mission Steering Group should reconsider the national guidelines in light of the lessons learned from experience over the past ten or so years. In order to facilitate cooperation with all other Union Ministries, State governments, and Union Territories, we designate the Secretary of the Ministry of Health and Family Welfare as the nodal official.

In addition to the aforementioned directive, **the Hon'ble Court mandated that the States and Union Territories notify the National Health Mission's Mission Steering Group** of the proper proportion of female restrooms for residential and non-residential schools in their respective regions. Every State and Union Territory must also list the actions taken to ensure that inexpensive sanitary pads, **vending machines, and suitable disposal methods are available in schools.**

In addition to ensuring that inexpensive sanitary pads and vending machines are available in every school, the Hon'ble Court emphasized that schools and school complexes that enroll female students in upper primary, secondary, and higher secondary classes must have mechanisms for the safe disposal of sanitary pads.

The Union Government has been instructed to provide the Hon'ble Court with an updated status report within three months.