

Bill No. 76 of 2018

THE MENSTRUAL HYGIENE MANAGEMENT (AWARENESS AND AFFORDABLE SANITARY NAPKIN DISTRIBUTION) BILL, 2018

By

SHRIMATI SUPRIYA SULE, M.P.

A

BILL

to create awareness among women and adolescent girls regarding menstrual hygiene, safe usage and disposal of sanitary napkins, easy access of affordable sanitary napkins to women in villages and remote areas and promotion of use of biodegradable napkins and for matters connected therewith.

BE it enacted in the Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Menstrual Hygiene Management (Awareness and Affordable Sanitary Napkins Distribution) Act, 2018.

Short title, extent and commencement.

5 (2) It shall extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) "adolescent" means a young person in the process of developing from child into an adult;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "biodegradable" means a substance or object capable of being decomposed by bacteria or other living organisms and thereby avoiding pollution;

(d) "counselling" means the provision of professional assistance and guidance in resolving personal or psychological problems; 5

(e) "educational institution" means a place where persons of different ages gain education, including pre-schools, childcare, primary or elementary schools, secondary or high schools and universities;

(f) "event" includes seminars, workshops and awareness compaigns; 10

(g) "menstrual hygiene management" means women and adolescent girls using a clean menstrual management material to absorb or collect blood that may be changed in privacy as often as necessary for the duration of the menstruation period, using soap and water for washing the body as required, and having access to facilities to dispose of used menstrual management materials; 15

(h) "non-biodegradable" means the substance or object not capable of being broken down by the action of living organisms;

(i) "notification" means notification as published by the Official Gazette;

(j) "prescribed" means as prescribed by the rules under this Act;

(k) "sanitary napkin" means pad of absorbent material used by women during menstruation period; and 20

(l) "synthetic napkin" means sanitary napkins made by chemical synthesis, especially to imitate a natural product.

Creating awareness about menstrual hygiene management.

3. The appropriate Government shall take such steps, as may be necessary, for creating awareness among the females and adolescent girls about menstrual hygiene management through the means of mass media and by organising such events as it deem fit in classes, seminars and counselling sessions in every Government and private educational institution in the villages and remote areas regarding hygienic menstrual practices to be followed. 25

Availability of sanitary napkins in villages at affordable price.

4. The appropriate Government shall make available biodegradable sanitary napkins in the villages at affordable price in schools and college premises designated by the appropriate Government. 30

Sale of sanitary napkins in villages and remote areas.

5. The appropriate Government shall provide for sale of sanitary napkins in all retailers outlet in villages and remote areas at affordable rates for easy access.

Manufacturing and usage of biodegradable sanitary napkin.

6. The appropriate Government shall promote manufacturing and usage of biodegradable sanitary napkins to counter the effect of non-biodegradable waste generated by synthetic napkins. 35

Construction of toilets for female in educational institutions.

7. The appropriate Government shall ensure construction and availability of toilets for female in every Government and private educational institutions.

Central Government to issue direction to the State Government.

8. The Central Government shall give directions to the State Government regarding safe disposal of sanitary napkins to avoid their littering in public and residential places and for the health and safety of public in general. 40

9. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide adequate funds, from time to time, to the State Governments for the effective implementation of the provisions of this Act.

Central Government to provide adequate fund.

5 **10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of other law.

11. (1) The appropriate Governments may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

10 (2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament or the Legislative Assembly and the Legislative Council, as the case may be, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified 15 form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Only in seven of India's thirty-six States and Union territories did ninety per cent. or more women in the fifteen to twenty-five age group use hygienic protection during menstruation, according to the latest national health data. Not even fifty per cent. women used clean methods of dealing with menstrual hygiene in eight States and Union territories according to the National Family Health Survey-4 (NFHS), released in 2015-16. This is the dark reality behind all the talks of women empowerment. Even now, women are considered "impure" during their period, subjected to social, religious and cultural restrictions. This shame around menstruation also forces girls to opt out of school once they reach puberty, impeding the growth of female literacy in India. In rural India, twenty-three per cent. of girls have listed menstruation as the chief reason for dropping out of school.

Reproductive Tract Infections (RTIs) are extremely common among women that they are reported to affect one-third of women of reproductive age around the world, according to a report by the World Health Organization (WHO). Sexually transmitted infections (of which RTI is a significant contributor) are also classified among the "top five disease categories," by WHO. The risk of women contracting RTIs are high in rural India, where, in the absence of toilets in villages, access to sanitation is till limited. Sanitary pads are either too expensive or unavailable for women in many parts of India. And unless we provide awareness to women, remove the stigma, increase accessibility to affordable products; we are not solving the problem in its entirety.

Non-biodegradable sanitary napkins pose a huge challenge in India, where disposal system are largely missing in rural areas. According to census 2011 population data, 336 million girls and women in India experience menstruation and it can be safely estimated that about 121 million girls and women are currently using locally or commercially produced disposable sanitary napkins. The end result is that a staggering one billion non-compostable pads are landing up in urban sewers, landfills, as well as in rural fields and water bodies in India every month which takes years to decompose. The lack of disposal treatment options may lead to unsafe management of a mammoth volume of menstrual waste, which affects the health of those living in the areas that the waste is disposed of, as well as negatively affecting the water cycle in the area.

Menstruation is still a taboo subject in India and the lack of first-hand understanding of the experience of menstruation by most policy makers means that it has not received the requisite importance it deserves when it comes to framing policy. There is need to provide information to women and adolescent girls regarding how frequently one should change sanitary napkins and what is the proper methods to dispose of them. They need somewhere private to change sanitary cloths or pads; clean water and soap for washing their hands, bodies and reusable cloths; and facilities for safely disposing of used materials or a clean place to dry them if reusable. To avoid staggering amount of non-degradable waste generated by using synthetic sanitary pads, there is need to promote manufacturing and usage of biodegradable pads. There is also a need for both men and women to have a greater awareness of good menstrual hygiene practices.

Hence this Bill.

NEW DELHI;
February 6, 2018.

SUPRIYASULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for creating awareness regarding menstrual hygiene management. It also provides for organising seminars and counselling sessions in educational institutions. Clause 4 provides for availability of affordable sanitary napkins in villages and remote areas as well as in the schools and colleges. Clause 5 provides for sale of sanitary napkins at retail outlets at affordable price. Clause 6 provides for manufacturing of biodegradable sanitary napkins. Clause 7 provides for construction of toilets in educational institutions. Clause 9 provides the Central Government shall provide funds to the State Governments for the effective implementation of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to create awareness among women and adolescent girls regarding menstrual hygiene, safe usage and disposal of sanitary napkins, easy access of affordable sanitary napkins to women in villages and remote areas and promotion of use of biodegradable napkins and for matters connected therewith.

(Shrimati Supriya Sule, M.P.)