

Bill No. 36 of 2022

THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 2022

By

SHRI ABDUL KHALEQUE, M.P.

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BILL

further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 2022.

Short title
and
commencement.

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

Amendment of section 2. **2.** In section 2 of the Essential Commodities Act, 1955. (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:— 10 of 1955.

“(ba) ‘menstrual hygiene products’ includes products used to catch menstrual flow, such as: 5

- (i) sanitary pads;
- (ii) tampons; and
- (iii) menstrual cups;.”

Amendment of the Schedule. **3.** In the Schedule to the principal Act, after entry 8, the following entry shall be inserted, namely:— 10

“(9) menstrual hygiene products.”.

STATEMENT OF OBJECTS AND REASONS

Sanitary products are a critical hygiene need for all girls and women. If listed under essential commodities, they will help keep control on the production and easy availability of these products. Sanitary napkins and several other hygiene products are not clearly listed under essential goods, leading to supply issues across the country which clearly happened during the corona virus lockdown. The State of Telangana and Karnataka had listed sanitary napkins as an essential commodity on 25 March 2020, thus allowing its uninterrupted supply and sale which was hampered by the pandemic.

The Menstrual Hygiene Management National Guidelines, 2015 are incompetent and lack implementation and monitoring and there are reports that it is highly unfunded, the guidelines lack a concrete plan to address various problems like supply, manufacture, price management and myths surrounding menstruation.

The Scottish Parliament has passed a landmark Bill, the Period Products (Free Provision) (Scotland) Bill, considering menstrual rights as important for people's dignity.

The Scotland aims to end period poverty by offering sanitary products free of cost. This makes Scotland the first country in the world to do so which shows the governance around sanitary hygiene for women is lagging behind in India. It is found that affordability of sanitary pads is still a secondary problem. After the twelve per cent GST has been removed, a pack of 10 sanitary napkins that costs an average of 100 rupees will cost around 88 rupees. However, considering seventy per cent. (Census, 2011) of India's population live in rural areas and depend on manual labour, seventy five per cent. of whom survives on 33 rupees per day, the amount of 88 rupees for a packet of sanitary napkins remain very high. Therefore, an amendment to the Essential Commodities Act, 1955, by addition of sanitary products in the essential commodities list so that a similar situation that happened during the lockdown is not repeated again.

Hence this Bill.

NEW DELHI;
17 January, 2022

ABDUL KHALEQUE

ANNEXURE

EXTRACT FROM THE ESSENTIAL COMMODITIES ACT, 1955
(ACT NO. 10 OF 1955)

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Definitions.

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

[(ia) “Collector” includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act;]

(b) “food-crops” include crops of sugarcane;

[THE SCHEDULE]

(*See* section 2A)

ESSENTIAL COMMODITIES

(1) drugs

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[(8) mask (2ply & 3ply surgical masks, N95 masks) and hand sanitizers.]

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further to amend the Essential Commodities Act, 1955.

(Shri Abdul Khaleque, M.P.)