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2023 SCC OnLine SC 2574

In the Supreme Court of India

(Before Dr D.Y. Chandrachud, C.J. and J.B. Pardiwala and Manoj Misra, JJ.)

Dr. Jaya Thakur ... Petitioner(s);

Versus

Government of India and Others ... Respondent(s).

Writ Petition(s)(Civil) No(s). 1000/2022

Decided on November 6, 2023

Advocates who appeared in this case :

Ms. Vibha Datta Makhija, Sr. Adv., Mr. Varun Thakur, Adv., M/s. Varun Thakur & Associates, AOR, For Petitioner(s)

Ms. Ameyavikrama Thanvi, Adv., Ms. Shraddha Deshmukh, Adv., Ms. Shivika Mehra, Adv., Mr. Gurmeet Singh Makker, AOR, Mr. Shreekant Neelappa Terdal, AOR, Ms. Mrinal Elkar Mazumdar, Adv., Mr. Piyush Beriwal, Adv., Ms. Sansriti Pathak, Adv., Mr. Zoheb Hossain, Adv., Mr. Apoorv Kurup, Adv., Mr. Kanu Agrawal, Adv. Vatsal Joshi, Adv., Mr. Manish Kumar, AOR, Mr. Santosh Krishnan, AOR, Mr. Abhimanyu Tewari, AOR, Ms. Eliza Bar, Adv., Mr. Prashant Bhagwati, Adv., Ms. Swati Ghildiyal, AOR, Ms. Devyani Bhatt, Adv., Ms. Neha Singh, Adv., Dr. Monika Gusain, AOR, Mr. Nishe Rajen Shonker, AOR, Ms. Mrinal Gopal Elker, AOR, Dr. Ravindra Chingale, Adv., Mr. Siddharth Dharmadhikari, Adv., Mr. Aaditya Aniruddha Pande, AOR, Mr. Bharat Bagla, Adv., Mr. Sourav Singh, Adv., Mr. Aditya Krishna, Adv., Mr. Pukhrambam Ramesh Kumar, AOR, Mr. Karun Sharma, Adv., Ms. Rajkumari Divyasana, Adv., Mr. Avijit Mani Tripathi, AOR, Mr. Siddhesh Shirish Kotwal, AOR, Ms. K. Enatoli Sema, AOR, Mr. Jatinder Kumar Bhatia, AOR, Mr. Rajiv Kumar Choudhry, AOR, Ms. Madhumita Bhattacharjee, AOR, Mr. Karan Sharma, Adv., Mr. Rishabh Sharma, Adv., For Respondent(s)

ORDER

1. We have heard Ms. Vibha Datta Makhija, senior counsel appearing on behalf of the petitioner and Ms. Ameyavikrama Thanvi, counsel appearing on behalf of the Union of India.

2. Counsel for the Union of India states that:

(i) the Union government has collected data pertaining to the subject matter of these proceedings;

(ii) a draft policy has been formulated in regard to the distribution of sanitary napkins to female students in the requisite age group in

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schools across the country;

(iii) the policy has been circulated for eliciting the comments of all stakeholders and a fnal policy would be drawn up within four weeks; and

(iv) the draft policy which has been formulated by the Union government is in the public domain at https://main.mohfw.gov.in/sites/default/fles/Draft%20Menstrual%20Hygiene%20Policy%202023%20-For%20Comments.pdf.

3. Before fnalizing the policy, we direct that the Union of India shall:

(i) Set down a national model for the ratio of the number of girls' toilets per female student population across government aided and residential schools in the country;

(ii) Bring about uniformity in terms of the modalities to be followed for the distribution of sanitary napkins; and

(iii) Consider the practices which have been followed in different States in order to arrive at the optimum policy which ensures that an adequate supply of sanitary napkins is made available to female students in schools in the requisite age group and that the modalities for distribution are facilitative in all respects.

4. The Court shall be apprised, on the next date of listing, of the policy which has been drawn up. The policy shall be placed on the record.

5. List the Petition on 11 December 2023.

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