

1. Right To Menstrual Health- Polity

SC says menstrual health fundamental right under Article 21; directs states to provide free biodegradable sanitary pads in schools

The Supreme Court of India's landmark ruling on menstrual health marks a transformative shift in constitutional jurisprudence, elevating Menstrual Hygiene Management (MHM) from a mere sanitation issue to a fundamental human right.

Constitutional Foundations of the Judgment

The Court anchored the right to menstrual hygiene within three primary pillars of the Indian Constitution-

Article 21 (Right to Life and Dignity)- The Court emphasized that "dignity" is not an abstract concept. For a menstruating student, dignity translates to physical conditions that prevent humiliation, social exclusion, and avoidable physical suffering.

Article 21A & RTE Act (Right to Education)- Access to MHM is now recognized as a prerequisite for the "free and compulsory education" of girls. Without these facilities, the state fails to provide an environment where girls can learn on equal footing with their male peers.

Articles 14 & 15 (Equality and Non-Discrimination)- The lack of sanitary facilities acts as a gender-specific barrier. Under Article 15(3), the State is empowered (and now obligated) to make "special provisions" for women and girls to ensure substantive equality.

Impact of Inadequate MHM in Schools

The Court identified several grave consequences stemming from the absence of menstrual facilities-

Violation of Bodily Autonomy- Girls are often forced to manage their biological processes based on external limitations (like lack of water) rather than personal choice, stripping them of agency over their own bodies.

Educational Attrition- "Menstrual poverty"—the inability to afford products or access facilities—leads to increased absenteeism and higher dropout rates among adolescent girls.

Long-term Socio-Economic Fallout- Impairment of education during formative years limits a woman's future participation in the workforce and broader social spheres, perpetuating a cycle of inequality.

Defining the Scope of MHM

The Court clarified that MHM is a holistic concept that goes far beyond just "providing pads." It categorized the essential components as follows-

Physical Infrastructure- Functional, gender-segregated toilets with a continuous water supply.

Product Access- Ready availability of menstrual products (like oxo-biodegradable napkins) free of cost.

Safe Disposal- Effective mechanisms for waste management, such as incinerators or specific disposal bins, to maintain hygiene.

MHM Corners- Dedicated spaces in schools stocked with "exigency kits" containing spare innerwear, spare uniforms, and disposable bags.

Comparison- Conventional vs. Oxo-biodegradable Plastics

The Court specifically recommended **oxo-biodegradable** napkins (like the Jan Aushadhi Suvidha pads). It is important to distinguish these from other materials-

Feature	Conventional Plastic Napkins	Oxo-biodegradable Napkins	Compostable/Fully Biodegradable
Degradation Speed	Can take 500-800 years to break down.	Degrades significantly faster due to additives.	Breaks down into organic matter in specific conditions.
Environmental Impact	High; contributes to long-term landfill waste.	Lower; breaks down into micro-fragments quicker.	Lowest; leaves no toxic residue.

Accessibility	Widely available but expensive.	Highly affordable (e.g., ₹1 per pad in Jan Aushadhi).	Often the most expensive option.
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Mandates and Directions Issued

The Supreme Court issued specific, enforceable directions to ensure these rights move from paper to practice-

Universal Application- These standards apply to **all schools**—Government, Government-aided, and Private—across both rural and urban India.

Vending Machines- Schools are encouraged to install sanitary napkin vending machines, preferably within the privacy of the toilet premises.

Sensitization and Male Inclusion- The Court stressed that MHM is not just a "woman's issue." It mandated the education of **male teachers and students** to eliminate stigma, bullying, and invasive questioning.

Strict Accountability-

1. Government Schools- Failure to comply will be treated as a violation of Section 19 of the RTE Act.
2. Private Schools- Non-compliance can lead to de-recognition and other legal penalties.

Integration with Global and National Frameworks

The judgment aligns India's domestic law with international commitments and existing government schemes

Alignment with Sustainable Development Goals (SDGs)

1. SDG 3- Good Health and Well-being.
2. SDG 4- Quality Education (by reducing dropouts).
3. SDG 5- Gender Equality.
4. SDG 6- Clean Water and Sanitation.

Existing Government Support

1. Menstrual Hygiene Scheme (MHS)- Targets rural adolescent girls (10-19 years) with subsidized products.
2. Rashtriya Kishor Swasthya Karyakram (RKSK)- A health program focusing on adolescent reproductive health and nutrition.
3. Swachh Bharat – Swachh Vidyalaya- The infrastructure arm focused on building separate, functional toilets for girls in schools.

Source- <https://www.newsonair.gov.in/sc-directs-states-and-uts-to-provide-free-biodegradable-sanitary-napkins-in-schools/>