Menstrual hygiene as a Fundamental Right

Prelims: *Current events of national and international importance | Polity*

Why in News?

Recently, the Supreme Court of India recognized access to menstrual hygiene as a fundamental right.

- **Aim –** To ensure dignified, equal, and uninterrupted access to education for girl students.
- To mandate adequate menstrual hygiene facilities in schools.
- **Constitutional Basis – Article 14 (Equality before the law) –** Under the concept of ***substantive equality***, equal treatment may require unequal support to address disadvantage.
- **Article 21 (Right to Life & Dignity) –** Menstrual hygiene is integral to dignity, bodily autonomy, and privacy.
- **Right to Education (RTE Act, 2009) –** The term "free education" in Section 3 of the RTE Act is not limited to waiving tuition fees.
    - It implies the *removal of any financial barrier* that causes absenteeism or dropouts.
- Section 19 of the RTE Act mandates schools to maintain specific norms and standards, including separate toilets for boys and girls.
- **Key Observations –** The court observed that the lack of menstrual hygiene facilities ***converts a biological reality into a structural exclusion.***
- Absence of sanitary products and toilet places girls at an unequal footing in schools.
- Denial of menstrual hygiene measures leads to stigma, humiliation, absenteeism, and dropouts.
- **Directions to the State –**
- **Free Sanitary Napkins –** All government and private schools must provide sanitary napkins free of cost.
    - ***Oxo-biodegradable sanitary napkins*** to ensure environmental sustainability, and should be dispensed preferably through vending machines.
- **Safe Disposal –** Hygienic and environmentally compliant disposal

mechanisms with covered bins that are regularly cleaned.

- **Functional Toilets –** Gender-segregated toilets with water, privacy, accessibility, and hand-washing facilities.
- **MHM Corners –** *"Menstrual Hygiene Management (MHM) corners"* equipped with essentials like spare innerwear, spare uniforms, and disposable bags.
- **Awareness & Training –**
  - Gender-responsive curricu lum on menstruation by NCERT/SCERT.
  - Training for all teachers.
  - Sensitisation of boys to reduce stigma.
- **Monitoring –** Periodic inspections and anonymous student feedback by District Education Officers (DEO).

References

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