

[Shri Datar]

because the IAS and IPS officers have got a special body of rules. They are governed only by those rules.

**Mr. Speaker:** But he says he wants to create difficulties for the Government. Then how can I help? May I put it to the vote now? I hope a voice vote is sufficient at this stage.

**Shri Tyagi (Dehra Dun):** It is enough. They know they have not got a majority.

**Shri Prabhat Kar:** It is not our motion. Further, all those who have spoken have supported it, including his party men.

**Mr. Speaker:** He can make an appeal to them, but I cannot say anything. The question is:

"This House resolves that in pursuance of sub-section (2) of section 3 of the All India Services Act, 1951, the following amendment be made in Notification No. GSR 101, dated the 27th January, 1962, making amendment in Schedule III to the Indian Administrative Service (Pay) Rules, 1954, laid on the Table on the 26th April, 1962, namely:

*For 300, substitute 200.*

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

*The motion was negatived.*

13.29 hrs.

#### DRUGS (AMENDMENT) BILL

**Mr. Speaker:** The House will now take up consideration of the Drugs (Amendment) Bill.

**Shri Khadilkar (Khed):** On a point of order, Sir. Generally, a copy of the Bill is circulated to Members before its introduction and it contains a statement of Objects and Reasons. In this particular case, it so happens

that no Statement of Objects and Reasons is attached to the Bill.

**Shri U. M. Trivedi (Mandsaur):** In the Bill as introduced in the Rajya Sabha it is there, but the Bill as introduced has not been circulated to us. The Bill as passed by Rajya Sabha has been circulated to us. Therefore we do not know the objects and reasons of the Bill.

**Mr. Speaker:** That must have been circulated earlier.

**Shri U. M. Trivedi:** Not to this Lok Sabha.

**Mr. Speaker:** It has been circulated, I am told.

**Shri U. M. Trivedi:** Not in the Third Lok Sabha. It must have been circulated before.

**Shri Hari Vishnu Kamath (Hosangabad):** No, it is not here.

**The Deputy Minister in the Ministry of Health (Dr. D. S. Raju):** Sir, it is the intention of the Government to bring the import, sale and manufacture of cosmetics under the purview of the Drugs Control Act of 1940.

**Shri U. M. Trivedi:** Sir, this Bill is Bill No. XXII of 1961. So, it must have been introduced in the Rajya Sabha when the previous Lok Sabha was there. This was taken up in the Rajya Sabha and we have got this Bill only as passed by the Rajya Sabha in which the statement of objects and reasons is not there.

**Mr. Speaker:** At this moment it can only come in this form.

**Shri Tyagi (Dehra Dun):** Since this question has arisen, may I request you that in future in cases where Bills come from the other House you might attach a page wherein the objects and reasons might be given. I think in

future that could be repeated in one page.

**Shri Bade** (Khargone): May I submit that in the Bill the statement of objects and reasons is given on page 7. So, I do not know what the objection of my learned friend is.

**Mr. Speaker:** He may kindly just satisfy his hon. colleagues then. This difficulty has arisen only because the dissolution of Parliament came in between, otherwise the Bill as introduced would have been here and every hon. Member would have been given a copy of it. But because the new Parliament was elected in between, some hon. Members are feeling that difficulty, namely, that they have no knowledge of it and they have not received a copy of it. But nothing irregular has happened. That is the normal course. But it could be considered that if such a situation arises, perhaps the old copies might also be circulated.

**Dr. D. S. Raju:** Mr. Speaker, Sir, it is the intention of the Government....

**Shri U. M. Trivedi:** Should we proceed with the Bill in that case?

**Mr. Speaker:** Why should we not? There is nothing irregular in it.

**Shri U. M. Trivedi:** We have not studied the objects and reasons.

**Mr. Speaker:** That is not my fault.

**Shri U. M. Trivedi:** Whose is it then?

**Mr. Speaker:** The Bill had been put before the two Houses. It had been introduced and circulated also to hon. Members. What can I do after that? Now it must come in the form in which it has come. It cannot come in any other manner.

**Shri U. M. Trivedi:** The point is...

**Mr. Speaker:** That is a different thing. Even when it has been passed by one House a new suggestion is being made that it should also contain

the statement of objects and reasons. This is what is being wanted now.

**Shri U. M. Trivedi:** No, Sir; that is not my submission. My submission is that this is the Third Lok Sabha which is an entirely new Lok Sabha, although many of the old hon. Members have been re-elected. That is another thing. Now I do not say that Bills can never be introduced in the Rajya Sabha. Bills can be introduced in the Rajya Sabha, but when they are brought before the Third Lok Sabha, the Third Lok Sabha must be apprised of what the Bill is. That is why it is necessary that the statement of objects and reasons ought to be supplied. Either both the copies ought to have been supplied.....

**Mr. Speaker:** Shri Bade said that there is a reference to that also.

**Shri Tyagi:** Objects and reasons are not the main part of the Bill.

**Mr. Speaker:** That is a different thing altogether.

**Shri Tyagi:** The Bill itself is explanatory enough. It is only for the facility of hon. Members to enable them to see it at a glance that the objects and reasons are given; otherwise, the whole thing can be studied from the clauses.

**Mr. Speaker:** That is not the point. Normally it is a settled fact that with the Bill there is always the statement of objects and reasons. We are not discussing here whether the statement of objects and reasons is necessary or not. We concede that it is necessary. It has been done always. That is there. The Bill may have been introduced in the Rajya Sabha but in that case also it is placed here also. The difficulty that hon. Members are experiencing is that. Normally, when it is introduced there, even if it be courtesy, a copy is placed here and hon. Members do get copies from the counter because that facilitates their understanding the clauses of that Bill and what the objectives are. Because that helps them, they are wanting it.

[Mr. Speaker]

But there is nothing irregular now. Therefore I said that we can proceed with it, though I will see that in future that might be done.

**Dr. D. S. Raju:** Mr. Speaker, Sir, I beg to move:

"That the Bill further to amend the Drugs Act, 1940, as passed by Rajya Sabha, be taken into consideration."

If you like, I will make a statement now or I will reply comprehensively in the end.

**Mr. Speaker:** Some statement is to be made now as to what the clauses are and what is sought to be done.

**Dr. D. S. Raju:** It is the intention of the Government to bring under the provisions of the Drugs Act, 1940....

**Shri Prabhat Kar (Hooghly):** In the case of sections which are sought to be amended, the original sections ought to have been given. While dealing with the amendments now we have to go to the Library, get the copy of the original Act and see how the words have been changed. It is not only the question of the statement of objects and reasons but also of the clauses, namely, what amendments to the original sections are given.

**Shri Hari Vishnu Kamath:** The Bill, as introduced in the Rajya Sabha, does contain the sections of the principal Act to which the amending Bill refers. But in the absence of that Bill as introduced in the other House, we are handicapped. To that extent the discussion will be rather ineffective.

**Shri Prabhat Kar:** So many sections are sought to be amended.

**Shri Khadilkar:** It can be rectified if the hon. Minister makes a general statement giving the background.

**Mr. Speaker:** That is exactly what I have asked him to do. He should

give us the background and what the changes to the sections are that have been brought about. He will explain that.

**Shri U. M. Trivedi:** There is one thing more. In clause 6 and other clauses we find that the words used are "standard as may be prescribed"; that means, standard prescribed under the rules which means that provision for delegated legislation is there. I do not know how it is indicated and under what section this delegated legislation comes. What is the memorandum about this delegated legislation? It is entirely missing from this. That will create another difficulty.

**Mr. Speaker:** I do not think there would be any difficulty, if we just allow him to give us the information that is needed here. After that we shall consider whether there is any real difficulty with us or not.

**Dr. D. S. Raju:** It is the intention of the Government to bring the import, sale, and manufacture of cosmetics under the purview of the Drug Act of 1940. This industry of cosmetics has been making very rapid strides and since the difficulty of the foreign exchange also came in, the industry has received a further impetus. In this country of ours we have been receiving complaints from various sources that cosmetics are producing deleterious effects. It has been known that colours are used in cosmetics. Some toxic drugs, such as, alkalis, acids and some coal-tar derivatives are also used in cosmetics.

When this question was gone into further we received complaints from so many States. From Calcutta, the Jabalpur hospital, Gujarat and even from the Irwin Hospital here we had complaints that there were cases of dermatitis and ulcers of the lips and allergic manifestations. So, this question was again referred to the Central Council of Health which met last year. They discussed this ques-

tion of cosmetics and they also came to the conclusion that provisions of the Cosmetics Act should be incorporated in the Drugs Act.

This question was referred to the States also. Almost all the State Governments have accepted the proposition that this question of cosmetics should be brought under the purview of the Drugs Act of 1940. So, I am sure that hon. Members will agree that there is sufficient justification for including cosmetics in the Drug Act.

Hon. Members know that cosmetics cover so many varieties, for instance, hair dyes, nail polish, lipsticks, rouge and depilators. All these come under the purview of cosmetics. So, this is the background.

If hon. Members raise any objections or suggest any amendments, I will reply later.

**Shri Hari Vishnu Kamath** rose—

**Mr. Speaker:** Were there any changes made by the Rajya Sabha in the Bill that was introduced in the beginning there? Now we have only the Bill that has been passed by the Rajya Sabha. The hon. Minister should also refer to that and say what has happened there because we do not know what happened there.

**Dr. D. S. Raju:** The amendment is only to add the word "cosmetics" after the word "drugs" in all the sections.

**Shri Hari Vishnu Kamath:** There are other amendments also.

**Mr. Speaker:** So no changes were made by the Rajya Sabha? The Bill has come out as it was introduced there?

**Dr. D. S. Raju:** Yes Sir, no changes have been made.

**Shri Hari Vishnu Kamath:** I can understand the Deputy Minister's difficulty, because he was not in the other House at that time. He is labouring under some difficulty—I can

appreciate it. This House would certainly be thankful if the Senior Minister were to enlighten it on this matter.

**Mr. Speaker:** Has any hon. Member any information whether any change has been made in any of the clauses by the Rajya Sabha?

**Shri Bade:** I have got the Bill as introduced in Rajya Sabha.

**Mr. Speaker:** I have also got it with me. I only wanted to know whether any change has been made in it.

**Shri Khadilkar:** There was one amendment—I do not remember.

**Mr. Speaker:** It must be the amendment changing the year 1961 to 1962!

**Shri Tyagi:** May I make a submission? In cases where Bills come from Rajya Sabha, and there are amendments accepted by Rajya Sabha, I would suggest to your Secretariat to see to it that those words which have been added or deleted may be underlined as is being done in the case of reports of Select Committees. That would enable us to see at a glance what amendments have been made in the Bill by Rajya Sabha.

**Mr. Speaker:** Even then what the original was cannot be known.

**Shri Prabhat Kar:** There is one difficulty. We do not know whether any amendments have been accepted by Rajya Sabha. An enquiry will have to be made.

**Mr. Speaker:** There is no difficulty; the only difficulty is that Members are not prepared to sit and the House has no other business.

**Shri Prabhat Kar:** We are prepared to sit. There are several Members who want to speak.

**Mr. Speaker:** Then we can continue.

**Shri Bade:** Sir, on a point of order. While the Statement of Objects and Reasons appended to the Bill as

[Shri Bade]

introduced in the Rajya Sabha contains a reference to the resolution of the Central Council of Health held at Jaipur, it is missing in the copy of the Bill as passed by Rajya Sabha. There are so many members who have not studied the original Bill. Therefore they cannot effectively criticise this Bill.

**Mr. Speaker:** The Jaipur Resolution is not very material. We have to consider the Bill as it has been brought before the House.

**Shri U. M. Trivedi:** I would like to draw your attention to one fact. Sections 10 and 22 of the original Drugs Act refers to certain notifications, which involves delegated legislation. Therefore a memorandum regarding delegated legislation must accompany the Bill.

**Mr. Speaker:** All that this Bill seeks to do is to add the word "cosmetics".

**Shri U. M. Trivedi:** Sir, the point is this. "From such date as may be fixed by the Central Government by notification, in the official gazette, no person shall import drugs which are not of standard quality". We would now be adding the word "cosmetics" after the word "drugs". When this definition is changed, some delegated power is bound to be taken. I am in your hands; I only wish to point this out. Somehow or other the drafting of this Bill is so bad that I do not see the purpose of such drafting.

**Mr. Speaker:** That is a different matter. He may help in making the draft better.

**Shri Tridib Kumar Chaudhuri (Berhampur):** May I point out that this is not merely a minor amendment. I looked up the proceedings of the other House where the Senior Minister said that it is not really a minor amendment. It is really a new Act.

**Mr. Speaker:** I am not saying it is a minor amendment.

**Shri Tridib Kumar Chaudhuri:** I would refer you to clause 6 of the proposed Bill. Here in relation to cosmetics it is said that the standard would have to be prescribed, and prescribed under the Act means "prescribed according to the rules". That means we are delegating power of making rules in relation to an entirely new subject which was outside the purview of the Bill.

**Shri Khadilkar:** May I make a submission? From the Bill that is before us it appears that the only amendment is the inclusion of cosmetics. Whatever delegation or rule-making power was necessary was taken by the original or the parent Act.

**Shri Tridib Kumar Chaudhuri:** That was for the drugs. But now you are taking the same powers in relation to cosmetics. Cosmetics and drugs are not the same.

**Shri Khadilkar:** In case some new rules are to be framed and there has to be a delegation of powers, which is very doubtful—because I have seen the proceedings relating to the original Act—it appears that under the original Act the rule-making powers were taken already. No new rule-making powers are necessary to implement the Act, at least as it appears from the Bill. And there were no arguments to this effect in the other House also.

**Mr. Speaker:** That is a different thing if no arguments were made. But hon. Members want some time, because they know that we are adjourning tomorrow. And there is an agenda fixed for tomorrow. So, if hon. Members want, I will take it up at three o'clock. We may adjourn till then and in the meanwhile those hon. Members who want may have copies of the Bill as it was introduced and look into it.

**Shri U. M. Trivedi:** I suggest, Sir, that we may proceed with this instead of breaking off. We may continue to

sit up to five o'clock and we may in the mean time look into the Bill.

**Mr. Speaker:** It is all right then.

Motion moved:

"That the Bill further to amend the Drugs Act, 1940, as passed by Rajya Sabha, be taken into consideration."

**Shri Tridib Kumar Chaudhuri:** Sir, I have an amendment.

**Mr. Speaker:** He may move it.

**Shri Tridib Kumar Chaudhuri:** Sir, I beg to move:

"That the Bill further to amend the Drugs Act, 1940, as passed by Rajya Sabha, be referred to a Select Committee consisting of 11 Members, namely, Dr. R. Banerji, Shri Priya Gupta, Shri Jaipal Singh, Shri Hari Vishnu Kamath, Shri Harish Chandra Mathur, Shri N. Sreekantan Nair, Dr. Saradish Roy, Pandit K. C. Sharma, Shri Sinhasan Singh, Shri K. K. Warrior, and the Mover with instructions to report by the last day of the first week of the next Session."

**An Hon. Member:** No ladies?

**Mr. Speaker:** Has he got the permission of all the Members whose names he has read out?

**Shri Tridib Kumar Chaudhuri:** Yes, Sir.

**Mr. Speaker:** All of them have given their consent?

**Shri Tridib Kumar Chaudhuri:** Yes, Sir.

**Mr. Speaker:** Amendment moved:

"That the Bill further to amend the Drugs Act, 1940, as passed by Rajya Sabha, be referred to a Select Committee consisting of 11 Members, namely Dr. R. Banerji, Shri Priya Gupta, Shri Jaipal Singh, Shri Hari Vishnu Kamath, Shri Harish Chandra

Mathur, Shri N. Sreekantan Nair, Dr. Saradish Roy, Pandit K. C. Sharma, Shri Sinhasan Singh, Shri K. K. Warrior and Shri Tridib Kumar Chaudhuri with instructions to report by the last day of the first week of the next Session."

The original motion as well as this amendment are now before the House. I will call the hon. Member later. Shri Prabhat Kar.

**Shri Prabhat Kar:** Mr. Speaker, Sir, so far as the amendment of the Drugs Act is concerned, in this amending Bill, along with the drugs, in every clause, cosmetics has been put in. As the hon. Minister has stated, because there are adulterations in the manufacture of these cosmetics which are being widely used, it has become necessary to have a machinery for this purpose, so that those who use cosmetics may not suffer from various diseases as has been found from the various authorities in different parts of the country.

So, far as the Bill is concerned and the amendment is concerned, it is no doubt welcome, in the sense that with respect to all these adulterants resulting in various diseases an attempt is being made by the Health Ministry to check the same.

I was wondering first what was the necessity of bringing the cosmetics. Thereafter I realised that today cosmetics are being used so widely. I do not know, but there is perhaps a competition to look prettier, and with a view to that we find today that all sorts of cosmetics are being used by the ladies.

**Shrimati Yashoda Reddy (Kurnool):** By men also.

**Shri Prabhat Kar:** It is not only in big cities but it has even gone to the villages also.

**Mr. Speaker:** The statement is challenged. It is said that cosmetics are being used by males also.

**Shri Prabhat Kar:** May be so.

**Mr. Speaker:** Mr. Prabhat Kar does not use them.

**Shrimati Yashoda Reddy:** Nor do I.

**Shri Prabhat Kar:** I am not saying simply that men do not use them. We would like that the women folk in our country use cosmetics. We do not like them to look drab, we want them to look quite fair. So there is no question of saying that the ladies should not use cosmetics. Because it is not only a question of today. Even in the olden days cosmetics have been used. Cosmetics and the fairer sex go together. I do not want to quote the poems, but in the days of Kalidasa and from Tagore's poems you will find that cosmetics were used. But in those days they used the cosmetics from nature. It was either the flower or other things that were used.

**Shri Khadilkar:** *Pau*, betelnut.

**Shri Tyagi:** Perfumes.

**Shri Prabhat Kar:** It helped them. Today it is the lipstick, rouge and snow and cream. And so many companies have started manufacturing these things.

I was just wondering how simply by amending this Act the hon. Minister and his Ministry are going to check this. I do not know whether the hon. Minister has seen that even in the railway compartments people sell cosmetics, snows and creams, and the ordinary people are also today competing with our modern girls living in the city who move in Connaught Place and other places and they also feel that they must buy snow and cream.

13.55 hrs.

[SHRI MULCHAND DUBE *in the Chair.*]

As a result of applying these snows and creams, what is the net result? There was some publication the other day in the press which said that the use of these things tells upon the skin and upon the health.

I was wondering whether simply by including this word 'cosmetics' the purpose will be served. Because, today adulteration is the order of the day. Whether it is drugs, cosmetics or food, even baby food, all these things are adulterated. All these things come under the purview of the Health Ministry. Why so much anxiety pure and simple for the cosmetics? Of course I would like that it should be included. But what steps are they going to take to stop this type of adulteration in these things which are being used by the common man? For that there is none today.

In regard to drugs, we have known that in vials of streptomycin we will find chalk dust, and in quinine vials we will find distilled water, and various other things. There have been deaths because of the use of these spurious drugs. And you will find that this is rampant in the big cities. Unless there is a clause here to have a proper and effective machinery for this purpose and unless there is a deterrent punishment, simply extending the scope of the Act will not lead to a fulfilment of the purpose for which this is being done. It is really something tragic.

**Dr. D. S. Raju:** The whole machinery of the Drugs Act is there.

**Shri Prabhat Kar:** In spite of that you know what is going on in the country. If the hon. Minister remains satisfied that the whole machinery is already there, I would only like him to visit one of these big places in Calcutta and see exactly how these spurious drugs are being prepared and how they are sold. You will find even in the dispensaries which are well known dispensaries, even they cannot exactly find out whether a drug is spurious or not. And it is being used. At a time when a man is in need of an essential drug, when it is a question of life and death, if instead of streptomycin you find chalk dust in the vial or if instead of quinine injection or some other injec-

tion you find distilled water is there, simply by saying that the machinery is there is of no use. The machinery has been found to be ineffective.

Particularly in the case of cosmetics, as I have pointed out, these are sold in the street footpaths, in the railway compartments, and they are being purchased by the common men in their anxiety to become fair and to change the colour of their skin or look beautiful. So, how are they going to check this? Unless there is a proper machinery for this purpose I do not think the purpose of this amendment will be served.

I was referring to the question of deterrent punishment. Today they have said imprisonment for a minimum period of one year and a maximum period of two years. It has been pointed out that because of the use of these spurious drugs lives are at risk. If a man commits murder, he is given capital punishment or imprisonment for life. Even, there might have been some motive behind the murder. But here is a deliberate, cold-blooded attempt on the part of the persons who manufacture these spurious drugs. And they are allowed to go scot-free after serving a term of two years or paying a fine of Rs. 500. They earn a few lakhs of rupees by selling the spurious drugs, and our hon. Minister says that there is a machinery and the machinery is competent to cope with this situation.

The hon. Minister is anxious now to extend the scope of this Act and bring in cosmetics. I do not know how cosmetics can be included under drugs. It may be that where it is a question of a hair oil which can stop falling hair, that could perhaps be brought under drugs. But I do not know about other things, how you will bring rouge and lipstick within the definition of 'drug' and under the purview of the Drugs Act. Anyway, you may include it, but the most important thing is, when we include it we must have the machinery. What is the machinery? To that the

hon. Minister has not said anything, and in the Bill there is nothing further than what is contained in the original Act. And there is no attempt even to change the penal clause and to increase the punishment so that a really effective measure could be guaranteed by means of this amendment. There is nothing of that kind. Today, you are simply amending the Act by the inclusion of the word cosmetics. I do not think simple inclusion of the word cosmetics would be sufficient. At least it was expected that he would amend the Drugs Act and bring a comprehensive Bill so that all the lacunae and loopholes that are existing today are plugged and at the same time, the penal clause is made more stringent and a deterrent punishment prescribed, so that any one may know that it may go even up to life imprisonment.

14 hrs.

**Shri Tyagi:** In the case of cosmetics, it is only 1 year and not two.

**Shri Prabhat Kar:** The hon. Minister is anxious to bring in cosmetics so that they may not cause further diseases. Mention has been made of dermatitis. Not only that. We know that even in the vermilion which is used in our parts by married ladies, which is a sign of a married lady, chalk dust has been found and we know what has happened in those cases. Here, there is no attempt to amend the penal section, which is most important. I would suggest to the hon. Minister that instead of simply moving this Bill for including cosmetics, the most important amendment about punishing those persons who manufacture spurious drugs and also this type of cosmetics which breeds diseases and wrecks the health, in a rigorous way should have been brought forward. That is more important. It should have been done in this Bill. There is nothing of that kind.

**Shri D. S. Raju:** Your point is that the punishment is not adequate.



**Shri Prabhat Kar:** I think the hon. Minister will agree with me and I am quite sure the whole House will agree with me. Think of a situation where an only son is on the death bed and he is being administered spurious drugs. The man who commits the crime is let off with 2 years rigorous imprisonment. That is the maximum.

**Dr. D. S. Raju:** We are talking of cosmetics, not of spurious drugs.

**Shri Prabhat Kar:** I am speaking of amending the Drugs Act. There is nothing except cosmetics. You say that the Bill has been amended. The punishment that is there for drugs is three years. The punishment for cosmetics is 1 year. You are anxious to bring in cosmetics so that the persons may be punished. What is the punishment? Fine of Rs. 500.

**Dr. D. S. Raju:** Imprisonment for 1 year and or fine up to Rs. 500.

**An Hon. Member:** Or one year.

**Shri Prabhat Kar:** To a man who sends his agents in all the railways, what is Rs. 500 or 1 year? Any one of his men may be put into jail. So far as he is concerned, he earns a huge amount at the cost of the health of our womenfolk.

**Shri U. M. Trivedi:** Why do you say all? One in a lakh: good ladies do not use them.

**Shri Prabhat Kar:** I do not know what Shri U. M. Trivedi is saying. If you go, even in our villages, you will find.

**Shri U. M. Trivedi:** Not in my side.

**Shri Prabhat Kar:** Maybe you are lucky. It is not so in the whole of India.

**Shri U. M. Trivedi:** Cosmetics in the villages: what is their income?

**Shri Prabhat Kar:** Take the hair oil. He has no idea of the use of cosmetics in the villages. I would have to say most humbly that hon. Members who say that cosmetics are

not used in villages, have not visited villages. That is all I can say. Nowadays all sorts of cheap cosmetics are being used. They are most dangerous. In the cities, the people who purchase them know the difference makes and they purchase from good shops, shops which are reliable. In the villages, they purchase from the common man. These are sold in third class compartments, particularly ladies' compartments in the railways and they are purchased by ladies who have no knowledge about how these things are prepared. This position is serious.

As I was pointing out, the most important thing is to have a deterrent punishment. In this country, everything is adulterated. Water: I am not blaming anybody; here in Delhi, we had the epidemic of jaundice because of impure water

**An Hon. Member:** Air.

**Shri Prabhat Kar:** I do not know. With the blasting of atomic bombs, even air is becoming impure. Milk: I am quite sure, milk which is the life of the baby, which builds the nation, is impure and adulterated. You will find nowadays in one seer of milk perhaps half a seer of water and that also, if we are lucky. Drugs adulterated; food adulterated; cosmetics adulterated. I am saying all this because they all come under the Ministry of Health.

**Shri Tyagi:** Political parties are adulterated.

**Shri Prabhat Kar:** Yes. That is the position. I am glad that the amendment has been brought in. My only complaint is that the penal section should be made more rigid and the machinery should be tightened. I am afraid, with the inclusion of cosmetics, it will be very difficult for the present machinery to bring all those persons who commit this type of offences to book. In the Financial Memorandum of the Bill that has

been introduced, they have said that it is not necessary for increasing the expenditure because the present machinery will be able to carry on this work. I do not think that would be possible. It is not like drugs sold in dispensaries. These things are sold in places where perhaps, the Inspectors will never visit. In the Financial Memorandum in the Bill which was introduced in the Rajya Sabha, it is said:

"It is proposed to amend the Drugs Act, 1940 so as to bring cosmetics within its purview. The intention, however, is normally to leave the control over the manufacture, sale, etc. of cosmetics to the State Governments and to introduce an enabling provision in the Act for the Centre to step in only when necessary or expedient. No separate additional staff, supervisory or on the analytical side otherwise than already provided for, is therefore proposed to be appointed.....".

and therefore, the question of additional expenditure does not arise. I do not know whether that is possible. Rather I would suggest to the hon. Minister that it is better that more staff are appointed so that the purpose for which the Bill has been brought before the House is fulfilled, and a real machinery is set up so that the mischief-mongers, the persons who are really criminals, those who commit this type of crimes, may be caught and deterrent punishment inflicted upon them. The Penal clause should also be amended accordingly.

**Shri Tridib Kumar Chaudhuri:** Mr. Chairman, this is one of the series of piecemeal amendments that we have been making from time to time to the Drugs Act of 1940. Within the last few years, within the last one decade we might say, we passed one amendment in 1949, and another amendment in 1950; the major amendment that was made to the original

Act was made in 1955. Then, there was another amendment in 1960. This proposed amendment which we have now before the House has been hanging fire for the last year and a half. Now, the Government has come at the fag end of the session with an important piece of legislation like this, and asks us to pass it post haste without properly scanning all the provisions. In the other House also, there was some demand for reference of this Bill to a Select Committee. Although no formal amendment was moved, resentment was expressed by some hon. Members that this Bill was not referred to a Select Committee. Moreover, there is the larger question of codifying and making comprehensive the entire Drugs Act.

In the United States of America, from whose Act a lot of provisions have been lifted bodily in the proposed Bill, they have a comprehensive Food, Drugs and Cosmetics Act. In other countries, also, foods, drugs and cosmetics, both in the matter of administration and in the matter of prevention of adulteration are all treated more or less comprehensively, and they are administered by the same authority. We have also here a single authority, namely the Health Ministry. But, somehow or other, so far as the question of legislation is concerned, we have not thought as yet of any comprehensive legislation. Even with regard to the limited field of drugs, it is a shameful matter that up till now, so far as the standards are concerned, with regard to drugs, we have to follow the British pharmacopoeia and the British Pharmaceutical Codex. Although we have the Indian Pharmacopoeia, and I understand that the second edition of that standard work is under preparation, I find that the Indian Pharmacopoeia finds no place in our Drugs Act.

I have referred to the United States Act. I would now like to read out before you the definition of the term 'drug' in the Federal Food, Drugs and Cosmetics Act of the United States. It is as follows:

[Shri Tridib Kumar Chaudhuri]

"The term 'drug' means (1) articles recognised in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary or any supplement to any of them..".

Here, we find that they refer to the standard formularies of their country with regard to drugs and medicines. But, up till now, we have been following only what the British Government have left us as a legacy, that is, the British Pharmacopoeia and the British Pharmaceutical Codex, although we have compiled our own pharmacopoeia and although in our country we were fortunate in having such a great genius in the field of pharmacy and pharmacopoeia as Col. Chopra.

I now come to the proposed amendment proper. This amending Bill brings in cosmetics within the purview of the provisions of the Drugs Act. Unfortunately, in the Bill as it has come before us, there is no Statement of Objects and Reasons. But in the original Bill as it was moved for consideration in the Rajya Sabha, it was stated in the Statement of Objects and Reasons that it was necessary:

"to ensure that nothing is used in cosmetics which may have deleterious effects on the health of the people."

Then, the Statement of Objects and Reasons goes on to mention certain diseases which are caused by the use of certain kinds of spurious cosmetics or cosmetics prepared with harmful and deleterious chemicals and synthetic dyes and so on. But, unfortunately, the manner in which the Bill has been formulated would hardly serve to fulfil or attain the objective which was stated in the Statement of Objects and Reasons in the original Bill as it was moved for consideration in the Rajya Sabha.

Now, I shall come to the definition of cosmetics as proposed in the Bill. I

need not read it out, but it has been lifted bodily from the United States Act, word for word, and even punctuation for punctuation. But when it comes to laying down the standards and preventing the deleterious effects about which Government are so concerned and when it comes to seeing that the people who use these cosmetics are not subjected to any harmful effects, I find that the Bill does not go far enough. I find that the whole object of this Bill is to prevent imitation of certain well-known patent cosmetics or to prevent the sale of spurious cosmetics under the label of those well-known patents. That is the only one limited object which Government have in view. They have not provided anything in the provisions of this Bill which would ensure that nothing is used in cosmetics which may have deleterious effects on the health of the people, which is said to be the object of the Bill.

Now, I would refer to clause 7 of the proposed Bill, and then also to clause 13. In these clauses, misbranded cosmetics are defined. In these clauses, it has been provided when and how a cosmetic shall be deemed to be misbranded for the purposes of import and also for the purposes of manufacture, stocking, sale etc. Since Government have lifted bodily the definition of 'cosmetics' from the United States Act, it would seem that they would also have had the provisions of the United States Act in this regard before them, but unfortunately, they have not cared to do so.

I would read out the definition of misbranded drugs as proposed in the Bill before us. In clause 7 of the Bill it has been provided:

"For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded—

(a) if it is an imitation of, or a substitute for, or resembles

or a substitute for, or resembles in a manner likely to deceive, another cosmetic; or

(b) if it purports to be the product of a place or country of which it is not truly a product;

(c) if it contains a colour which is not prescribed; or

(d) if it is imported under a name which belongs to another cosmetic; or

(e) if it is not labelled in the prescribed manner; or

(f) if its label or container bears the name of an individual or company purporting to be the manufacturer or producer of the cosmetic which individual or company is fictitious or does not exist; or

(g) if the label or container bears any statement which is false or misleading in any particular."

Similarly, in the other clause where also this misbranding is defined, we find more or less the same provisions, and, therefore, I need not read them out again. If we look carefully at these provisions we find that it seems that the interests of certain manufacturers of certain well-known foreign, and I might also say, indigenous cosmetic goods have in some way influenced the Government in defining misbranding in such a manner that the scope of the Bill is limited to the purpose of prevention of imitation of those well-known products. I need not mention the names now. Sometime back there was a certain amount of agitation in the press also relating to certain well-known brands of cosmetics, certain snows, creams and other things. Everybody knows their names. At least their names are very well known to the ladies of families.

**Shri Tyagi:** But the cosmetic ladies are absent today.

**Shri Tridib Kumar Chaudhuri:** May be.

Old bottles are procured by these people from *raddiwalas* and *kabariwalas* and they are used in selling these imitation cosmetics. This should not be allowed.

In my view, the sole object of the Bill, if the Government are really sincere about it, should be this. I do believe that that they really want to secure this objective, which was the recommendation of the Central Health Council made in Jaipur more than two years ago. I think they want that nothing should be used in cosmetics which may have deleterious effects on health. This being so, they should have taken a leaf from the US Act and introduced the same provision as they have made. I shall read part of the US Act. This is what has been provided in article 361 of the US Act.

"*Adulterated cosmetics:* A Cosmetic shall be deemed to be adulterated: (a) if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labelling thereof or under such conditions of use as are customary or usual.... (b) if it consists in whole or in part of any filthy, putrid or decomposed substance; (c) if it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated by filth, whereby it may have been rendered injurious to health; (d) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; (e) if it is not a hair dye or if it bears or contains a coal tar color other than the one from a batch that has been certified.....".

[Shri Tridib Kumar Chaudhuri]

One would think that after the reference to also and other synthetic dyes used in the manufacture of lipsticks etc. by Dr. Sushila Nayar in the Rajya Sabha—she also referred to the article by Dr. Rangalal Sen which appeared in the *Hindusthan Standard*—in 1959—that the Government were anxious that these harmful dyes, synthetic dyes and other poisonous substances should be banned and they wanted to ensure that these things were not used in the manufacture of cosmetics or in the making of cosmetics. But unfortunately, the Bill that is before us is only concerned with a very narrow object. It does not, I make bold to say, secure the objective that was set forth before the other House in the shape of the Bill's statement of Objects and Reasons.

Of course, Government may take shelter under the plea that they have not come before this House with the Statement of Objects and Reasons and so they are not bound by that. I hope that Government would not take shelter behind that flimsy argument.

Therefore, I want that the Bill should go before a Select Committee of the House. Of course, I know very well that the names I have proposed may not commend themselves to the hon. Minister or Government. They may propose their own Select Committee. But my whole purpose in moving this motion is to emphasise the point that a Committee of the House must go through the provisions of the Bill and examine whether the objects that were stated to be the intended objects of the Bill have been secured by the provisions of the Bill or whether they simply serve the interests of certain well known cosmetic manufacturers, certain well known houses who more or less monopolise the market provided by the beauty culture of society ladies.

Delhi is one of the largest markets for cosmetics. Here you will find one big shop run by one of the leading drug businessmen in this city goes by the name Cosmetics. If you ever visit that shop, you will see that all kinds of things are sold there.

So I want to ask Government a straight question whether they are really sincere in securing the purpose they have stated as the real object of this Bill or they are interested in protecting the interests of certain well-known manufacturers of cosmetic goods, foreigners as well as indigenous people.

**Mr. Chairman:** Shri Kamath:

**Shri Tyagi:** How is he interested in this?

**Shri Hari Vishnu Kamath:** At the outset, I must express my surprise that the Minister expected a rather easy passage for this amending Bill. He tried to impress upon the House that the only amendment sought to be made was the inclusion of that one magic word 'cosmetic', and he hoped, therefore, that it would go through without much discussion. It is rather unfortunate that the class or section of the House which is more interested in cosmetics than the other section is poorly represented.

**Shrimati Vimla Devi (Eluru):** Men are more interested.

**Shri Hari Vishnu Kamath:** I did not mention the class at all. I do not know that the cap fits you. I did not even say 'sex'; I said 'section'.

**Shri Nambiar (Tiruchirapalli):** They are very sensitive.

**Shri Hari Vishnu Kamath:** They ought to be; nature has made them so.

**An Hon. Member:** But he has no experience of it.

**Shri Hari Vishnu Kamath:** It is somewhat amazing that the Minister who is, I believe, a newcomer to Parliament, has refused to throw light—or perhaps it was not within his capacity to do so—on certain features of the amending Bill as it was introduced in the other place. Before I come to that, I will dispose of one other matter, and that is the Statement of Objects and Reasons which is contained in the amending Bill that was brought before the Rajya Sabha.

The Statement admits that there are many units—it is not a question of a few units or stray units, there are many units, the word used is “many”—there are many units dispersed throughout the country where even elementary precautions—look at the words used, very harsh and very strong—where even elementary precautions for testing raw materials and observing hygienic conditions during manufacture are not taken. In the face of this, I am at a loss to understand why the Government has been hesitant and reluctant to prescribe stringent remedies, deterrent punishment.

The other day in this House, replying to the debate on the Finance Bill and answering a point raised by me that adulterators of foodstuffs and of drugs and medicines should be flogged in public, the Finance Minister was pleased to say that he does not believe in flogging, but he does not mind hanging. I said briefly then, “Hang them then, if you don’t want to flog them”. The Minister who introduced this Bill in the Rajya Sabha, Shri Karmarkar, I remember once said outside the House, putting adulterators of foodstuffs and medicines on a par with murderers, that the only way of dealing with them was by capital punishment if they were properly convicted by the highest courts of law. But here I fail to understand the reason why the Government has sought to even

reduce the penalties which was prescribed and stipulated in the parent or principal Act.

14.33 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair.]

I refer to sections 27 and 30 of the principal Act of 1940 which recommended and stipulated a substantive imprisonment of not less than one year, and the magistrate or the court was obliged to record the reasons in writing if the punishment was to be less than one year, and the maximum punishment was for three years. Here, after the statement of Government’s policy the other day by the Finance Minister, by no less a person than the Finance Minister, to the effect that he does not mind hanging adulterators but does not want to flog them.....

**Dr. D. S. Raju:** The point is that punishment is not sufficiently deterrent.

**Shri Hari Vishnu Kamath:** That is the first point. I am coming to the other points later on.

It is surprising that the Government has sought to even reduce the quantum of punishment prescribed in the parent Act of 1940 and thereby is even indirectly sort of conniving at these adulterators of drugs and cosmetics.

It is true that the Bill is limited in scope, but, Madam Chairman, you will recollect from your vast experience in this House in the last ten years or more, that whenever an amending Bill is before the House, not merely the Bill itself as such but also the sections of the principal Act to which it refers can also be discussed in the House, can also be amended by the House, and therefore I have tabled a few amendments in accordance with that. But before I come to the amendments themselves, I should like to make a few other observations

[Shri Hari Vishnu Kamath]

My hon. friend Shri Tridib Kumar Chaudhuri was quite right in asserting, in observing, that at this time of day, even after 15 years of independence, it is absurd, to use a mild word,—I am amazed at my own moderation—that we should still refer, hard back, to the British pharmacopoeia.

Look at the wording of clause 6 of the Bill, regarding standard quality. What is standard quality? It says:

“(1) For the purposes of this Chapter, the expression ‘standing quality’ means—

(a) in relation to a drug, that the drug complies with the standard set out in the Schedule.....”.

The other day in the House, replying to a question of mine, the senior Minister, who is absent today unfortunately, stated that an Indian pharmacopoeia had already been published, an Ayurvedic pharmacopoeia was under way. After a statement like that, I do not know why the Schedule also is not sought to be amended. The Schedule refers categorically, clearly, definitely, to the parent Act, to the British pharmacopoeia, to which my hon. friend Shri Tridib Kumar Chaudhuri referred, and in an amending Bill like this, why should we have from year to year, or every three years, piecemeal legislation to which my hon. friend referred? It is derogatory I must say to the prestige of Government, to the authority of Government, that they do not give adequate thought to the matter. When they come with an amending Bill, why should they not have thought of other sections, the Schedule and other provisions of the parent Act which need amendment and which could have been amended at this time? On this occasion itself you could have brought a more comprehensive Bill, which you have failed to do. And this slipshod, haphazard manner in which the Govern-

ment deals with legislation before the House is certainly not a matter for congratulation, not a matter for gratification on the part of Government.

14.37 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

I do not know what the reasons have been, what the reasons are, for not bringing a comprehensive Bill, whether there was not time available after or before the elections. They were perhaps more busy with the elections, they could not give thought to drugs and medicines, to the potential murderers of people, the adulterators of drugs and medicines.

**Dr. D. S. Raju:** Cosmetics have not murdered people.

**Shri Hari Vishnu Kamath:** I said “potential”. Moreover you yourself have said, that is rather surprising again, he has not read the Statement of Objects and Reasons. It may be, something worse than murder, that is, disfigurement. For a woman, perhaps disfigurement is worse than death or murder. She might look upon disfigurement as something worse. I do not think the Minister can contradict the statement very authoritatively.

I should like to touch only one or two more points. Section 10 of the principal Act which is being sought to be amended, partially again, has a proviso—please refer to it, Mr. Minister, have you got the parent Act with you?—the first proviso, not the second one, which says:

“Provided that nothing in this sections shall apply to the import, subject to prescribed conditions, of small quantities of any drug for the purpose of examination, test or analysis or for personal use.”.

This proviso has not been sought to be amended. There is no amendment

to this proviso at all. Wherever in the Bill we find the word "drugs" coming in, the word "cosmetics" has also been automatically tacked on, but here whether the Government does not want deliberately to amend this proviso or not is not clear, because the words here are "for personal use". If anybody wants to import for personal use or test or analysis, what will happen to that importer or that person who can analyse or who is competent to analyse or examine that thing? Therefore, I would like the Minister to throw some light on why certain provisions of the parent Act which do contain a reference to drugs only have not been sought to be amended by adding or inserting the word "cosmetics" along with "drugs". For instance, I will give one instance, I will not go through the entire parent Act. I would like to know why the proviso to section 10 of the principal Act has not been sought to be amended by adding the word "cosmetics" to the word "drug" also.

Then, there is an amendment to section 27. The penalties should be made drastic and stringent. But here the penalties that have been set out are sought to be made lighter by the amending Bill. I cited the Finance Minister's categorical statement here that even hanging will be justified, and also the Prime Minister's statement before he became the Prime Minister, in 1945 that black marketeers and profiteers should be hanged by the nearest tree. That should apply to these potential murderers of people such as adulterators of drugs, medicines and foodstuffs.

I should like to make just one more point before I close. I hope the schedule also will be amended by another amending Bill if it could not be done today. There are so many amendments needed to the parent Act which have not been done. My hon. friend Shri Prabhā Kar has said that there is nothing pure that could be obtained, not even air because it is contaminated by various nuclear blasts and

bomb explosions in recent years. Then there is a story which I read in the papers sometime ago. A person wanted to commit suicide by taking poison and he took a bottle which was labelled, which was misbranded that it was a particular poison. He did not die. When it was analysed later on it was found that the poison itself was not pure; it was adulterated and so he fortunately survived. So, it is universal now adulteration of air, food, water, drugs, medicines and almost everything else. This widespread, pernicious and homicidal tendency should be nipped in the bud by prescribing stringent remedies and not by a fine of Rs. 500 which an adulterator can easily pay and make it up in a week or a month. It is no remedy for the disease which is eating into the vitals of our society and is really killing people. Perhaps we do not know the actual figures; they may not come to the statistical organisation, as to how many people are being killed by these misbranded, adulterated and spurious drugs.

There was a case in Parliament last time. I do not know what it was due to. The Doctor was given a clean bill of health, a clearance certificate. But within an hour of a penicillin injection by him, Shri Tripathi died. I do not want to go into that because I was not a Member at that time. There was a very elaborate report at that time. Within half an hour of penicillin being administered, he collapsed and died. I am referring to Shri Bishambar Dayal Tripathi; I had known him for twenty years. It was a personal loss to me. We do not know whether that was also due to some sort of adulteration or spurious drug.

One more last point and I have done. I have got three or four amendments in my name. One is with regard to the change of the word from 'vermins' to 'vermin'. It is amazing that in 1940 when the Drugs Act was passed by the Central Legislative Assembly.....



**Mr. Deputy-Speaker:** He can speak on his amendments later on.

**Shri Hari Vishnu Kamath:** All right, Sir. At this stage of the first reading, I would once again say that penalties have been sought to be lightened. I would ask why the standard still remains with reference to the British pharmacopoeia and why we cannot move in the matter of amending the schedule. I shall only raise these two or three points at this stage.

**Shrimati Yashoda Reddi:** Sir, first I would like to congratulate the Health Ministry for having brought these amendments forward. It is just one more step in controlling adulteration in food, in drugs and now in cosmetics. Just as food and drugs, cosmetics have also become important today. It has become so important that there are some people who would forego a cup of coffee or a meal to buy a tin of powder or a tube of lipstick. Members may laugh because a lady says this but it is a fact... (*Inter-ruptions*).

**Shri Hari Vishnu Kamath:** No, no. We appreciate that.

**Shrimati Yashoda Reddy:** It is a fact today that we have got very wrong ideas of health and beauty. No doubt a woman should try to look beautiful but certainly not at the expense of health. Some Member said that from the days of Kalidasa women tried to look beautiful. There is nothing wrong in it; one should. But I object to it and say that it should not be at the expense of health. I congratulate the Government for it has taken cognisance of the fact that because of the craze for these cosmetics people are going in for cheap stuffs which are available at all places. One hon. Member said that cosmetics had not gone to the village. But even the village women, though they may not be educated, if a gentleman from the village is going to the town and asks what the woman there wants, the first thing she would ask would be a tin of powder and then this, that and the other things.

It is not that I object to that. But it has become such a bane on health and one doctor said that when the women patients came for examination, it was not possible to find out their real health with so much of lipstick and so much of rose powder and so on. The real pallor of the skin is not known. Unhealthy skin is hidden. This has been said by one doctor in Rajya Sabha, a colleague of mine. But what happens? By using these cheap cosmetics the face or the skin becomes so spoiled that you cannot stop using it. Unless you stop it you cannot show your face for improvement. They have become so inter-dependent. I congratulate the Government that today they have taken the first step of trying to control this. But this is not all. As Shri Chaudhuri has said in clauses 6 and 13 Government have taken some precautions that drugs should not be sold in mis-branded containers. They have taken care to see that real or genuine stuff should be there. They have said that substitute things should not be put in tins which appear to be genuine. But the Government have failed to pay greater attention to the contents themselves. What are the contents which go into the preparation of these substitutes and under what conditions? If they have looked into these things also, they would take care to see that wrong things are not sold in genuine bottles. Shri Chaudhuri has pointed that you have not taken cognisance of that.

I would like to oppose one thing that was pointed out here. Shri Tridib Kumar Chaudhuri said that the Government is taking a special interest or that the Government have been moved in this matter by certain firms, etc. I do not agree with that remark. I do not discredit the Government. Government's intentions have been very honest and I am sure that they have not been trying to help any particular private firm or private institution.

As has been pointed out, no Government worth its name should supply

to the people food and drugs which are adulterated. We have found that in spite of all our Acts regarding food adulteration and drug adulteration, so much of adulteration is going on. I do not know where the mechanism of Government is wrong. Certainly something must be wrong somewhere, when we see the amount of adulteration that is going on in food and drugs.

Even the other day, the hon. Health Minister answered a question about the adulteration of mustard oil with some other thing and said that such adulteration had caused a mysterious disease. They are not able to find out what is the cause—whether the disease was due to insecticides or some adulteration. In spite of all the mechanism, in spite of all our Acts of Parliament, you are not able to control the adulteration.

Even now, by the mere introduction of this measure on cosmetics and drugs you cannot have a more effective control. You can have a better and more effective control only if you have better methods of checking at the very level where these things are produced, namely, the production centres themselves. Otherwise, I think you will not be able to do much.

I would like to add one thing. As one of my hon. friends here said, the culprits should be dealt with more severely than now. When a murder is committed, the offender is hanged. In fact, a murder in many ways is far more superior and merciful. One commits murder and the life ends immediately. But here, whether it is adulteration of food or drugs or cosmetics, the victim suffers and undergoes a lingering, painful death for years and years. What do you do? You have suggested a fine of Rs. 500 or—it is not 'and'—imprisonment for a term of years. In the case of murder, the person commits the murder on the spur of the moment, rightly or wrongly, when his mental balance is not correct. Then the punishment is inflicted on him. But here, in the

case of adulteration of cosmetics, etc., it is a case of cold-blooded infliction, and just to make money, to exploit the poor, uneducated people—and most of our people are economically backward—just to exploit human nature, it is resorted to. So, I say that the fine is very little. A fine of Rs. 500 is not enough. When a fellow makes thousands or lakhs of rupees, he can pay a fine of Rs. 500 with closed eyes. So, remove that fine and make imprisonment more rigorous and compulsory. The imprisonment should not be for one or two years but certainly it must be for not less than ten years. Cancel the punishment with fine.

This is a thing where prevention is better than cure. You must prevent the offending person from making money through these methods. Take, for instance, the health of the people of this country. We have to see that the food or the drugs or the cosmetics that are supplied are pure. Adulteration is a very dangerous tendency and it must go.

With these words, I welcome this measure.

**Shri Khadilkar:** Yesterday, the House devoted some time to the mental, intellectual or spiritual health of our people. Today, we are devoting more time for looking after the physical health of our nation. But, unfortunately, the Bill that has been brought forward as an amending measure is a very halting one. I cannot understand, when so many cases of adulteration of food and distribution and sale of spurious drugs and other things are coming up, why only a Bill to amend the existing Act, especially with regard to the cosmetics, is brought forward. So far as cosmetics are concerned, women, by nature from very ancient times, are more or less in the habit of putting on false appearances. It has become their second-nature almost.

**Shri Prabhat Kar:** Why do you say false appearances? It is used to look beautiful.

**Shri Khadilkar:** Unfortunately, hon. friends like Shri Prabhat Kar and others, when they see painted faces, consider those persons as beautiful. That is the degeneration of our society. Unfortunately, a face which is painted or decorated is considered beautiful. (*Interruptions*).

**Shri Prabhat Kar:** It is there from the days of Lord Krishna. That was what they said.

**Shri Khadilkar:** You should have come forward with a comprehensive measure. But you have only come forward with a very limited purpose. That is my first submission. The time has come when the Government should have brought forward a very comprehensive measure, covering food adulteration, drug adulteration, etc., and the selling of food and drugs which are harmful to the people, along with cosmetics.

So far as cosmetics trade is concerned, I entirely agree that it is flourishing. Because of the films, certain actors and actresses have become more or less heroes and heroines to those who go and visit the talkies and other houses of entertainment. If you happen to go to any cinema house, an advertisement about cosmetics would be the first because it sells and it gives an additional income and it gives an additional income to a well-known cinema actress if she poses herself in an advertisement also.

**Shri Hari Vishnu Kamath:** It is a racket.

**Shri Khadilkar:** It is a racket. I am coming to that. I was going to say that. Therefore my submission is, instead of trying to deal with it with a very limited purpose or objective, you ought to have come forward with a comprehensive measure which is called for. This is my first point.

My second point is this. No doubt we have found the cosmetics harmful—whether it is lip-stick or rouge

or nail polish; and so many other things are there. I do not know all those things. Only some cases have come to light.

For the enlightenment of my hon. friend Shri Prabhat Kar, I would point out that I was reading something about the Soviet Union the other day. Now, travel has been permitted. There are no advertisements. Those ladies who go outside the country or those gentlemen who go outside the country bring in from the western and so-called free world cosmetics, and it has become a rage with the younger generation to use cosmetics and if possible to prepare them at home. This is the society which is imitating the west in a wrong manner. Otherwise they do not imitate. They have got their own standards. Why I am quoting this is because, it is a sort of weakness in society, particularly for women and also the men because the man feels more attracted or attractive. This is what is happening.

I would suggest that so far as this measure is concerned, it is not going to deal with the problem as it should be dealt with. First of all, the drugs do not include if I remember rightly, the manufacture of ayurvedic or unani preparations. There also, there are so many spurious drugs which are manufactured. You must realise that. That is a more flourishing industry because you have given some protection and because it is a sort of our own ancient system. Therefore, you must include the ayurvedic and unani preparations also in this measure.

As I said, adulteration has become another industry in this country. There is adulteration of children's foods and adulteration of edible oils with mineral oils. The hon. lady Member mentioned one thing. It was formerly also mentioned here once. The other day, the hon. Minister of Health said that if mustard oil is mixed with mineral oil or something, it leads to paralysis. What happens? You do not go to the depots of the manufacturer. After all, ultimately,

the poor retailer will be fined a little. There is no machinery, first of all, to test the quality or the standards. Have you set up a machinery for testing the standard of medicines or tinned foods? That is the first step which is necessary. The second is, there should be a machinery for supervision, at least in every municipal area or every factory centre, not after distribution but before distribution. Last year I pleaded here and the Minister assured me that the quality of every drug that will be sold would be properly tested. I know from my experience that poor people are cheated. For sulphur drug, chalk powder manufactured into some sort of pill and coloured is supplied. When quinine was very expensive, ordinary distilled water was sold and doctors used to make money by charging Rs. 3 to Rs. 5 per injection, but the patient would not get any relief or cure. This is the state of affairs.

15 hrs.

The Health Ministry is supposed to look after the health of the nation, but it comes forward with a Bill of a very limited nature, because the lipstick affects in some measure the health of women who use it. . . .

**Shri Sham Lal Saraf** (Jammu and Kashmir): Men also are affected.

**Shri Khadikar**: Men also are affected, but they do not use it. This is a wrong approach to the whole problem. A radical, dynamic and comprehensive approach is called for. The Finance Minister was quoted that he would like to hang somebody. But I know it for certain—I do not want to go into details—that the intermediaries necessary for manufacturing cosmetics are provided by the Ministries of Commerce and Finance. I am going to prove it in this House. What is the use of tall talk when it comes to preaching morality and not practising it when you have got power in your hand? I do not like this.

You go step by step. You want to improve the health of the nation and

you want to prevent what is harmful. But you are preventing with all sorts of bad effects, resulting in the growth of anti-social elements. Take prohibition, for instance. You cannot enforce morality by half-hearted action. You cannot have freedom in one part of the country to drink and prohibit it in another part. You cannot have freedom in the services to drink and not for the ordinary people. This is a wrong approach to the whole problem. The main problem is one of taking concrete steps to improved the quality, test the standard and have a machinery to supervise its distribution and sale and last but not least in some measure control the components also. All these things must be looked into.

People here say, "I congratulate the Health Minister". This has become a formality. I cannot congratulate the Health Minister, because you have failed to apply your mind in this regard. I think it is a crime and on that crime, some people are making tons of money. I know some of the pharmaceutical firms. Because they cannot manufacture synthetic drugs, some foreign formulas are taken and a little change is made. A little Indianisation is made in the name with the help of the doctors. The whole profession of doctors has been commercialised. You go to one doctor, he will prescribe the same drug. You go to another doctor and he will also prescribe the same drug. Ultimately doctors become selling agents of the big manufacturing concerns. This is the state of affairs of the pharmaceutical industry in this country. How can you deal with this problem in this limited manner?

Therefore, I would plead that the time has come; it is not too late. It has not penetrated into the villages, particularly cosmetics. Here in Delhi we are getting very cheap milk. But if you go to the South, we pay Rs. 1-4-0 for a seer, whereas we get here milk for 10 annas. Have you realised what harm is done to the younger generations if the milk is adulterated there? You come forward with such

[Shri Khadilkar]

a Bill. With this Bill, can you deal with this problem? Some bureaucrat probably thought that this is good and it will have some effect. They thought they have done their job and at least their conscience will be quiet for the time being. I am not looking at this problem from this angle.

I do not want to support the suggestion made by my hon. friend, Shri Tridib Kumar Choudhuri, because if you send the present Bill to the Select Committee, what changes can you suggest? I want a comprehensive measure dealing with the drugs, food, cosmetics, etc. in all its aspects—machinery for testing, laying down standard and enforcement machinery, which is equally important, particularly at the port level.

I may tell you one instance. There was a case of adulteration of food in Kerala because of contamination with some other powder.

**Shri Hari Vishnu Kamath:** Folidol.

**Shri Khadilkar:** I was visting Bombay and Madras as a member of some committee. Are your health services of such high standard that when foreign materials come in, they are being inspected and rejected properly? Have we got that incorruptible machinery everywhere at the ports? We have none. The port health authorities can be bought over easily. I know so many instances. Therefore, I would urge that more stringent measures are necessary at the port level, from where these things come.

We talk so much about our planned development, food and other things. Food is a necessity and we get it from other countries. There is no harm in that for the time being, during the time of crisis. But why can't you have a blanket ban on all cosmetics and foreign drugs which are not absolutely curative? I know from my own knowledge that except for four or five drugs such as antibiotics, all other drugs are not curative; they are

more or less palliative. There is a certain amount of psychological relief, because we have become drug-addicts. We use drugs simply because the woman in the family feels that the child will go to bed properly or she herself will get a little more invigoration during her period of pregnancy through the drugs. It is purely psychological. So, unless it is prescribed that it is a life-saving thing, I would urge a complete ban on drugs which are not curative.

Lastly, I would like to say a few words about the punishment. As some Members have said, our experience is, usually some fine is imposed. I feel that these manufacturers of adulterated food or drugs—I would call them merchants of death—must be very severely punished. They must be sent at least to the prison for some term, so that they may be brought down in the public eye. If such a provision is not made, I do not think this is going to help in any way to reduce the use of cosmetics or improve the standard as regards the manufacture of cosmetics and other things.

Therefore, my humble submission is, it is a wider problem which should be tackled very seriously. So, you should bring forth a measure which is all-comprehensive, to protect the health of the nation.

**Shri U. M. Trivedi:** Sir, Shri Khadilkar and some of my other friends have laid great emphasis on this punishment clause. I do not know whether they have been actuated with a desire that everyone living in our country must be severely punished. Otherwise, they would not have made this suggestion. Section 27 of the original Act, provides as follows. Whenever a drug is adulterated in any manner, then the provision is:

“Whoever himself or by any other person on his behalf manu-

factures for sale, sells, stocks or exhibits for sale or distributes any drug,—

- (a) deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 shall be punishable with imprisonment for a term which shall not be less than one year.....”

Where it is a case of adulteration of a drug, where it is a case of misbranding of a drug, where the offence is for sale, stocking or exhibition of a drug, then the punishment provided is imprisonment. It is provided:

“.....which shall not be less than one year but which may extend to three years and shall also be liable to fine;”

I do not think a more deterrent sentence can be provided. Adulteration of a drug is quite a distinct affair as compared to misbranding of a cosmetic. I do not know whether cosmetics are drunk or eaten. I have not heard about cosmetics being eaten or drunk. The only suggestion that has been made in the Statement of Objects and Reasons is that the use of some cosmetics or direct contact with such cosmetics leads to dermatitis. I am not one for the encouragement of these cosmetics. Some of my hon. friends said that the use of these cosmetics is increasing in the villages. It may be so in Bengal where poverty is very great. But in the whole of my State I do not think I have come across the use of any cosmetic by any woman. I come from a village, I live in a village and I am elected by villagers. My contact is entirely with villagers numbering 8,55,000. I do not know of even a single woman using cosmetics.

**Shri Sham Lal Saraf:** Not even soap?

**Shri U. M. Trivedi:** Soap is not included here; that is the beautiful part of it.

**Shri Sham Lal Saraf:** That would come under the rules.

**Shri U. M. Trivedi:** Soap is exempted. Soap is purposely exempted under this. So my suggestion is this, that even though we might wax eloquent upon this point and say that the sentence must be very heavy, there ought not to be, in my opinion, a sentence even of a heavy fine of Rs. 500.

What are cosmetics? For whom are cosmetics meant? If cosmetics were an essential commodity, its import would have been allowed. On the contrary, we are closing down all our doors for import of cosmetics. We are not here to encourage cosmetics. We do not want it. If there is anything, these are things which lead to glamorous appearance and show by women which is not very desirable in our country at this stage. Therefore, unless and until a particular result is proved by the use of a particular cosmetics the maker of such a cosmetic should not be in any manner penalised. Those who want to use cosmetics may use them. Who says they should use them? If they develop dermatitis, let them have it. What harm is there? I for one will not suggest that a bigger punishment than what has been provided in the law must be provided at this stage.

Now I come to the criticism on the whole drafting of this Bill. The Draftsmen were alleged to be better in those days, in 1940, than what they are today. But I find the very fundamental of drafting missing from this. The definition clause is very meagre. The word 'misbranded' is not defined. At the same time, after having not defined it, two particular sections are taken to define the word 'misbranded'. Why two sections are necessary to define the word "misbranded" passes my comprehension. I have never come across any law where a word is given two different meanings in two different sections in the same Act. Anybody who knows

[Shri U. M. Trivedi]

interpretation of law, what a definition is, how a preamble is written, how a law is made, will come and tell you that this is not the method of drafting a law. Therefore, when this law was being amended, the Ministry ought to have seen to it that these drawbacks were taken out of this. In section 9 it is said:

"For the purposes of this Chapter a drug shall be deemed to be misbranded—

- (a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or
- (b) if it purports to be the product of a place or country of which it is not truly a product; or
- (c) if it is imported under a name which belongs to another drug; or
- (d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or...."

So it is said here:

"For the purposes of this Chapter.....".

Then in section 17 it is said:

"For the purposes of this Chapter a drug shall be deemed to be misbranded—

- (a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or con-

tainer the name of another drug.....".

The same definition is given over and over again. There is the repetition of the same thing. What purpose is served by this. Sir, it passes my comprehension. Why do you not define the word 'misbranded' in the very beginning itself?

The other thing is, in making this amendment of the words 'standard quality', in one case 'standard quality' is defined and in another case when you use the word 'cosmetics' you want to leave the door open as wide as possible for prosecutions to be indulged in. Nobody will know what will be the prescribed rules. How is a man who wants to manufacture any cosmetic for the purpose of trade or commerce to know what will be the limitations upon him? There is no schedule given. In the case of drugs you have a schedule. You say that a drug must conform to a particular specification laid down in the schedule. In the case of cosmetics you will prescribe the rules, and that prescription will change from day to day, from month to month, from year to year, from Secretary to Secretary and from Minister to Minister. We do not know on whose advice you will act while prescribing these rules.

Therefore, Sir, this is a vague law. It creates vagueness and anomalous positions. They must be cut down at their very roots. They should not open out doors for the sake of merely prosecuting people. There may be very *bona fide* persons. Youngsters, sometimes, coming out as graduates and not finding any means of employment may indulge in the manufacture of these things and may try to market those commodities. They may be taken unawares and they may fall into the hands of your police who may launch prosecutions against them to the great detriment of the nation. The very initiative of those youngsters might be killed like that.

Then, Shri Kamath was very right when he pointed out that the proviso to section 10 of the parent Act should be there. It says:

"Provided that nothing in this section shall apply to the import, subject to prescribed conditions, of small quantities of any drug for the purpose of examination, test or analysis or for personal use."

Why is it that this proviso has not been incorporated so far as cosmetics are concerned? I cannot understand. We will learn by methods which others are employing. Things are changing. As our Communist friend says, every woman wants to use a cosmetic.

**Shri Warior (Trichur):** Every man wants for himself and for every woman.

**Shri U. M. Trivedi:** I thought he was referring to every woman. I am a man. I do not use any cosmetic.

**Shri Warior:** There are more cosmetics in the barber shops than in other places.

**Shri U. M. Trivedi:** I do not know. I do not go to a barber shop, my barber comes to my place. My point is, this proviso is very essential. Why was it considered necessary in a Drug Act? Suppose a man wants for his personal use a particular type of drug. It might be costly and yet he might be able to import it with the help of the Government, or through some other method he may be allowed to import it. Or, there may be some woman who wants a particular type of cosmetics for her personal use; or, for the sake of argument, a man wants to use some particular type of cosmetics. Let him import it. But, for the sake of technical education, that can be received by the analyst and tests carried out about the components or ingredients of drugs. How can that be prevented, so far as these

cosmetics are concerned? On the contrary, it is a thing which gives us a good amount of foreign exchange. It should be encouraged. When the world moves, we should move with it. It is not possible to have a check on it. When we have not been able to check prohibition, I do not know how we can check the use of cosmetics. So, when these things are growing up when it is being imported for personal use, test or analysis or examination, what I suggest is that this proviso must be applied. I do not know whether the Minister will agree with me and make the amendment at this stage to include the proviso. Now that the Minister is talking with somebody, he will not listen to what we are saying. I only want to impress upon him the necessity of making this amendment.

Another point which I would like to make is about the provision in section 15 which says:

"No court inferior to that of a Presidency Magistrate or a magistrate of the first class shall try an offence punishable under section 13."

Now, section 13 is a very simple section. It says:

"Whoever contravenes any of the provisions of this Chapter or of any rule made thereunder shall, in addition to any penalty to which he may be liable under the provision of section 11, be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both."

So, under section 13 the punishment is only an imprisonment of one year or a fine of five hundred rupees. So, I do not see why the case should go to a Presidency Magistrate or a first Class Magistrate. Because, as has been narrated by some of my friends, these things are sold even in trains, even in fairs and melas. So, why should they be dragged a long dis-



[Shri U. M. Trivedi]

tance to a first class magistrate who is probably available only in the district headquarters?

**Mr. Deputy-Speaker:** The hon. Member should now conclude.

**Shri U. M. Trivedi:** I will conclude my arguments. My first point is that there is no need whatsoever to make any alteration in the penal clause. At the same time, there is a great necessity for making the proviso applicable to cosmetics also. So far as I am concerned, I will say that it was not necessary to put cosmetics along with drugs and create more complications than serving the public at large. If necessity for such a law has arisen, then it is a different matter. Now a necessity for such a law has not arisen. If one or two women suffer from dermatitis, it is not necessary that a law of this penal nature should be put on the statute book.

**Mr. Deputy-Speaker:** I am calling the Minister to reply at 4 O'Clock. So, I request hon. Members to be very brief.

**Shri C. K. Bhattacharyya** (Raiganj): It is not a fact, just as the previous speaker has stated, that only one or two women have suffered from the use of cosmetics. I have myself seen very renowned artistes suffering from skin diseases in their face by prolonged use of cosmetics and running from India to Europe for treatment of those particular diseases, sometimes with success and sometimes without success. So, it is necessary that there should be some check on the way the cosmetics are prepared and allowed to be sold in this country.

Another point which has been raised is that the use of cosmetics is not so prevalent in our country and these are not of much use in the villages. I have myself gone into the interiors of Naga Hills. Even in those interiors of Naga Hills I found cosmetics being sold on a large scale, al-

most on as large a scale as they are sold in the cities. I made enquiries as to how this could happen. I learnt that the women there had become particularly fond of those cosmetics and they would go to the urban areas, particularly to Kohima, to have things exchanged for cosmetics. So, it is not a fact that cosmetics are not much in use.

I was feeling very glad when I found my friend, Shri T. K. Chaudhuri taking interest in cosmetics; though he has not obliged the other sex by taking one as a partner, he has obliged them at least in the matter of having a check on the cosmetics that they use.

**Shri D. C. Sharma** (Gurdaspur): He is a noble man.

**Shri C. K. Bhattacharyya:** Yes, he is. Shri Khadilkar was telling us something about the use of cosmetics in our country. What I would particularly try to impress upon the Health Minister is that this difficulty in the use of imported cosmetics, or cosmetics made or prepared out of imported ingredients, can be avoided if we can revive the use of cosmetics according to Indian tradition. It is not a fact that we had no cosmetics. We had. We had almost a tradition in the use of those cosmetics. Shri Chaudhuri pointed out that the present Bill is designed on the names of an American Act. If that is so, then there must be some necessity of having the Bill modified, because the cosmetics as used there must be different from cosmetics as used in our country. Here we have a different tradition altogether. The question of traditions has been raised because Shri Khadilkar was telling us that women were in the habit of going out under false appearance. But, if the use of cosmetics were to be prevented on that ground, much of Indian poetry would lose its beauty and much of Indian

poetry would disappear, because much of it depends on how the cosmetics were used and how they are applied to beautify faces of a particular sex.

**Shri U. M. Trivedi:** Not adulterated?

**Shri C. K. Bhattacharyya:** In that there was no chance of adulteration, for Kalidasa says:

हस्ते लीलाकमलमलके बालकुन्दानुविद्धम्

नीता लीध्रप्रसवरजसा पांडुतामाननश्रीः

the face was beautified with the pollens of Lodhra flowers. In that there is no chance of adulteration. You get things from the nature direct and use them directly. So, if we could revive our Indian tradition, if the hon. Minister with the help of the Minister of Culture can help to revive the Indian tradition in the use of cosmetics, much of the present difficulties would disappear. The hon. Minister of Culture might be helpful to the hon. Health Minister in this matter.

In the matter of paste, instead of snows and creams we have

काश्मीर कर्पूर-विलिप्तदेहा

That is how Todi Ragini is described.

तृषार-कुंदोज्ज्वल-देहयष्टि

The whole body is besmeared with *kashmir*, that is, *kumkum* and *karpur* mixed up together. She has besmeared her body with that. That is certainly more beautiful than all these cosmetics put together which are imported. I wish this tradition could be revived.

I may go further. You may put a different type of paste, namely,

चन्दन-अगरु-कुमकुम

Sandal, *agaru*

and *kumkum* mixed up would give you a paste that would be much higher in quality and much helpful for health. These are not only pastes for use as cosmetics but these are helpful for the health of the body also.

**Shri D. C. Sharma:** What about Gurudev? I do not think he has praised cosmetics anywhere.

**Shri C. K. Bhattacharyya:** I believe, Shri D. C. Sharma was referring to Rabindranath Tagore. I wish he could read Tagore's compositions on these particular lines:

नीता लोध्रप्रसव रजसा पांडुतामाननश्रीः

how he had narrated his feelings about the lines that the poets have written.

**Shri U. M. Trivedi:** Shri Sharma does not know Sanskrit.

**Shri Warrior:** Turmeric also is used.

**Shri C. K. Bhattacharyya:** My hon. friend, Shri Warrior, goes to turmeric. That just suits the taste that he has cultured for himself in the way that he has developed his own philosophy. But my philosophy does not lead me to turmeric in order to find out cosmetics. My philosophy leads me to other things, like,

काश्मीर-कर्पूर-विलिप्तदेहा or

चन्दन-अगरु-कुमकुम

My philosophy would lead to these ingredients. His philosophy would lead to turmeric.

**Shri Hari Vishnu Kamath:** He is a warrior !

**Shri C. K. Bhattacharyya:** So far as beauty culture is concerned, beauty culture depends not only on the use of cosmetics but it depends on something else. The poet definitely narrated that beauty culture would depend on the entire spiritual excellence shining through the face, not besmearing the face with particular type of cosmetics. That I would suggest to the persons who are interested in cosmetics so that their beauty might shine through their face, the beauty that lies within and not the beauty as prepared or as extolled with the help of extraneous elements.

श्री बड़े (खारगोल) : उपाध्यक्ष महोदय, इस बिल का नाम तो ड्रग्स एमेंडमेंट बिल रखा गया है लेकिन इस की जो धाराये हैं, वे कासमैटिक्स को ही एफैक्ट करती हैं और इस वजह से इस पर यहां आपत्ति की जा रही है। कासमैटिक्स श्रृंगार का साधन शुरू से ही रहा है। हमारे यहां जो आदिवासी हैं, जो प्रिमिटिव क्लामिस हैं, उन से ले कर बड़े से बड़े कासमैटिक्स का इस्तेमाल करते हैं। प्रिमिटिव कासिम में घोड़ा छाप बीड़ी के लाल कवर को ले कर और उसको हाथ में मसल कर तथा उसमें पानी मिला कर उसे मुंह तथा बदन पर लगाया जाता रहा है। जो कासमैटिक्स हैं, ये अपर क्लामिस की श्रृंगार की वस्तुएं हैं। नीचे की क्लामिस से ले कर ऊंचों से ऊंचा क्लामिस तक में किसी न किसी रूप में श्रृंगार साधनों का उपयोग चलता रहा है और आज भी चल रहा है। इनको न केवल स्त्रियां ही बल्कि आदमी भी इस्तेमाल करते रहे हैं और करते हैं। इसमें कोई आश्चर्य की बात नहीं है। कासमैटिक्स को ही रेगुलेट करने के लिए यह बिल शासन की तरफ से क्यों लाया गया है, यह मेरी समझ में नहीं आया है। साथ ही साथ इतनी देरी में लाने की क्या वजह है यह बात भी मेरी समझ में नहीं आई है। आपने इसमें लिखा हुआ है

"The question of regulating the manufacture of cosmetics was discussed at the last meeting of the Central Council of Health held at Jaipur in October, 1960."

१९६० में जयपुर में जो एक कान्फ्रेंस हुई थी सेंट्रल काउंसिल आफ हेल्थ की, उसने जो सजेशन किया था, जो रेजोल्यूशन पास किया था, उसको अमल में लाने के लिए आप यह बिल ला रहे हैं, ऐसा कहा गया है। मैंने रेजोल्यूशन नम्बर १० को देखा है जोकि इस प्रकार है :-

"The Council is of opinion that in order to safeguard the health

of the people suitable control should be exercised over the quality of toilet preparations including cosmetics. The practicability of such control being exercised by an amendment of the Drugs Act should be examined."

हमारे श्री कामथ साहब ने कहा है कि इसके पहले का जो रेजोल्यूशन नम्बर ९ है, उसको अमल में लाने का शासन ने आज तक प्रयत्न नहीं किया है। क्यों नहीं किया है, यह मैं नहीं कह सकता हूँ। यह रेजोल्यूशन इस प्रकार है :-

"The Central Council of Health having given careful thought to the present position with regard to the manufacture of all types of medicines, is unanimously of the opinion that time has arrived for measures being taken for the regulation and control of the manufacture, distribution and sale of all kinds of drugs, including ayurvedic, unani, homoeopathic, etc.

The Council considers that a beginning should be made immediately for the standardisation of the drugs through the preparation of separate Pharmacopocias for these drugs. Until such time as adequate standards can be laid down and regulatory provisions evolved accordingly, the Council recommends that as preliminary steps, the following measures may be adopted:—

- (1) the manufacture should be carried out under hygienic conditions;
- (2) the raw materials used for the preparation of the medicines should be properly identified and tested;
- (3) the formula or the list of ingredients should be dis-

played on the label of every container.

The above may be achieved by suitable amendments of the Drugs Act, 1940."

ड्रग्स एक्ट के एमेंडमेंट को न ला करके केवल कासमैटिक्स के ऊपर जो छोटा सा रेजोल्यूशन है, ध्यान दे कर आप ठीक नहीं कर रहे हैं। आपने कहा है :

"Some amendment should be made and the quality of toilet preparations including cosmetics..."

इसके ऊपर कंट्रोल होना चाहिये और ये वस्तुयें उत्तम ही बाजार में बिकनी चाहिये, इसको ही क्यों इस बिल में लाया गया है और इसका क्या कारण है, यह मंत्री महोदय बनलाने की कृपा करें। एक माननीय सदस्य ने कहा है कि इसमें बड़े बड़े कारखानेदारों की रक्षा करने की बात निहित है। क्योंकि उनको छोटे छोटे कारखानेदारों से कम्पीटीशन का सामना करना पड़ा रहा था, इस वास्ते उनको इस कम्पीटीशन से बचाने के लिए, यह एमेंडमेंट लाया गया है। चूँकि छोटे कारखानेदार अपने माल को सस्ता बेच लिया करते थे, और उनके सामने बड़े कारखानेदार टिक नहीं सकते थे, इस वास्ते बड़े बड़े व्यापारियों के हितों की रक्षा करने के लिए इसको यहाँ लाया गया है, ऐसी शंका होती है। यह बिल ड्रग्स एमेंडमेंट का जो प्रिपम्बल है, उसके विरुद्ध जाता है। वह प्रिपम्बल इस प्रकार है :-

"An Act to regulate the import, manufacture, distribution and sale of drugs."

अब ड्रग्स का मीनिंग चैम्बर्ज डिकशनरी में इस प्रकार दिया हुआ है :-

"Any substance used in the 1153 (Ai) LSD—8.

composition of medicine; a substance used to stupefy or poison."

इसमें कासमैटिक्स नहीं आते हैं। जब इसमें कासमैटिक्स नहीं आते हैं, तो यह चीज जुरिस्पुडेंस के भी विरुद्ध जाती है। कासमैटिक्स का मीनिंग इस तरह से दिया गया है :-

"Purporting to improve beauty, especially that of the complexion."

ब्यूटी को इनक्रीज करने के जो हैं उनमें और ड्रग्स में बड़ा फर्क है। जो कुछ ड्रग्स एक्ट के प्रिपम्बल में कहा गया है, उसके विरुद्ध जा कर कासमैटिक्स को इस एक्ट के अन्तर्गत लाना में कहता हूँ जुरिस्पुडेंस की हत्या करना है। जैसा कासमैटिक्स का डेफीनीशन दिया हुआ है, इसमें नहीं आता है। वह इस प्रकार दिया हुआ है :-

"'cosmetic' means any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting..."

इसमें से सोप एक्सक्लूड्ड है। टायलट्स को जब आप इसमें रखते हैं तो सोप को क्या एक्सक्लूड्ड करते हैं। सोप को एक्सक्लूड्ड करके बाकी जितना कासमैटिक्स का सामान है, लिपस्टिक है, पाउंड है, स्नो है, सर्भों को आपने इसमें शामिल कर दिया है। जो ड्रग्स एक्ट का प्रिपम्बल है, उसको यदि पढ़ा जाए तो उसमें कासमैटिक्स आने नहीं है। जिस तरह में हार्म का अगर कोई डेफीनीशन करता है और उसको वह इस तरह से कर देता है

"'Horse' includes elephants, monkeys and all these things."

उसी तरह से आप इसका डेफीनीशन कर रहे हैं। यह लूज डेफीनीशन है और

[ श्री बड़े ]

इस तरह के कानून का फायदा कोर्ट में लोगों को मिलता है। कुमकुम जो है, उसको हिन्दुओं में सौभाग्य की निशानी माना गया है। आपने इसको इसमें इनकल्यूड किया है। जिस तरह से आपने सोप को एक्सक्ल्यूड किया है, उसी तरह से आपको चाहिये था कि आप इसको भी एक्सक्ल्यूड करते। इस के साथ भस्म है, जो भस्म लगाई जाती है वह भी इस में से एक्सक्ल्यूड होना चाहिये because it is also besmeared. साधु लोग रहते हैं, हमारा यहां ५ लाख लोगों का साधु समाज है, वे भी अच्छे दिखने के वास्ते भस्म लगाते हैं गोपी चन्दन की। वह भी इस में आ जायेगा। इस लिये मैं कहता हूं कि इस की जो डेफिनिशन है वह बड़ी हास्यास्पद है।

पनिशमेंट के बारे में आप का कहना है कि चूंकि कॉस्मेटिक्स जो हैं उन में बहुत अडल्टरेशन हो रहा है इस लिये उस के लिये इस्टिक पनिशमेंट होना चाहिये। लेकिन ड्रग्स के अडल्टरेशन के वास्ते जो पनिशमेंट का सेक्शन है वह यह है।

"it should not be less than one year."

यानी बाध्य किया गया है कि यदि ड्रग्स का अडल्टरेशन हो तो एक साल को सजा देनी ही पड़ेगी। यह सेक्शन २७ में है। लेकिन अब जो कॉस्मेटिक्स के बारे में प्रमेंडमेंट लाया गया है इस में लैस वैन वन इअर, जैसा कोई प्राविजन नहीं है। उस में है:

"he may be awarded imprisonment for one year or fine or both".

ड्रग्स एक्ट में जो इस्टिक प्राविजन मैजिस्ट्रेट को डिस्क्रेशन देने का था कि

"he should give a sentence of at least one year".

उसे इस में कम किया गया है।

साथ साथ इस में इन्स्पेक्टर को पावर दी गई है कि वही इस मामले में काग्निजेन्स ला सकता है। इन्स्पेक्टर ही काग्निजेन्स लगा और वही कोर्ट में दाखिल करेगा तब मुकदमा चलेगा। इस में पुलिस के काग्निजेन्स लन की बात नहीं कही गई है। अगर शासन का उद्देश्य अच्छा होता, कॉस्मेटिक्स पर कुछ नियंत्रण लगान की इच्छा होती, तो इस में पुलिस काग्निजेन्स की बात होती। इस में रखा गया है कि इन्स्पेक्टर काग्निजेन्स लेकर कोर्ट में मुकदमा चलायेगा तब वह चलेगा। इस तरह से इन्स्पेक्टर कर्पट हो जाते हैं। ऐसी हालत में आप जितने कानून बनायेगा और जितने रस्ट्रिक्शन्स लगायेंगे उतना ही नीचे के स्तर पर कर्पण बढ़े जायेगा। इन्स्पेक्टर के काग्निजेन्स की बात लिख कर बड़ी गडबडी हो जायेगी।

Even if he remains absent for one day

मुकदमा खारिज हो जायगा।

इस के साथ मैं यह भी कहना चाहता हूं कि जो ड्रग्स एक्ट है उस के साथ यहां पर दूसरा प्राविजन अडल्टरेशन एक्ट का लाया जाता तो ज्यादा अच्छा होता। यह जो कानून बनाया गया है वह बहुत लूथ है आर्डनरी प्रिंसिपल आफ जूरिस्पुडेन्स के खिलाफ है। यह बहुत हस्टिली कंसीडर विल है जो कि यहां प्रस्तुत किया गया है।

**Shri Gauri Shanker (Fatehpur):**  
Sir, I fail to understand how this Bill which is before us has been named as the Drugs (Amendment) Bill, I have gone through this Bill, and I find that there is absolutely no amendment in the parent Drugs Act. Only, 'cosmetics' has been added everywhere. So, if a separate subject is being added, and it is still called the Drugs (Amendment) Bill, I am surprised how it can be done like that. I find one thing. Our Government is in the habit of showing certain good things which they actually don't do but

which they intend to do. In the same manner, probably they want to show that they are undertaking this amendment of the Drugs Act. But actually we find that there is absolutely not an iota of amendment anywhere in the parent Drugs Act. So my first objection is that this should not be done in this manner, by the Drugs (Amendment) Bill. If the Government wants to legislate with regard to cosmetics, some separate Bill should be introduced for that purpose.

My second objection is this. It is a pity that the Government is thinking of legislating with regard to this cosmetics affair when, as has been pointed out, there is so much adulteration and adulteration has become the fashion of the day, not to say of drugs, but everywhere, in food, milk and other things. Everywhere we find that this adulteration is increasing, and there is absolutely no attempt being made to check it.

I agree with what Mr. Kamath has said that there should be deterrent punishment. But the unfortunate thing is that there is no machinery properly set up actually to check the adulteration. I find that the machineries which are at present doing it are not effective. So we have first of all to introduce effective machinery at least at every district level, if we are seriously thinking of doing away with adulteration.

As regards this cosmetics matter, most of the cosmetics are meant for external application. They would not be so much injurious to human health as adulterated food or spurious drugs are. So I think it would be better if the Health Ministry comes forward and introduces a comprehensive amendment to the parent Drugs Act.

Then again, as has been pointed out, this is against the preamble which has been given here. The cosmetics have nothing to do with drugs. These are two different subject-matters altogether, and they have got no con-

nection with each other. So, if you are introducing a different subject-matter, and you are giving in your preamble that you are amending the Drugs Act, I think it cannot stand legally also. So, if you look into your preamble and the parent measure which was passed, you will find that you are not in a position to bring this amendment which has been introduced in this House.

I would, of course appreciate and I would like that strict measures be adopted to check this over-growing adulteration. There are many cases, and I would point out just one case. I know of a very big businessman dealing in sweets and other things at Lucknow. 50,000 rupees worth of blotting paper was used in preparing *rabi* and *balai* which were consumed, by the public. And what happened? A case has been registered and he is being called upon to pay only a fine of some thousand rupees which has been imposed. That is no punishment at all. If they are earning thousands and lakhs of rupees and are called upon just to pay a few thousands, that would not remedy the evil.

So in this matter, as some of the Congress Members have also pointed out, it is very necessary for the Health Ministry, which is the custodian of the health of this nation, to bring such measures to see that we are able to check adulteration. It is really a great pity that even after fifteen years of Independence we are not able to get any pure drug in the market. Adulteration is increasing in every commodity, and I find that there is absolutely no measure ever contemplated by Government to really check such things.

I would not take much time. I would simply say this that the introduction of this Drugs (Amendment) Bill—I do not know how far the name itself is proper—but even with regard to its subject-matter, as I have pointed out, it is not going to give any relief. If the Government is seriously thinking of legislating about cosme-

[Shri Gauri Shanker]

tics, let them bring forward a separate Bill and this Bill, as has been introduced before the House, be withdrawn as it is the most ineffective Bill.

**Shri Warrior:** Sir, I want only to clarify the position when I interrupted my friend Shri C. K. Bhattacharyya by saying that turmeric can be used. It is not only a disinfectant but also a beautifying element which is used in South India at least, as I know, by women, especially at marriage times. Even the marriage invitation cards are pasted with turmeric paint. That is why, in all sincerity, I only wanted to add to what my friend Shri C. K. Bhattacharyya was saying. In India, even from the olden times not only women but men also have been using this beautifying material, especially on festive occasions and marriage occasions. So, there is nothing wrong in my view that our men and women are using them whenever occasion arises. Nowadays,

**Shri C. K. Bhattacharyya:** Is that only turmeric or turmeric mixed with oil? As we know, it is *tailaharidra*.

**Shri Warrior:** Turmeric without oil: with water or without water, as powder can be used. That is even considered as a sacred offering to Mother Kali.

In the speeches made here, mainly the attack was focussed on our womenfolk. I was wondering why this un-chivalrous spirit has pervaded this House so much. Nowadays, if you look at the college hostels of students—I mean male students—you will see that they are spending more time for make-ups than actually cur girl students some air combs, some hair makes, and moustaches—it will take one hour for them in the morning to make it. Why all this attack against our women who, naturally, are not so immodest to attack men on this score. Simply they are not doing

that, we should not take advantage of that, and have such an attack on our womenfolk. They are naturally interested, not in attracting men, but in making men also happy. By natural, hereditary conviction, they thought that it is their duty not to go about ugly, dirty. They want to be tidy. They want to be beautiful. Not for their own sake; it is a sacrificial sentiment, for the happiness of menfolk especially. You enjoy everything like that and then in an August Assembly like this, come down with an attack upon them. This is most un-chivalrous—the unkindest cut of all.

**Dr. L. M. Singhvi (Jodhpur):** Sir, the gallant Warrior has turned into a veritable Aesthete.

**Shri Warrior:** Whether I use such expressions or not is not the main point. This is a very serious point. Many of us heard attacks on women in this House. I wanted just at least to minimise that.

Cosmetics is now becoming very prevalent in India not only in the urban areas, but even in the suburban areas. I am rather amazed at Shri Trivedi saying that he is not going to the barber shop. I do not know whether he is summoning the barber to his house for monthly hairdress. Go to a village barber shop. You will find Himalaya boquet, cuticura power and other things. This is not exclusive to the urban area. Even in suburban areas, even in the villages, it is coming. If it has not come in certain parts, it will surely come.

The difficulty is, here in India, this trade also is more or less monopolised by certain big houses like Lever Brothers or for that matter Tatas or some other people. They seem to have complete mastery, sway over this trade. That is they are always objecting to small manufacturers coming up in this trade as well as in so many other trades. As a matter of fact, in the adulteration of even

Vanaspati which had been pointed out by expert chemists of the Lucknow university or somewhere else, no action has been taken. It was impossible for the Government to take any action because these houses were more powerful than even all the coercive machinery of the Government. With regard to vanaspati, question after question have been put in the Lok Sabha.

**Mr. Deputy-Speaker:** His time is up; he need not go to vanaspati.

**Shri Warrior:** I will come to drugs: from food to drugs.

**Mr. Deputy-Speaker:** He must finish now.

**Shri Warrior:** This is a very important matter. When these big houses are doing this business, we cannot take any proper action to curb their nefarious activities. It is the small holders who are going to suffer. That is the main objection. No penal clause should be added to the Penal Code without giving sufficient guarantee of protection to the small holders and small manufacturers, not only of cosmetics, but all other substances. Hence, this Bill will only help more corrupt practices as far as the coercive machinery of the Government is concerned and more coercion to the small manufacturers and protection to the big holders. At the same time, the people will not be protected.

**Dr. Melkote (Hyderabad):** Mr. Deputy-Speaker, I shall be extremely brief. There are only three points that I would like to press for the consideration of the House. People have expressed some romantic sentiments. But, the point is whether this House would welcome some kind of quality control with regard to the manufacture of cosmetics. That is the main point for consideration. So far as quality control is concerned, I am sure this House would agree that there should be quality control. I will certainly give all the support that I could give so far as this Amending Bill is concerned.

There are some objectionable features with regard to this which I would like to place before the House for consideration. They are two in nature. One is with regard to the opinions expressed by the officials themselves. During the tour of the Health survey and Planning committee in the various States—I happened to be one of the members—we went round and collected evidence. The officials themselves said that the implementation machinery is woefully lacking. When we pass an Amending Bill like this in this House, it may look perfectly all right, from the point of view of the Government that they have done something of a very reasonable nature. But, this House would like to know whether the Government has sufficient machinery, even as it is, without this amendment being brought in, to examine the spurious nature of so many drugs and so many other things in the country. So far as cosmetics are concerned, they have been manufactured galore by manufacturers. If, as it is, you are not able to implement the Act that is in force, I do not see how by enlarging the scope of this Act, you can work it properly. So far as the objective is concerned, it is perfectly right. But the Government has not given the answer that they are going to increase the implementing machinery sufficient to be able to cope with the work.

The third point is this. There are two aspects of the case: (i) cosmetics prepared by chemicals and (ii) cosmetics generally used in India, which do not conform to the type of chemicals that are used in western countries. If this is going to hit at the cosmetics that have been manufactured in India and that have been in use for a long time, it would be going beyond the scope of the Bill. How are they going to analyse these things. To what extent they would be in a position to assess and to what extent there will be regard for the use of Indian and European type of cosmetics—about these, there has been no clarification. If that clarifi-



[Dr. Melkote]

cation is coming in, and if we are assured that there should be sufficient implementing machinery, I would personally say that this is a very welcome Bill and it should be approved.

**Dr. D. S. Raju:** Mr. Deputy-Speaker, I am grateful to hon. Members for the very valuable contributions they have made to the discussion on this Bill which is before the House.

Mainly, their objections and their criticisms have been levelled against certain aspects with which I would like to deal. I am glad that Members have not taken objection to the use of cosmetics as such. I am glad that most of the Members have accepted the necessity or utility of some of the cosmetics. It has become perhaps our way of life, and a part of our culture. Therefore, these could not be avoided. Actually, the objection that could be raised is to the part that they play in injuring health. As has been mentioned earlier, cosmetics, when they are adulterated, do cause injury to health. But, to label these injuries in the same category as drug poisoning or food poisoning will be going too far. We have had cases of dermatitis, some mild ulcers of the lips and some allergic manifestations due to the use of cosmetics. But these cannot be classified on the same footing as drug poisoning or food poisoning. Drug poisoning and food poisoning are quite different, they could cause death, they are much more lethal and much more poisonous. But cosmetics as such have not produced such serious deleterious effects as might endanger life.

16 hrs.

That is the reason why so far as the punishment is concerned, it has been limited to one year's imprisonment and/or Rs. 500 fine for the first offence under the provisions of the Act as applied to cosmetics which

come under its purview. Apart from that, this is the first time when we are bringing cosmetics within the purview of this Act.

As soon as this Act is enforced, the manufacturers have got to obtain licences. That means that they have got to employ technical personnel, they have got to have clean surroundings, they have got to have standard equipment for manufacturing these cosmetics and so on. So, the very fact that we are making it incumbent on them to obtain a licence would bring in all those changes which are material to improving the quality of the cosmetics. As and when we find that the provisions of this Act are inadequate, we shall come forward with provision for greater and deterrent punishment. But, for the time being, we feel that this punishment of one year's imprisonment and/or fine of Rs. 500 is adequate enough to prove as a deterrent.

**Shri Hari Vishnu Kamath:** Not at all.

**Dr. D. S. Raju:** Then, some hon. Members have stated that there is no adequate machinery to deal with the crimes under this Act, but I would like to point out that under the provisions of the Drug Control Act, we have quite a number of drug inspectors; we have about 108 drug inspectors all over the States, whose duty it is to go and get samples at very odd hours and at odd moments; they have got the liberty to visit any manufacturing premises they like.

**Shri Hari Vishnu Kamath:** Are they trained in cosmetics also? Will they be trained in cosmetics also?

**Dr. Melkote:** May I know how many such factories are there manufacturing such things?

**Dr. D. S. Raju:** I am talking about the machinery that is already there in the country to implement the pro-

visions of the Act as it applies to cosmetics. The drug inspectors are there, and they can go and collect samples and get them examined at the various laboratories which are there in the country; there is one drug laboratory at Calcutta, there is another at Lucknow, and there is a third one at Bombay, and another one is going to come up in, I think, Gujarat. So, there are already laboratories where the drugs and cosmetics can be examined and identified.

There is also the recent provision which has been made, that the Central Government can increase the number of analysts and also drug inspectors, as and when the occasion arises. Some hon. Members have stated that there is no adequate staff. That is why I am mentioning this and saying that there is already provision in the Drugs Act for increasing the number of analysts and drug inspectors.

Now, there is a technical advisory board. I can understand that now there are no standards laid down for cosmetics. But, the technical advisory board will lay down the standards for these cosmetics. So, that difficulty also will be removed.

**Dr. M. S. Aney** (Nagpur): Will the hon. Minister tell us whether additional staff, such as inspectors and others, are going to be appointed for the purpose of carrying out the provisions of this Act?

**Dr. D. S. Raju**: Additional analysts can be appointed, and the Central Government are authorised to appoint them.

**Dr. M. S. Aney**: But money is not provided for in the budget anywhere.

**Dr. D. S. Raju**: As and when necessary, probably we can ask for some more money later on.

**Shri Warrior**: No financial memorandum has been added to the Bill which

has come to us as passed by Rajya Sabha. But the memorandum which had been appended to the Bill as it was introduced in Rajya Sabha shows that you have financial provisions for additional inspectors and others.

**Dr. D. S. Raju**: Under the provisions of the Drug Act, we have got staff, and we have got the power to appoint additional staff whenever necessary. So, there is no extra machinery required for cosmetics.

A suggestion has also been made that this Bill should be referred to a Select Committee. It is felt by Government that the Bill involves only minor amendments. That is why a Select Committee is not considered necessary. If any occasion arises, and if the circumstances demand that this measure should be widened and made more comprehensive, then, we shall come forward with a request to refer the Bill to a Select Committee. But, at this stage, we feel that a Select Committee is not necessary.

These are some of the main objections which have been raised by hon. Members. Of course there are one or two minor points which have been raised by Shri Hari Vishnu Kamath. He raised a point about vermin.

**Shri Hari Vishnu Kamath**: That will come in the course of the amendments. But what about the proviso to section 10?

**Dr. D. S. Raju**: I think I have touched upon the main objections raised by hon. Members and I do feel after listening to the speeches of hon. Members that they have directly or indirectly supported the Bill.

**Shri Prabhat Kar**: The only thing is that it is inadequate.

**Dr. D. S. Raju**: So, I request hon. Members to pass this Bill.

**Mr. Deputy-Speaker**: I shall now put the amendment moved by Shri Tridib Kumar Chaudhuri to vote.

[Mr. Deputy-Speaker]

The question is:

"That the Bill further to amend the Drugs Act, 1940, as passed by Rajya Sabha, be referred to a Select Committee consisting of 11 Members, namely Dr. R. Banerji, Shri Priya Gupta, Shri Jaipal Singh, Shri Hari Vishnu Kamath, Shri Harish Chandra Mathur, Shri N. Sreekantan Nair, Dr. Saradish Roy, Pandit K. C. Sharma, Shri Sinhasan Singh, Shri K. K. Warior, and Shri Tridib Kumar Chaudhuri, with instructions to report by the last day of the first week of the next Session."

16.07½ hrs.

[MR. SPEAKER *in the Chair*]

Shri C. K. Bhattacharyya: My hon. friend Shri Tridib Kumar Chaudhuri is a confirmed bachelor, but he is so much interested in cosmetics that he wants a division on this.

*Division No. 9]*

16.08 hrs.

*The Lok Sabha divided*

Shri J. N. Hazarika (Dibrugarh): My machine did not work. I am for 'Noes'.

Shri N. P. Yadav (Sitamarhi): My machine also did not work. I am for 'Noes'.

Shri Gahmari (Ghazipur): My machine also did not function. I am for 'Noes'.

Shri Arunachalam (Ramanathapuram): My machine also did not work. I am for 'Noes'.

An Hon. Member: My machine did not operate. I am for 'Noes'.

Shri Bade: My machine was not in order. I am for 'Ayes'.

Dr. L. M. Singhvi: My machine also did not work. I am for 'Ayes'.

Shri Gokaran Prasad (Misrikh): My machine did not work. I am for 'Ayes'.

16.08 hrs.]

## AYES

Bade, Shri  
Badrudduja, Shri  
Berwa, Shri  
Bhawani, Shri  
Chaudhuri, Shri Tridib Kumar  
Dasaratha Deb, Shri  
Gauri Shankar, Shri  
Gokaran Prasad, Shri  
Gupta, Shri K. R.  
Jaipal Singh, Shri  
Kachhavaia, Shri

Kamath, Shri Hari Vishnu  
Kar, Shri Prabhat  
Karjee, Shri  
Mahato, Shri Bhajahari  
Marandi, Shri  
Mehta, Shri Jashvant  
Misra, Dr. 11.  
Mohun Swarup, Shri  
Muzaffar Husain, Shri  
Nair, Shri Vasudevan

Pandey, Shri Sarjoo  
Rajaram, Shri  
Roy, Dr. Saradish  
Shastri, Shri Prakash Vir  
Singh, Shri Y. D.  
Singhvi, Dr. L. M.  
Soy, Shri H. C.  
Suraj Lal, Shri  
Vishram Prasad Shri  
Warior, Shri

## NOES

Achal Singh, Shri  
Aney, Dr. M. S  
Ankineedu, Shri  
Arunachalam, Shri  
Bakliwal, Shri  
Balakrishnan, Shri  
Banerjee, Dr. R.  
Basumatari, Shri  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L. N.

Bhargava, Shri M. B.  
Bhatthar, Shri  
Bhattacharyya, Shri C. K.  
Brajeshwar Prasad, Shri  
Brij Basi Lal, Shri  
Brij Raj Singh-Kotah, Shri  
Chakraverti, Shri P. R.  
Rhanda, Shrimati Jyotsna  
Chandak, Shri  
Chandrasekhar, Shrimati ]

Chaturvedi, Shri S. N.  
Chaudhry, Shri C. L.  
Chaudhuri, Shri D. S.  
Chavan, Shri D. R.  
Chavda, Shrimati  
Chettiar, Shri Ramanathan  
Das, Shri B. K.  
Dass, Shri C.  
Deshmukh, Shri B. D.  
Deshpande, Shri

Dhuleshwar Meena, Shri  
 Dube, Shri Mulchand  
 Dubey, Shri R. G.  
 Gahmari, Shri  
 Gajraj Singh Rao, Shri  
 Hanumanthiah, Shri  
 Harvani, Shri Ansar  
 Hazarika, Shri J. N.  
 Hem Raj, Shri  
 Iqbal Singh, Shri  
 Jadhav, Shri M. L.  
 Jadhav, Shri Tulshidas  
 Jagjivan Ram, Shri  
 Jedhe, Shri  
 Jena, Shri  
 Jyotishi, Shri J. P.  
 Kadadi, Shri  
 Kamble, Shri  
 Kanakasbai, Shri  
 Khadilkar, Shri  
 Kindar Lal, Shri  
 Kotoki, Shri Liladhar  
 Kripa Shankar, Shri  
 Kureel, Shri, B. N.  
 Lakshminanthamma, Shrimati  
 Lalit Sen, Shri  
 Laskar, Shri N. R.  
 Laxmi Bai, Shrimati  
 Mahadeo Prasad, Shri  
 Mahadeva Prasad, Dr.  
 Mahtab, Shri  
 Maheshdatta, Shri  
 Mandal, Shri Y. P.  
 Maruthiah, Shri  
 Mathur, Shri Harish Chandra  
 Mehrotra, Shri B. B.  
 Melkote, Dr.

Minimata, Shrimati  
 Mirza, Shri Bakar Ali  
 Mishra, Shri Bibhuti  
 Mohanty, Shri G.  
 Moraka, Shri  
 More, Shri K. L.  
 More, Shri S. S.  
 Muthiah, Shri  
 Naidu, Shri V. G.  
 Naik, Shri D. J.  
 Naik, Shri Maheshwar  
 Nehru, Shri Jawaharlal  
 Niranjan Lal, Shri  
 Oza, Shri  
 Paliwal, Shri  
 Pandey, Shri Vishwa Nath  
 Pann Lal, Shri  
 Paramasivan, Shri  
 Patel, Shri Chhotubhai  
 Patel, Shri N. N.  
 Patel, Shri P. R.  
 Patel, Shri Rajeshwar  
 Patil, Shri D. S.  
 Patil, Shri M. B.  
 Patil, Shri T. A.  
 prabhakar, Shri Naval  
 Pratap Singh, Shri  
 Raghunath Singh, Shri  
 Raju, Shri D. B.  
 Raju, Shri D. S.  
 Ram Subhag Singh, Dr.  
 Rananjai Singh, Shri  
 Rane, Shri  
 Ranga Rao, Shri  
 Rao, Dr. K. L.  
 Rao, Shri Krishnamoorthy

ao, Shri Thirumala  
 Ray, Shrimati Renuka  
 Reddiar, Shri  
 Reddy, Shrimati Yashoda  
 Roy, Shri Bishwanath  
 Sahu, Shri Rameshwar  
 Samanta, Shri S. C.  
 Samnani, Shri  
 Saraf, Shri Shyam Lal  
 Sen, Shri P. G.  
 Shah, Shri Manabendra  
 Sharma, Shri Shri A. P.  
 Sharma, Shri D. C.  
 Sharma, Shri K. C.  
 Shashi Ranjan, Shri  
 Shastri, Shri Ramanand  
 Sheo Narain, Shri  
 Shree Narayan Das, Shri  
 Siddanajappa, Shri  
 Singh, Shri D. N.  
 Singh, Shri K. K.  
 Singha, Shri Y. N.  
 Sinha, Shri Satya Narayan  
 Subbaraman, Shri  
 Subramaniam, Shri C.  
 Sumat Prasad, Shri  
 Tahir, Shri Mohammad  
 Thimmiah, Shri  
 Tiwary, Shri D. N.  
 Tiwary, Shri R. S.  
 Tula Ram, Shri  
 Tulmohan Ram, Shri  
 Upadhyaya, Shri Shiva Dutt  
 Varma, Shri Ravindra  
 Verma, Shri B.  
 Yadav, Shri N. P.

**Mr. Speaker:** The result of the Division is: Ayes 31; Noes 139.

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That the Bill further to amend the Drugs Act, 1940, as passed by Raya Sabha, be taken into consideration".

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That clauses 2 and 3 stand part of the Bill".

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

**Shri Hari Vishnu Kamath:** I beg to move:

(i) Page 1, line 19, after "Component of" insert—"any". (3).

(ii) Page 1,—after line 19, add—

'(b) in sub-clause (ii) of clause (b) for the word "vermins", the word "vermin" shall be substituted'. (5).

May I say straightway that I am opposed to the definition of the word 'cosmetic' as laid out in this Bill? Unfortunately, for lack of time, I could not devise a better definition for the word 'cosmetic'.

**Mr. Speaker:** He is only opposed to the definition and not to cosmetics.

**Shri Hari Vishnu Kamath:** I have got an amendment also. The basic, fundamental objection to the definition is this. I am convinced that the definition of 'cosmetic' as something which cleanses, beautifies and

[Shri Hari Vishnu Kamath]

promotes attractiveness is philosophically and fundamentally wrong. Unless this is accompanied by some sort of inner process,—inner cleanliness,—no amount of cosmetic can beautify or cleanse a person.

**Mr. Speaker:** We should discuss legislation and not philosophy.

**Shri Hari Vishnu Kamath:** You know very well that philosophy is the basis of all laws.

Anyway, my amendment is a verbal amendment which I seek to insert, namely, the word 'any' after 'component of'. The clause as it stands reads: 'includes any article intended for use as a component of cosmetic'. If my amendment is accepted by the House, it will read as follows:

'includes any article intended for use as a component of any cosmetic'.

I think it is better English. I do not know whether the Minister will accept it, but I am sure the House will, even if the Minister does not. The House will compel the Minister to accept it.

**Shri Bade:** I beg to move:

Page 1, line 19, add at the end—  
"Kumkum, ash, mendi, kajal and all other articles which are used or applied at the time of religious or social functions". (4).

माननीय अध्यक्ष जी, इस बिल में "कास्मेटिक" का यह डेफ़िनीशन की गई है :-

"Cosmetic" means any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic . . .".

और उस के आखिर में यह कहा गया है :-

'but does not include soap'.

मैं ने यह अमंडमेंट दिया है कि इस के आगे यह एंड कर दिया जाय :-

"Kumkum, ash, mendi, kajal and all other articles which are used or applied at the time of religious or social functions".

इस का कारण यह है कि मैरिज आदि सोशल तथा रिलिजस फंक्शन्ज के अक्सर पर महंदी इज आलवेज एप्लाइड, काजल इज आलवेज इप्लाइड एंड कुमकुम इज स्मोयर्ड आन दि हेयर।

**Dr. M. S. Aney:** Why not exclude haridra?

श्री बडे : इस में सोप को इन्क्लूड नहीं किया गया है। सोप एक कास्मेटिक है, लेकिन उस को एक्स्क्लूड किया गया है। मैं चाहता हूँ कि इस के साथ ही साथ हिन्दू शास्त्रों के अनुसार सीमाय के लिए स्त्रियाँ जो चीजें लगाती हैं, उन को भी एक्स्क्लूड कर देना चाहिए। रिलिजन फंक्शन्ज पर जो आयटमेंट प्रयोग में लाए जाते हैं, वे आज-कल बाजार में तैयार मिलते हैं। घर की औरतों के लिए उन को कूट कर तैयार करना मुश्किल होता है। इसलिए बम्बई और इन्दौर में वे बाजार में तैयार मिलते हैं। देंट इज ऐन आयुवेदिक प्रैपरेशन। वह एक होमली प्रैपरेशन है। दीवानी के जो एक प्रैपरेशन तैयार होता है, जिस को मराठी में उवटना कहते हैं। इसी प्रकार एक तरह का सुगन्धित पाउडर भी लगाया जाता है। उन सब वस्तुओं को एक्स्क्लूड कर देना चाहिए। "कास्मेटिक" की डेफ़िनीशन इतनी वाइड कर दी गई है कि उस में उन चीजों को इन्क्लूड कर लिया गया है, जो रब, पोर, स्प्रिंकल या स्त्रे की जाती हैं। मैं चाहता हूँ कि कुमकुम, महंदी और काजल आदि को भी एक्स्क्लूड करना चाहिए।

मैं आशा करता हूँ कि मन्त्रालय मंत्रों में मेरी इस  
अपेक्षाओं को मन्जूर कर लेंगे ।

**Shrimati Yashoda Reddy:** May I just say that sindoor is not a part of cosmetics? Kumkum is not considered as a cosmetic in parts of South India. It is a part of the religious custom of Hindus to use it in marriages. It is not a cosmetic. That should also be excepted, apart from the question of whether he is accepting it or not accepting it.

**Shri Bade:** I have included Kumkum in the exceptions.

**Mr. Speaker:** He has included it in the exceptions.

**Dr. D. S. Raju:** It has been found that in certain cases Kumkum also contained toxic substance. So also in the case of certain preparations of kajal, they were found to contain certain poisonous substances.

**Shri Hari Vishnu Kamath:** What about my amendments?

**Dr. D. S. Raju:** No, I am not accepting them.

**Mr. Speaker:** May I put all the three together?

**Shri Hari Vishnu Kamath:** Separately.

**Mr. Speaker:** The question is:

Page 1, line 19, after 'component of' insert "any". (3).

*The motion was negatived.*

**Mr. Speaker:** The question is:

Page 1, line 19,—add at the end—

"Kumkum, ash, mendi, kajal and all other articles which are used or applied at the time of religious or social functions." (4).

*The motion was negatived.*

**Mr. Speaker:** The question is:

Page 1, after line 19, add—

(b) in sub-clause (ii) of clause (b) for the word "vermins",

the word "vermin" shall be substituted." (5).

**Shri Hari Vishnu Kamath:** I would like to say something on this. There need not be voting and division on this. It is so simple. If a dictionary can be brought you will find that "vermin" has no plural as "vermins". That is hopelessly bad English.

**Mr. Speaker:** Then it is for the Minister to accept.

**Shri Hari Vishnu Kamath:** He knows English, all right, but we may bring a dictionary. The dictionary will support the amendment. There is no word as "vermins" at all. "Vermin" for singular and plural is the same word.

**Mr. Speaker:** Both mean the same thing.

**Shri Hari Vishnu Kamath:** But there is no word like "vermins".

**Dr. D. S. Raju:** There is in the Oxford Dictionary, the bigger dictionary.

**Shri Hari Vishnu Kamath:** Here if we have got a dictionary . . .

**Mr. Speaker:** Can I order him to bring a dictionary to me and decide it? It is for the House.

**Shri Hari Vishnu Kamath:** May I submit that it is up to you, that you are the custodian here of the rights of the House, and you are very well versed in these matters. On this simple matter if you give a ruling that "vermins" is wrong English, not merely wrong but absurd English, it is ridiculous, it is not English at all, . . .

**Mr. Speaker:** Order, order. It depends upon the House. I cannot give myself as much credit as has been given to me by Shri Kamath. I would rather submit to the superior judgment of the House. They have heard the arguments on both sides. So, I leave it to the House.

**Shri Hari Vishnu Kamath:** It is a matter of getting a dictionary. It is a question of the English language.

**Mr. Speaker:** Dictionary English is also to be decided by the House because they can frame bad laws as well as good laws, whatever they like. It is for the House to decide.

Now I will put the question.

**Shri Prabhat Kar:** We cannot make a word that is not in the dictionary.

**Shri Hari Vishnu Kamath:** It is not English.

**Mr. Speaker:** It is for the House to reject it. I cannot pronounce judgment that it is not English. It will ultimately be the House that would decide it. Even constitutional propriety is decided by the House.

**Shri Priya Gupta:** It is regarding the meaning of a word.

**Mr. Speaker:** Meaning of words also. Arguments have been given on both sides. The House has heard it.

**Shri Hari Vishnu Kamath:** May I ask one thing? If the word "mans" instead of "men" appears in a Bill, suppose the Minister supports "mans", would you allow it?

**Mr. Speaker:** That is a different thing.

**Shri Hari Vishnu Kamath:** Man—men; vermin—vermin.

**Shri Khadilkar:** What is the exact amendment, we do not know, and his arguments we do not follow.

**Shri C. K. Bhattacharyya:** According to English grammar, the word "vermin" is always plural, it does not require the addition of an "s", it is always plural.

**Dr. D. S. Raju:** That is wrong, Sir.

**Mr. Speaker:** The Minister has heard it. What is his reaction? All round it is being felt that "vermin" is plural in itself and it does not require an "s" after it. What is his reaction then?

**Dr. D. S. Raju:** It is used in both plural and singular according to the Oxford big dictionary. It is given

there. It can be used both as singular and plural.

**Mr. Speaker:** Then I put the question to the House.

The question is:

Page 1, after line 19, add—

'(b) in sub-clause (ii) of clause (b) for the word "vermins", the word "vermin" shall be substituted.' (5)

**Shri Priya Gupta:** On a point of order, Sir.

**Mr. Speaker:** That I have no right to put it to the House? That is the only thing that is before the House now. What is that the hon. Member wants?

**Shri Priya Gupta:** The point of order is whether the word "vermin" having its origin in English language, and the meaning of the word having been accepted to be the meaning given by the English i.e. in plural, we can derive any other meaning out of that? Has the House got this extraterritorial jurisdiction to change the meaning thereby?

**Mr. Speaker:** There is no question of the House having any extraterritorial jurisdiction in this respect, but I being an Indian and not an Englishman, I put to all other Indians here present to interpret it as they like.

The question is:

Page 1, after line 19, add—

'(b) in sub-clause (ii) of clause (b) for the word "vermins", the word "vermin" shall be substituted.' (5)

Those in favour will say "Aye".

**Some Hon. Members:** Aye.

**Mr. Speaker:** Those against will say "No".

**Some Hon. Members:** No.

**Mr. Speaker:** The "Noes" have it.

**Shri Hari Vishnu Kamath:** The "Ayes" have it. It is bad English, it goes against the grain.

**Mr. Speaker:** He cannot argue on merits now. If he wants to challenge a division, I am prepared.

**Shri Hari Vishnu Kamath:** Yes, Sir.

**Mr. Speaker:** Let the lobbies be cleared.

In the first instance, it was rather out of order, the amendment itself, because that sought to amend the parent Act, and not the amendment that was before the House. The amending Bill was not being amended here. There was nothing. It was not ancillary that it should be amended. But anyhow, now that it has been admitted and we have gone so far I would not rule it out. But when I saw it I found that it was quite in a different sub-clause of that clause and it is not being sought to be amended in the Bill.

**Shri S. S. More (Poona):** May I make a submission? If it is *ipso facto* out of order can we take it in a mistaken way? Then it is likely to be one of the precedents which will be binding.

**Shri Dasappa (Bangalore):** Cannot a point of order be raised at any stage?

**Mr. Speaker:** The difficulty is this.

**Shri Dasappa:** Before the final voting has taken place a point of order can be raised.

**Mr. Speaker:** The difficulty is this. It has been held as not out of order because the voting also has taken place. We have gone so far. Now we have almost accepted that it is not out of order.

**Shri S. S. More:** The final seal of approval of the House is not yet given as far as that amendment is concerned. Under certain wrong impressions

we took this particular course and have reached this stage. I was trying to read the Bill and find out where the word 'vermins' has been used which is sought to be amended but I could not find it out and I thought it was my mistake. Therefore, at this late hour, when the right of my raising a point of order has not yet ceased, I am raising this point and I say that it is out of order. If an out of order amendment is accepted for amendment, the risk is that your ruling is likely to be a precedent and we shall, so to say, be opening the doors for chaos to come in when we shall be discussing so many Bills. So many past rulings are also there that the principal Act cannot be amended like this.

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):** If the point has been raised and if you had given a ruling that it is not out of order, then perhaps it cannot be raised again. But when the matter has not been raised and is being raised for the first time at particular stage, I submit it is open to you even now to consider whether it is out of order or not and then give your ruling.

**Shri Tridib Kumar Chaudhuri:** I was just trying to point out to you that in this House, in the previous Parliament, that is, in the first Parliament, if I remember aright, there is a precedent when the parent Act, some portions of the Preventive Detention Act were amended; Government agreed to the parent Act also being amended.

**Mr. Speaker:** That is a different thing.

**Shri Priya Gupta:** On a point of explanation, Sir. Let it be verified whether in the original print of this Act it was singular or plural, with 's' or not. We might have reprinted it here; it may be a compositor's or proof reader's mistake.

**Shri C. K. Bhattacharyya:** May I submit one point, Sir? Even the



[Shri C. K. Bhattacharyya]

Highest Courts revise their own judgements. When they find that it has proceeded on a wrong basis, it is done. If you, Sir, as a presiding officer of this august House think that anything that you have stated or ordered has proceeded on a wrong basis you yourself might review your own order.

**Shri Hari Vishnu Kamath:** Sir, I will submit two points for your consideration.

First, when the principal Act is sought to be amended, then any section of that Act is sought to be amended, when the whole section is open to amendment by the House. When a sub-section of the old Act is sought to be amended by the Treasury Benches, any part of that sub-section can be amended by the House also.

Secondly, I invite your attention to rule 367 of our Rules, regarding division. Sub-rule 3 of Rule 367 that is on page 155—relates to this. We have reached that stage now, as adumbrated in sub-rule (3) of rule 367. It says:

"If the opinion of the Speaker as to the decision of a question is challenged, he shall order that the Lobby be cleared."

That you have done, Sir, now. The House has reached that stage under your orders. Now, at that stage, what have we to do? The next sub-rule, 367(3)(b) reads:

"After the lapse of two minutes he shall put the question."

What is enjoined upon the Speaker? He 'shall' put. There is no other question that arises now.

"...he shall put the question a second time and declare whether in his opinion the 'Ayes' or the 'Noes' have it."

So, Sir, you have no option before you, and you have got to put it to the vote of the House.

**Dr. M. S. Aney:** Under the provisions of the procedure a review of the order can be asked for under certain conditions. You are a lawyer, Sir, and many hon. Members are also lawyers here. After the first order has been given on a certain consideration, if a new point arises or if new material that was not available originally but discovered subsequently becomes available, on the basis of that a review can be asked for. The hon. Members who have made these points have shown that we are proceeding under the assumption that this word also is somewhere in the Bill which is under consideration. Now we find that it is not in the Bill that is under consideration but it is only in the parent Act. So, this is a new material that has been discovered and if you think that it is proper material you can order a review of the order in spite of what has been done.

**Shri S. S. More:** The argument which Shri Kamath is now advancing citing certain rule is fallacious and deceptive, if I can use those two words. The rule has been framed on the assumption that the procedure followed up to that stage has been legally valid and correct. If there is some *ab initio* difficulty, if it is an inherently wrong proposal and it has been taken up, I should think the Speaker has all the powers to correct the procedure.

**Shri Mulchand Dube** (Farrukhabad): Clerical mistakes can always be corrected without reference to the House. It is a case of a clerical mistake.

**Mr. Speaker:** The first thing is, there is no clerical mistake. I would point this out to Shri Dube that it is not a question of any mistake having occurred which we can call only a technical mistake or a clerical mistake. Therefore, there is no question of correcting it.

The second thing that has been brought to my notice by Shri Kamath is this. We have reached a stage from where we cannot retract and the Speaker has necessarily to proceed under Rule 167(3). That also has no basis at all. Because, if I am going on in these stages, then everything proceeds as contemplated. Then only I must go on. That is the procedure laid down as to how I should proceed. Then I have to go further. It is not that if the basis is taken out and the ground is wrong, then also necessarily I am bound to go further. So far as that is concerned, when it was challenged then alone I can see. When I saw the amendment, I found that in the amending Bill there was no mention of this word. I was trying to discover where the word was which Shri Kamath was trying to amend. Then I looked into the original Act and found that it was the other sub-clause that was not sought to be amended here. Shri Kamath as also some other hon. Member had said that when one clause is sought to be amended, when one section is sought to be amended, then some other clause of the Act or section is necessarily open for amendment. That is not so. If it is ancillary, if it is dependent on that and if it follows as a consequence, certainly that is open to amendment. Not all the clauses of a section become open to amendment if an amending Bill only seeks to amend one part of that section. Therefore, it is not necessary.

Moreover, I find Shri Kamath himself argued and Shri Priya Gupta also said that this was a foreign language. Probably the previous Act was passed by the English themselves. They were here; they had better judgment. We need not enquire into that.

Legally also, I hold that this cannot be amended under this amendment when the amending Bill does not refer to it. Therefore, there is no need to go on with that and it is held out of order.

**Shri Hari Vishnu Kamath:** You retain bad English.

**Mr. Speaker:** There may be many Acts... (Interruptions). Order, order. Now, I shall put the clause to the vote of the House. The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clauses 5, 6 and 7 were added to the Bill.*

**Clause 8—(Amendment of section 10)**

**Shri Hari Vishnu Kamath:** I beg to move:

Page 3, line 15, for "ingredient" substitute "component". (8)

The clause as it stands, and as it is before the House, reads as follows:

"any cosmetic containing any ingredient which may render it unsafe or harmful for use under the directions indicated or recommended;"

Here is the word "any" which the Minister refused to accept in the case of clause 4. Anyway, let him have his own way; I will not bother.

In regard to the present amendment, I would like to say that the word "component" has been used by the Minister himself in clause 4, where it is said: "...and includes any article intended for use as a component of cosmetic..." etc. Please see line 19 at page 1. There, he has used the word "component" and not "ingredient". So, in one place he has used the word "component" and in another he has used the word "ingredient". This is not happy, legally speaking. Often there have been legal difficulties before courts of law in regard to the terminology. Unless you use the same terminology or phraseology, there will be difficulties. You Sir, having been an eminent judge, are well aware what difficulties this could

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create. Therefore, it is necessary and desirable that the same word and the same nomenclature is employed throughout an Act. When you say "component" in one section, it is not desirable to use the word "ingredient" in another section of the same Act. I hope this amendment will commend itself to the acceptance of the Minister and of the House.

**Dr. D. S. Raju:** I do not know what purpose it will serve. This is a subtle distinction between the words.

**Shri Hari Vishnu Kamath:** You yourself have used the word "component" in clause 4.

**Mr. Speaker:** Is there any particular purpose that the word should be "component" in one section and "ingredient" in another section? If nothing different is intended, why should not the same word be used throughout?

**Dr. D. S. Raju:** The word "ingredient" comes so often in section 10 of the Drugs Act and so to keep it as such, we have used it. Otherwise, there is no difference as such between the two.

**Shri K. C. Sharma (Sardhana):** Here, the word "ingredient" is proper, and there the word "component" is proper. Component of cosmetics means something is added to the cosmetics.

**Shri Hari Vishnu Kamath:** No. (Interruption).

**Mr. Speaker:** Order, order.

**Shri K. C. Sharma:** Ingredient means it is an essential part of the thing. An attribute is a different part of the thing. Attribute is something different. We attribute to a man that he is rational. That is one part; and there is a different part of the man. There is a difference between "ingredient" and "component".

**Shri Hari Vishnu Kamath:** Attribute is not the meaning of "Component."

**Mr. Speaker:** Order, order. The question is:

Page 3, line 15, for "ingredient" substitute "component".

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

**Mr. Speaker:** Then there is an amendment to clause 22. Is Shri Siddananjappa moving his amendment?

**Shri Siddananjappa (Hassan):** I am not moving it.

**Mr. Speaker:** The question is:

"That clauses 9 to 22 stand part of the Bill."

*The motion was adopted.*

*Clauses 9 to 22 were added to the Bill*

**Clause 23.—(New clause).**

**Shri Hari Vishnu Kamath:** I beg to move . . .

**Shri S. S. More (Poona):** May I know whether the amendment was properly circulated?

**Shri Hari Vishnu Kamath:** It is printed. I am sorry that Shri S. S. More who has written a book about parliamentary procedure—

**Mr. Speaker:** Order, order.

**Shri Hari Vishnu Kamath:** I beg to move:

Page 6, after line 28, add—

"23. Insertion of new section 38.—After section 37 of the principal Act, the following section shall be inserted, namely:

"38. Every rule made under this Act shall be laid before

both Houses of Parliament, and shall be subject to such modification as Parliament may deem fit and proper". (9)

There is no need for me to expatiate or dilate upon this amendment, as it asserts the supremacy of Parliament over the executive or the Government. It has been the habit of the Government not to lay the rules made under any Act, or many of the Acts, before Parliament for consideration and modification if necessary. Thereby the Government have sought to usurp, under the rule-making powers the power, which should normally and fittingly be vested in Parliament. I therefore commend this amendment for the acceptance of the House and hope that it will be unanimously adopted by the House.

**Dr. D. S. Raju:** I am afraid I cannot accept this amendment, for, subsection (3) of section 33 of the Drugs Act as it stands already contains a provision requiring that the rules made under the Act should be placed for approval before both Houses of Parliament.

**Shri Nambiar:** Where is it given?

**Mr. Speaker:** The rule-making power is given under the section. The rules can be made only under the section which gives power to make the rules. "Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament..." and so on. So, it is already provided in the Act.

**Shri Nambiar:** If it is so, then the amendment is redundant.

**Mr. Speaker:** Then, Shri Kamath need not press it.

**Shri Hari Vishnu Kamath:** If it is so, it is all right.

*Amendment No. 9 was, by leave, withdrawn.*

**Mr. Speaker:** The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

1153 (Ai) LSD—9.

*Clause 1, the Enacting Formula and the Long Title were added to the Bill*

**Dr. D. S. Raju:** I beg to move:

"That the Bill be passed."

**Mr. Speaker:** Motion moved:

"That the Bill be passed."

**Shri Jaipal Singh (Ranchi West):** Mr. Speaker, Sir, it is rather late in the day for me to say anything about it, except that I hope the hon. Minister or his successor will come forward in due course to rescind this amending Bill which is becoming an Act and bring in two separate Bills so that drugs are not bracketed with cosmetics.

Having said that, may I say, with all respect to you, that this word 'vermins' is not an English word at all? It has crept into the parent Act in 1955. You were pleased to say that the British ought to know their own language better than us. On examining the parent Act, I find that this unfortunate word crept in through Act XI of 1955. The only reason I am pointing this out is, I do believe in this country, there have been many, not necessarily today but through the ages, who have spoken much better English than the English themselves.

**Mr. Speaker:** I had thought that perhaps it was contained in the Drug Act of 1940. I have not been able to look it up just now.

**Shri Jaipal Singh:** It had crept in in 1955.

**Mr. Speaker:** It was amended afterwards and maybe then too I had over-ruled it, not on this account, because the English made it. A reference has been made and therefore I said it. Otherwise, I did not want to contest that.

The question is:

"That the Bill be passed".

*The motion was adopted.*

**Sari Nambiar:** May I seek a clarification? In future printing, can they correct it as a clerical error? Is it permissible?

**Shri Jaipal Singh:** It is not a clerical error.

**Mr. Speaker:** They cannot. When it is passed, of course, such errors can be corrected by the Speaker. But that was not before me. I could have done it if it had been passed today. In the third reading or even in the ultimate phase, it could be done. But now when it has existed so long, it can only be done by an amending Bill, not by me.

**Shri Hari Vishnu Kamath:** He can bring a Private Member's Bill.

16.53 hrs.

#### \*ALLOTMENT OF C.I. SHEETS TO STATES

**Shri P. R. Patel (Patan):** When in 1955 the Essential Commodities Act was passed in this House, the people of the country thought that all controlled commodities will be had at controlled prices and the distribution will be equitable. If we see section 3 of the Act, we find that the intention of this Act was to secure equitable distribution and availability at fair prices, etc. These things which were aimed at, were never attained, because the administration of the Act was so bad that it could not be done. The administration had no mind to distribute things equitably.

16.54 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Let us see whether the corrugated iron sheets were ever distributed equitably. I put a question and a reply was given on 14th May, 1962 regarding the allotment of C.I. Sheets

to different states and despatches to the different States. I find therein that Gujarat was allotted in 1960-61, 22,674 metric tons of corrugated sheets. But the despatches were only of the order of 1844 metric tons much less, less by more than 20,000 metric tons. In 1961-62, the allotment to Gujarat was 37,710 metric tons and the despatches were 2,221 metric tons—less by about 35,000 metric tons.

Sir, I would like to refer to allotments and despatches to different States. To West Bengal, in 1960-61, the allotment was 21,171 metric tons and the despatches were 33,533 tons—more than the allotment. In 1961-62, allotment to West Bengal was 21,876 metric tons and despatches were 31,292 metric tons. Let us now take the case of Delhi. Allotment to Delhi in 1960-61 was 1,040 tons and the despatches were 1,923 tons. In 1961-62, the allotment was 920 tons and the despatches were 4,057 metric tons.

I do not want to take the figures of other States. But I would refer to my own district. I know what injustice has been done to my district. Injustice has been done to the whole of Gujarat, but specially to my district.

**An Hon. Member:** What is that district?

**Shri P. R. Patel:** Mehsana District.

In 1960, the allotment to my district was 1,401 tons. Indents were put, but the despatches were 'nil'. In 1961, allotment was 4,041 tons but the despatches were 'nil'. I am referring to this matter only with one view. When the Controller who receives a high salary is a responsible servant of this Central Government and he does these inequitable despatches, what am I to infer? The inference would be only that there is inefficiency or favouritism or corruption. I am not inclined to