



WWW.LIVELAW.IN

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Tuesday, the First day of June Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice T.S.SIVAGNANAM
and
The Hon'ble Mrs.Justice S.ANANTHI

WP(MD) No.9162 of 2021

AYYAA

... PETITIONER

Vs

- 1 GOVERNMENT OF INDIA
THROUGH SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE,
SHASTRI BHAWAN, NEW DELHI.
- 2 GOVERNMENT OF INDIA
THROUGH SECRETARY,
MINISTRY OF CHEMICALS AND FERTILIZERS,
DEPARTMENT OF PHARMACEUTICALS,
SHASTRI BHAWAN, NEW DELHI.
- 3 THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
FORT ST.GEORGE, CHENNAI.
- 4 THE CHAIRMAN AND MANAGING DIRECTOR,
TAMIL NADU MEDICAL SERVICES CORPORATION,
CHENNAI.
- 5 THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT,
TIRUNELVELI.

... RESPONDENTS

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of Writ of Mandamus, directing the respondents to make the standard test issued by the Bureau of Indian Standards i.e, IS 5405:2019 mandatory for the companies manufacturing sanitary napkins and diapers and further direct the respondents to make rules regarding the disclosure of the ingredients for producing sanitary napkins and diapers which is manufactured by the companies by considering the petitioner's



representation dated 13.03.2021 as expeditiously as possible within the time stipulation as prescribed by this Hon'ble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.DHILIPAN PANDIAN, Advocate for Mr.M.DINESH, Advocate for the petitioner and of Mrs.L.VICTORIA GOWRI, Assistant Solicitor General on behalf of the Respondents 1 and 2 and Mr.VEERAKATHIRAVAN Senior Counsel for Mr.R.BASKARAN, Government Advocate on behalf of the respondents 3 to 5, the Court made the following order:-

The petitioner, by way of this Writ Petition styled as Public Interest Litigation, seeks for a direction upon the respondents, both the Central and State Governments, to make a standard test issued by the Bureau of Indian Standards mandatory for the companies manufacturing sanitary napkins and diapers and also disclose all the ingredients for producing sanitary napkins in the packaging.

2.The petitioner would state that on account of the non disclosure, it is not clear as to whether any harmful chemicals are used to improve the absorbent quality of the napkins and diapers. The petitioner has also brought down as to how the use of such chemicals would affect the health of the persons, who used the napkins and diapers.

3.The learned Counsel appearing for the petitioner also drawn the attention of this Court to a legislation passed in the State of California, namely, the Menstrual Products Right to Know Act, 2020 and the legislation passed in the State of New York in 2019, namely, the Menstrual Products Right to Know Act, 2019. By referring to these two legislations, it is submitted that the intentionally added ingredients are bound to be disclosed and the consumer is entitled to know as to what are the inputs, which are used in the manufacture of the final products. Bringing out all these aspects, the petitioner submitted his representation to the authorities on 13.03.2021, before which, he has done some research and a copy of one such research article published in the International Journal for Innovative Research in Science and Technology has been enclosed in the typed set of papers.

4.Apart from that, the petitioner has also secured certain informations under Right to Information Act, 2005 and the Information Officer, by reply, dated 27.03.2018, has stated that the Government of India has announced the launching of Oxo-biodegradable Sanitary Napkin under "Pradan Mantri Bharatiya Janaushadhi Pariyojana (PMBJP) and napkins are available at the price of Rs.10/- for the pack of four napkins. Further, it is stated that the napkins are being tested at the National Accreditation Board for Testing and Calibration Laboratories (NABL) and the Bureau of Pharma PSUs of India (BPPI) will follow the norms



and regulations under Bureau of Indian Standards (BIS) for quality testing of sanitary napkins.

5.Mr.Veerakathiravan, learned Senior Counsel appearing for the respondent State submitted that there are schemes evolved by the State Government as well for distribution of sanitary napkins to the needy.

6.In any event, the petitioner has flagged a very important issue and this Court is inclined to entertain the Writ Petition, as to ascertain what are the parameters have been placed and how the State and Central Governments are regulating the manufacturing activities of sanitary napkins and diapers.

7.Mrs.L.Victoria Gowri, learned Assistant Solicitor General, who accepts notice for the respondents 1 and 2 and Mr.Veerakathiravan, learned Senior Counsel for Mr.R.Baskaran, learned Government Counsel, who accepts notice for the respondents 3 to 5, seek time to get appropriate instructions in the matter. The instructions be submitted in the form of counter signed by the appropriate authorities.

8.Post the matter on 07.07.2021.

sd/-
01/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY,
GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE,
SHASTRI BHAWAN, NEW DELHI.

2 THE SECRETARY,
GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS AND FERTILIZERS,
DEPARTMENT OF PHARMACEUTICALS,
SHASTRI BHAWAN, NEW DELHI.

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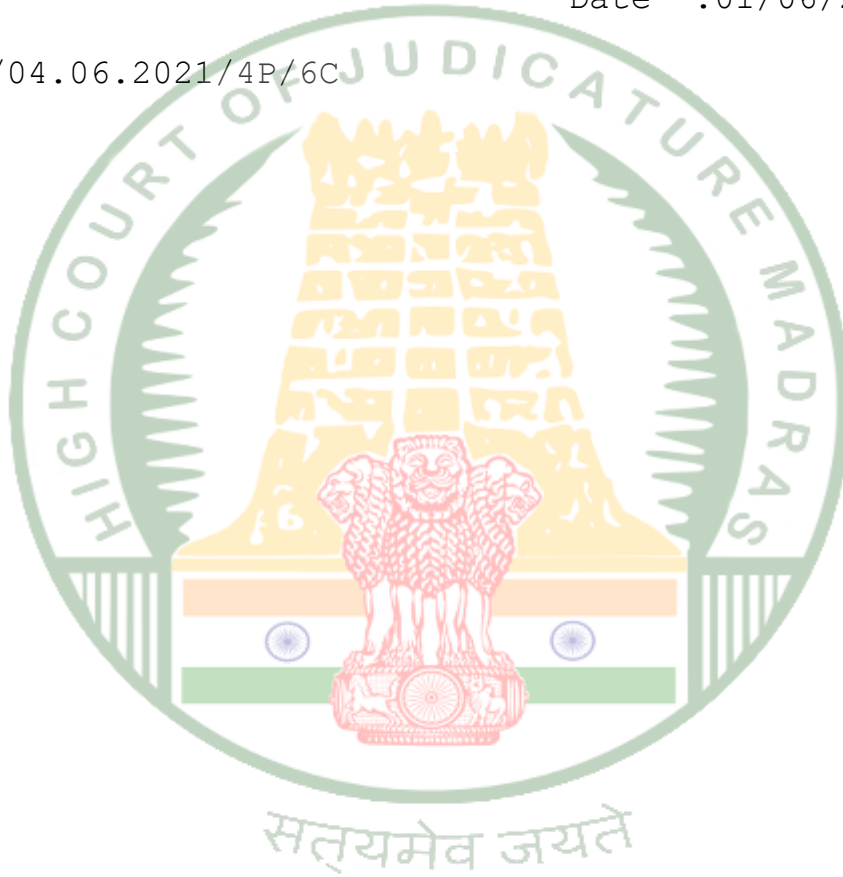
4 THE CHAIRMAN AND MANAGING DIRECTOR,
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CHENNAI.

5 THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT,
TIRUNELVELI.

ORDER
IN
WP(MD) No.9162 of 2021
Date :01/06/2021

CMR/MM

SRS/VR/SAR-I/04.06.2021/4P/6C



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