

ITEM NO.302

COURT NO.7

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 1000/2022

DR. JAYA THAKUR

Petitioner(s)

VERSUS

GOVERNMENT OF INDIA & ORS.

Respondent(s)

Date : 25-05-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :M/S. Varun Thakur & Associates, AOR

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Ms. Nandini Rai, Adv.

Mr. Aashay Shukla, Adv.

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For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
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Mr. Varun Chugh, Adv.
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Ms. Mrinal Elkar Mazumdar, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Apoorv Kurup, Adv.
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Mr. Manan Takkar, Adv.
Mr. Narinder Verma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In pursuance of our order dated 08.05.2026, Ms. Archana Pathak Dave, the learned senior counsel has provided us with a summary of the compliance report earlier filed.
2. The report reads thus:-

"I. In compliance with the directions of the Hon'ble Supreme Court regarding Menstrual Hygiene Management (MHM) in schools, status reports and compliance submissions were received from 36 States and Union Territories. These were also supplemented by inputs from concerned Ministries/Departments including the Ministry of Health & Family Welfare, Ministry of Education, Department of School Education & Literacy, Department of Drinking Water & Sanitation, Department of Pharmaceuticals, NCERT and NCPCR with respect to their individual mandates and schemes.

The written responses provided in the affidavit collectively indicate that significant efforts have been made by the concerned stakeholders, all State/UTs and Ministries towards in

ensuring that complete adherence and progress towards substantial compliance to the directions of the Honourable Supreme Court Order dated 30th January 2026 within a short period of time. The details of the activities showing acceleration of all the processes for menstrual hygiene management upto the month of April 2026 have been provided in the affidavit filed on the matter.

The Ministry of Health & Family Welfare has strengthened implementation through the National Menstrual Hygiene Policy for School-Going Girls (2024), the Menstrual Hygiene Scheme (MHS), and the School Health & Wellness Programme (SHWP). The Ministry of Education and NCERT have initiated curriculum integration, teacher training modules and digital learning resources on menstrual health and related issues. As recorded in their submission, the Department of Pharmaceuticals has expanded awareness and accessibility of Jan Aushadhi Suvidha sanitary napkins, and the Department of Drinking Water & Sanitation has supported sanitation and disposal-related interventions through Swachh Bharat Mission (SBM) initiatives. The National Commission for Protection of Child Rights (NCPCR), and State Commissions for Protection of Child Rights (SCPCRs) have undertaken monitoring and coordination efforts for implementation and oversight. Their digital monitoring framework shows diligence to the directives of the Hon'ble Supreme Court.

The submissions on record placed in the affidavit reflect that the line Ministries based on their respective mandates along with the States/UTs have undertaken a series of measures to ensure availability of separate toilets for girls, provision of sanitary napkins, establishment of disposal mechanisms, awareness generation, and integration of menstrual hygiene education within school systems. At the same time, other covered areas such as anonymous student feedback systems, accessibility for children with disabilities, and structured monitoring mechanisms are under progressive implementation in the States/UTs.

These efforts have demonstrated that a positive and proactive approach by Ministries and States/UTs, with continuous efforts are being undertaken to achieve comprehensive and sustained compliance.

II. Institutionalization of various grass root interventions, going beyond the standard measures of menstrual hygiene practices, with locally contextualized measures by States/UTs as innovative practices have also emerged to scale up compliance levels.

States/UTs have adopted several innovative local contextual interventions such as MHM corners with Care & Comfort Rooms, Pink Toilets, Garima Peti, Soap Banks, MYTHRI films, MY Pad ATM initiatives, digital IEC platforms,

Gaurvi Diwas, Purna Diwas, Kishori Melas, ASEP, BAHINI Scheme, and Kishori Suchita Abhiyaan.

These practices support dedicated MHM support systems included establishment of Care and Comfort Rooms with emergency essentials, menstrual absorbents, spare clothes, first-aid kits, and other emergency support materials in schools. Further strong interdepartmental convergence models involving Health and Education Departments, supported by joint reviews, sanitation monitoring, school-level committees, inspections, and anonymous student feedback mechanisms are being strengthened.

Innovative IEC, digital outreach, and educational interventions included the use of MYTHRI films for menstrual hygiene awareness, T-SAT live sessions, YouTube streams, and multimedia IEC campaigns under Adolescent Safety and Empowerment Programme (ASEP); smart classrooms, WhatsApp groups, and virtual sessions; GARIMA and KAVACH modules are supported.

Safe disposal systems and sanitation innovations include introduction of Pink Toilets, Soap Banks, and incinerators; installation of incinerators and covered sanitary waste bins; incinerator installation and dedicated sanitation funding.

Special adolescent engagement platforms and

programmes include organization of Purna Diwas and Kishori Melas, implementation of the Adolescent Safety and Empowerment Programme (ASEP), outreach activities through Gaurvi Diwas, and integration of menstrual health education under the School Health and Wellness Programme (SHWP) in States/UTs.

III. Status of Directive -wise compliance

Direction I : Availability of Functional Toilets, Water Connectivity and Handwashing Facilities in Schools

States/UTs have reported availability of separate toilets for girls with usable water connectivity in schools. As per the Ministry of Education and the responses filed the States/UTs, the repair and maintenance mechanisms are being strengthened through Samagra Shiksha and local bodies, while infrastructure strengthening in remote, tribal and geographically difficult areas are ongoing towards completion. The requirements of privacy and accessibility, and reported progressive development of ramps, accessible toilets and child-friendly facilities under inclusive education interventions are also being duly enabled. All States/UTs reported provision of handwashing facilities with soap and water integrated within WASH initiatives and School Health & Wellness Programmes (SHWP), with district-level monitoring mechanisms being strengthened for maintenance and uninterrupted supply of consumables.

Direction II: Availability and Access to Sanitary Products

States/UTs have reported implementation of multiple mechanisms for ensuring access to sanitary napkins through schools, health facilities, RKSK platforms, ASHAs, vending machines, Jan Aushadhi Kendras and community-based distribution systems. States/UTs

have also reported availability/installation of sanitary napkin vending machines or designated sanitary napkin distribution points in schools and institutional settings with the availability and installation being strengthened.

States/UTs have reported provision of sanitary napkins free of cost to adolescent girls in schools through various school-based and community distribution mechanisms including Andhra Pradesh, Goa, Gujarat, Ladakh, Lakshadweep, Manipur, Puducherry, Telangana, Tripura, Uttarakhand, Delhi, Punjab, Tamil Nadu, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Haryana, Jharkhand, Karnataka, Meghalaya, Mizoram, Rajasthan, Sikkim, DNH-DD and Uttar Pradesh. The availability is also ensured by active participation of the field level workers as ASHAs as well to enable widespread coverage.

Direction III: Safe and Environmentally Compliant Disposal Systems

States/UTs have reported use of incinerators, covered bins, deep burial pits and other waste disposal systems for menstrual waste management in schools. States have further indicated that installation of additional incinerators and strengthening of environmentally compliant disposal practices are ongoing. Availability of covered waste bins in girls' toilets along with regular cleaning and disposal arrangements, indicative of substantial steps towards with respect to this direction for compliance across schools have also been reported.

Direction IV: IEC Activities, Awareness Generation and Teacher Sensitization

Significant progress has been made in relation to curriculum integration, teacher sensitization and awareness generation. All States/UTs reported integration of menstrual hygiene-related topics through SCERT/NCERT curriculum, School Health & Wellness Programme (SHWP), Rashtriya Kishor Swasthya

Karyakram (RKSK) platforms and adolescent education programmes. Topics covered include menstruation, puberty, PCOS/PCOD, hygiene practices and stigma reduction. States/UTs also reported training and sensitization of both male and female teachers through SHWP, SCERT, DIET and RKSK platforms to create supportive school environments.

Extensive IEC activities, classroom sessions, community mobilisation campaigns and dissemination workshops are being undertaken through schools, SHWP, RKSK and media platforms. Menstrual Hygiene Day is celebrated across the country on 28th May in coordination with stakeholders as the line Ministries and States/UTs. Efforts to create awareness and remove stigma towards menstruation is supported by use of customised flipbooks and simple easily comprehensible brochures by the Field Level Workers (FLWs). These have been promoted through the print and SM activities as well.

Jan Aushadhi-specific awareness evolving in States/UTs, efforts are being undertaken to disseminate information regarding Jan Aushadhi sanitary napkins and child helpline services through multiple awareness platforms.

IV. It is respectfully submitted that Menstrual Health and Hygiene Management (MHM) is a multidimensional and an inter-ministerial issue requiring coordinated action by multiple Ministries/Departments and States/Union Territories in accordance with their respective mandates, statutory responsibilities, institutional mechanisms and programme frameworks. The implementation of various measures relating to menstrual health, sanitation, awareness generation, education, access, institutional support systems and welfare interventions is undertaken by different stakeholder Ministries/Departments/States under their respective schemes and policy mandates.

All efforts are being undertaken to strengthen continuum of care and inclusive support to adolescent girls to flourish with dignity and care during their menstrual hygiene period across the country."

3. Mr. Varun Thakur, the learned counsel appearing for the original petitioner has also prepared a note. The same reads thus:-

"1. That the Ministry of Health and Family Welfare, having been duly authorised by the Ministry of Education and the Ministry of Jal Shakti has filed a common Compliance Affidavit setting out the steps taken by the Union of India.

2. That with regard to the steps taken by the states independently have not been incorporated in this compliance affidavit and only Union Territory of Chandigarh has filed the compliance report as of now.

3. That as per NITI Aayog Report 2026, As many as 98592 government schools in the country do not have functional girls' toilets while 61540 don't have any usable toilet. Yet nearly one in twelve schools continue to lack this basic facility. Ensuring universal access is critical not only for hygiene and dignity but also for sustaining attendance and retention, particularly in rural and underserved areas. The fact that around one in fifteen schools still lack such facilities signals the need for continued efforts to achieve full coverage. Universal provision of safe and functional toilets for girls

remains essential not only for health and dignity but also for improving attendance, retention, and transition rates, particularly at the upper primary and secondary levels.

4. That, in this compliance report, the Union of India has not placed any field report as to how the compliance has been really done, they are only pointing out for future recommendation for implementing, proposed reforms and future road map, which can not be treated as compliance of the specific directions of this Hon'ble Court which were ought to be completed in 3 months.

5. This report reveals that, states are not much interested in allocation of budget for implementing the directions of this Hon'ble Court as the State of Madhya Pradesh has only allocated Rupees 60 Lakh for the FY 2026-27 for supply of sanitary products in schools for the whole state.

6. That the special toilet cleaners are required to be appointed on permanent post in all govt. and added schools, which most of the state are not doing so, but they completely dependent upon the municipality or village panchayat for sanitation.

7. That the compliance submissions should be clearly oriented towards implementation rather than theoretical or policy-level descriptions. The primary concerned of this Hon'ble Supreme Court is with ground-level execution, monitoring, and measurable compliance, which are not complied."

4. The shortcomings pointed out by Mr. Varun Thakur in his note should not be ignored. We have taken cognizance of the same. We direct the Union to study the note filed by the learned counsel referred to above and address itself on various aspects as highlighted therein at the earliest. Any laxity, in this regard, shall be viewed by this Court very strictly. We have declared menstrual hygiene as a fundamental right. In other words, we have declared menstrual hygiene as one of the facets of Article 21 of the Constitution. Mere declaration, by this Court, is not going to serve the purpose. The Union and all the State Governments jointly have to act in a positive manner and in the right direction to make this fundamental right more meaningful and workable.

5. The Union shall proceed further to see that all our directions are effectively complied with in their letter and spirit. Union should keep monitoring and guiding all the States in this regard. Union periodically should keep collecting the necessary data and information from all the States as regards due compliance of our directions. We shall keep monitoring the compliance of our directions.

6. Every three months the Union shall furnish a fresh report of further progress in the matter.

7. We also have one interim application i.e., I.A.No.138830/2026 filed by a Non Profit Society (an association registered under the Societies Act). In this interim application they have brought to our notice something relating to oxo-biodegradable material. This aspect shall also be looked into by Ms.Dave, the learned A.S.G. appearing for the Union as what has been pointed out to us making sense and should not be ignored. Union to take steps accordingly at the earliest.

8. All State government are directed to furnish their status reports by 15.08.2026 to the Union in its concerned ministry.

9. There should not be any lapse on the part of any of the States in furnishing the status reports to the Union.

10. The Nodal Ministry for the purpose of filing all further compliance reports shall be the Ministry of Education, Union of India.

11. Post this matter for reporting further compliance on 01.09.2026.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)