

to say that in principle I have not been able to find any reason why, for example . . .

THE DEPUTY CHAIRMAN: I have to intervene, Mr. Sapru, and call upon Mr. **Shah Nawaz Khan**.

THE BUDGET (RAILWAYS),
1962-63

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI SHAHNAWAZ KHAN): Madam Deputy Chairman, on behalf of Sardar Swaran Singh, I beg to lay on the Table a statement of the estimated receipts and expenditure of the Government of India for the year 1962-63 in respect of Railways.

THE DEPUTY CHAIRMAN: Mr Sapru will continue after lunch The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock. THE DEPUTY CHAIRMAN in the Chair.

THE DRUGS (AMENDMENT) BILL,
1961—continued.

SHRI F. N. SAPRU: Madam Deputy Chairman, I was just developing the point that this amending Bill is outside the scope of the original Bill. I would invite your attention to the definition of the word "drug" as in the original Act. I am quoting from section 3(b)(i):

"'drug' includes all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of disease in human beings or animals other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine".

So far as Ayurvedic or Unani systems of medicine are concerned, we are not concerned with them here in

this Bill. We are concerned here with the definition of the word "drug" as used in the Act, and the amendment must have some relation to the original Act. It must not introduce matter which is foreign to the original Act, and my contention is that this Bill introduces matter which is foreign to the original Act. We are not dealing here with drugs. We are dealing here with cosmetics, and here let us just examine the definition of cosmetics. This is the definition of the word "cosmetic" which has been given here in clause 4:

"'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 . . .

You do not take a drug for cleansing purposes. You do not take a drug for beautifying purposes. You do not take a drug for promoting attractiveness or altering the appearance;

"and includes any article intended for use as a component of cosmetic, but does not include soap".

Therefore, to say that this is a Drugs (Amendment) Bill is a misnomer. It is not an accurate description of the Bill. The Bill goes beyond the scope of the original Act, and one of the principles of legislation is that the amending Bill must not go outside the scope of the original Act.

SHRI T. S. AVINASHILINGAM CHETTIAR (Madras): You may also see clause (ii) of section 3(a). There are two definitions of the word "drug" The first is the one which you read. The second is:

"Such substances intended to affect the structure or any function of the human body", etc.

SHRI P. N. SAPRU: Where?

SHRI T. S. AVINASHILINGAM CHETTIAR: In the original Act.

SHRI ANUP SINGH (Punjab): Cosmetics do not change the structure of the body.

SHRI P. N. SAPRU: I have not been able to follow Mr. Chettiar.

DR. SUSHILA NAYAR: In the original Act there are two paragraphs in the definition clause, as the hon. Member pointed out just now. Therefore, this Bill does not go beyond the scope of the original Act.

SHRI T. S. AVINASHILINGAM CHETTIAR: The other definition is this:

"such substances intended to affect the structure", etc., "as may be specified from time to time by the Central Government by notification in the Official Gazette."

SHRI P. N. SAPRU: I have got here the Act of 1940.

SHRI T. S. AVINASHILINGAM CHETTIAR: The definition of "drug" is both in section 3(b)(i) and (ii).

SHRI P. N. SAPRU: (b) is "includes all medicines for internal or external use" . . .

SHRI V. M. CHORDIA: It has been amended in 1955.

SHRI P. N. SAPRU: I think there too, if my hon. friend will allow me to say so, it does not cover this clause: "such substances (other than food)"—we are not dealing with food, we need not take food into consideration at all—"intended to affect the structure or any function of the human body". Cosmetics do not affect the structure of the human body.

SHRI T. S. AVINASHILINGAM CHETTIAR: The skin.

SHRI P. N. SAPRU: They do not effect the structure of the skin.

SHRI AKBAR ALI KHAN (Andhra Pradesh): The whole matter is only skin deep.

SHRI P. N. SAPRU: Cosmetics do not affect the structure of the human body. They do not affect the structure of the face or affect the structure of the lips.

SHRI SATYACHARAN (Uttar Pradesh): They affect the complexion.

SHRI P. N. SAPRU: Complexion and structure are different. They may affect the complexion, but structure is different from complexion or function of the human body. I do not think that they affect the function of the human body or are intended to be used for destruction of vermins. They are not intended to be used for the destruction of vermins which cause disease in human beings. If I may say so, the responsibility for promoting this Bill is not that of our very highly respected Lady Minister, Dr. Sushila Nayar. The responsibility for promoting this Bill is that of Mr. Karmarkar, and it is rather painful for me to say, but I owe it to the House to say, that he never applied himself to the question whether the Bill he was promoting came within the scope of the original Act or not. And therefore I think that we are discussing something which is completely *ultra vires* the original Act. I think that in these circumstances, Dr. Sushila Nayar for whom I have very great respect will add to her stature if she agrees to drop the present measure and brings forward a new Bill which will deal with the problem of cosmetics, which is the problem dealt with in this Bill. I think we should observe certain legal formalities. We should not, by amending an Act, introduce matter into the original Act which should not have been introduced into it. That is my point, and that point remains unaffected by sub-section (b) (2) of section 2 of the original Act. That is one point which I wanted to make.

Then it goes on—"includes any article intended for use as a component of cosmetic, but does not include soap". So far as soap is concerned, I think it was rightly pointed out by my friend in the able speech he delivered that certain kinds of soaps too can lead to dermatitis. You have many kinds of such soaps—I am forgetting the exact names that are used

for them, they are very commonly used by the common folk—and they contain poisonous substances and they can affect the skin. Therefore, soap too should have been included within the scope of the Bill. In fact—I think I am correct—George Bernard Shaw had a certain aversion to soaps and it is alleged that he never used them at all. We know that one very distinguished Member of this House, Shri Purushottam Das Tandon never had any use for soaps at all. Well, I do not agree either with George Bernard Shaw or Shri Purushottam Das Tandon in regard to the utility of soaps. I think we need to supply our people with soaps so that they might be more clean than they are but we must take care that even soaps are manufactured in the right manner.

I would like to say a few words about foreign medicines. Now, we have in this House a great prejudice against foreign goods and foreign medicines. I share that prejudice, to some extent, against foreign goods. But foreign medicines stand on a different footing.

श्री विमलकुमार मन्नालालजी चोरड़िया : मैं एक व्यवस्था का प्रश्न उठा रहा हूँ कि माननीय सदस्य अपनी स्वीच दे रहे हैं और स्वास्थ्य मंत्राणी महोदय वहाँ चर्चा कर रही हैं। मेरे खयाल से यह परम्परा के विपरीत है, हाउस के डिफोगम के भी विपरीत है कि वहाँ जा कर चर्चा करें।

श्री उपसभापति : वह तो कर सकती हैं। थोड़ा सा पृच्छने के लिये जा सकती हैं वहाँ।

SHRI AKBAR ALI KHAN: She is just discussing the matter relevant to this Bill; nothing beyond that.

SHRI P. N. SAPRU: The hon. Member is new to the House . . .

DR. SUSHILA NAYAR: You may excuse me, Madam.

SHRI P. N. SAPRU: It is an established practice . . .

श्री विमलकुमार मन्नालालजी चोरड़िया :
मंत्राणी महोदय कम से कम ग्रानरेबल मेम्बर को सुने तो सही।

उपसभापति : लेकिन वे जा सकती हैं कुछ पृच्छने के लिये, फैंक्ट्स मालूम करने के लिये।

Yes, Mr. Sapru, please continue.

SHRI P. N. SAPRU: It is an established practice with this House to consult officials when some point is raised, and I think the hon. lady Minister was not doing something which other Ministers do not do and which other Members do not do. Therefore, I have no grievance against her on that score.

I will come to another point. Hair oils too can lead to dermatitis. There are some dangerous types of hair oils, and if you are going to have a comprehensive Bill, then you should include hair oil also in it. But there is no reference to hair oils here and they do not come within the purview of this Bill.

Then another thing is this. I wanted to say something about foreign medicines. Now, we have developed in this country a curious complex. We think that we can manufacture everything in this country in an absolutely perfect manner. Science knows no frontier, medicine knows no frontier.

SHRI N. M. LINGAM (Madras): Knowledge knows no frontier.

SHRI P. N. SAPRU: Knowledge knows no frontier. And doctors of eminence have said that some of the substitutes that we have discovered for medicines which are of either British or American or Russian origin are not good in the sense that they are not well and properly manufactured. Very rapid advances have been made in regard to very powerful medicines and you cannot get those

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 medicines because of your import restrictions. Now, certainly we want planning. Certainly we want to make a rapid move in the direction of socialism. If it were in my power, I would not hesitate to establish a socialist State within twentyfour hours. But we do not have an Alladin's Lamp to establish a socialist State within twentyfour hours.

SHRI LOKANATH MISRA (Orissa): Then no democracy will be here.

SHRI P. N. SAPRU. I do not mind saying—I am speaking for myself—that I have no particular love for private enterprise, rather I am suspicious of private enterprise. I would like, if it were possible, to eliminate the profit motive from industry altogether.

SHRI LOKANATH MISRA: It has to be done according to the Constitution.

SHRI P. N. SAPRU: Well, Constitutions too can change. We owe allegiance to the Constitution; we owe allegiance to the Directive Principles of the Constitution, but it is possible for us to think in more radical terms than the Directive Principles of the Constitution. However, that is not relevant for purposes of the discussion here. What I want to say is that you need patent medicines. You cannot today dispense with foreign medicines for certain diseases because your indigenous medicines are not as good as those foreign medicines. Either you must be prepared to go without the best foreign medical aid available to you, or you must allow more freely the import of foreign medicines in this country. Doctors of eminence have told me that the medicines manufactured, say, by Bayers or Roches—I am just taking two names at random—are superior to the medicines manufactured by other concerns, and where medical treatment is concerned, you must give your citizens the best possible medical treatment. There should therefore be a liberalisation of the policy so far as medicines are concerned. I think it is unwise for us to place restrictions on

the import of foreign medicines in the interest of profit-making private concerns, concerns which are not in a position to manufacture some of the medicines as well as foreign concerns do them. Therefore, I make a special reference to this fact of the matter, because something was said on this question by my esteemed friend, Dr. Parmanand, who is not present in the House just now. The old type of prescription has disappeared. You go to a physician today and he prescribes for you some patent medicines. In the old days the system was different; the physician used to write out a prescription from certain pharmacopoeia, from British books, which he had learnt by heart, and he knew what medicines to give in a particular case, and therefore the older generation of doctors used to rely on medicines specially prescribed for various ailments and dispensed by their chemists or by chemists in the town or the country. That is no longer true today. Today you have to rely upon patent medicines. Even the most eminent physicians prescribe patent medicines today, and the more eminent the physician, the greater is the inclination that he shows to favour foreign medicines. That has been my experience. I have had illnesses in my family and I have had illnesses among my friends and therefore I think I can speak with some personal knowledge on this matter, and therefore I say that it is in the interests of the country that there should be no discrimination against foreign medicines.

Then take again this case. We have any number of tooth pastes here in the country. Now, tooth pastes represent a new fashion in our life. In the old days we used to use *neem*, and I think it was resorted to for many purposes. We do not do that today; we use some tooth paste or other advertised in the papers or in the streets or in restaurants or in places which we visit, and one is not sure as to whether these tooth pastes too are of good quality or not. They can also give you dermatitis because

dermatitis, as far as I know, is something analogous to eczema. Well, I have had a little eczema at one time. I think the soap that I used was not good and the razor that I used was not very clean and therefore I got a little dermatitis in my face, and I was told that I had been rather careless with the use of my razor and with the use of my soap.

Therefore, if you want to deal with this problem effectively, you must provide for those possibilities also. What is therefore the conclusion to which one is driven? The conclusion to which one is driven is that enough attention has not been given to this measure. It is a hastily conceived measure; it is an ill-conceived measure; it is a measure prepared in the Ministry of Health and it is introduced in this House by the Health Minister.

One of the complexes, if I may speak quite frankly, which some of our Ministers have developed is that they do not like Select Committees. They are rather apprehensive of how things may shape in a Select Committee. Well, that is probably due to the fact that they are not sure of themselves. But Dr. Nayar is sure of herself. I have no doubt as to her excellence in the department which she has been called upon to administer, because she comes to us with a great reputation for efficiency as a physician, and therefore it may be that the wisest course, in the circumstances in which we find ourselves, is to refer this matter to a Select Committee. There should be no 3 P.M. hesitation in doing so. A Select Committee will help to clarify our ideas. It will help to clarify the ideas of the Minister and it will enable the measure to go through with the blessing of the entire House. Therefore, even at this stage I would plead for the appointment of a Select Committee to go into the questions raised by this Bill. They can go into the legal questions raised by this Bill. They can go into the medical ques-

tions raised by this Bill and they can go into so many other questions raised by this Bill and we can then have a perfect measure. If we come to the conclusion that this Bill requires amendment, it will be open to us to suggest that a new legislation should be promoted to deal with the problem of cosmetics and so on. I just want to say a word more and that is that I am not a puritan and I rather dislike the puritanic way of life. Therefore, I have, personally speaking, no aversion in principle to cosmetics, lipsticks and all that. I think anything which adds to the beauty and joy of life makes for a healthy and wealthy community.

SHRI SATYACHARAN: The question is whether it adds to the beauty.

SHRI P. N. SAPRU: My friend with his Vedic background may think differently. I with my humanistic background might think differently . . .

SHRI M. GOVINDA REDDY (Mysore): Hedonistic.

SHRI P. N. SAPRU: You may use the word "hedonistic". I have no objection to that. Even if you use the word "epicurean" I would hesitate to say "No".

SHRI SATYACHARAN: I would rather say "aesthetic".

SHRI P. N. SAPRU: But personally I believe in giving a place to aesthetics in life. A thing of beauty is a joy for ever, and I think we ought to approach this question not from the point of view of the ages gone by—we are not living in the 5th century A.D., we are living in the year 1962 and we have to take into account . . .

SHRI SATYACHARAN: In third century B.C. there were cosmetics in use.

SHRI P. N. SAPRU: I think you are right because in some of the Hindi novels by Rahul Sankrityayan you read about the use of cosmetics by our ancestors. I think you are right, and they were much more liberal in

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these matters than we are. We seem to have developed strange complexes in regard to these matters and we need to get rid of them. Therefore, while I am not in favour of such cosmetics as are dangerous for health purposes, I think the word "cosmetics" should not give a shiver to our body. We should look at the whole question from a rational point of view. I would, therefore, suggest that nothing will be lost and much will be gained if this Bill—I have not analysed all the details of it; there are so many clauses and I do not propose to go on commenting on all those clauses—is allowed to go to a Select Committee so that it might be considered in all its aspects and proper decisions, which will be helpful for the health and, therefore, the wealth of the community, are taken.

Thank you very much. Madam Chairman, it has been a privilege to see you in the Chair and to be a speaker today under your leadership. Thank you.

THE DEPUTY CHAIRMAN: Before I call upon Mr. Avinashilingam Chettiar, Mrs. Lakshmi Menon will make a statement.

STATEMENT RE MEETING OF THE COMMONWEALTH PRIME MINISTERS

**THE MINISTER OF STATE IN THE
MINISTRY OF EXTERNAL AFFAIRS
(SHRIMATI LAKSHMI MENON):** Madam, on behalf of the Prime Minister, I wish to make a statement:

"Some weeks ago, Mr. Macmillan, Prime Minister of the United Kingdom, consulted me about holding a meeting of the Commonwealth Prime Ministers in London to consider the question of the United Kingdom's relations with the European Economic Community and also the international situation. He suggested that the Prime Ministers might on this occasion be accompanied by their Finance, or Trade Ministers and that the meeting

might take place early in September, I welcomed the idea of such a meeting and informed Mr. Macmillan that the dates suggested by him would be convenient to me.

There have been further consultations among the Prime Ministers of the Commonwealth countries and it has now been decided that the meeting will commence on 10th September."

THE DRUGS (AMENDMENT) BILL, 1961—continued

**SHRI T. S. AVINASHILINGAM
CHETTIAR:** Madam Deputy Chairman, may I offer my heartiest and respectful congratulations to you on your election to this high office? Before proceeding to the Bill, I think with due reference to the positions taken by my friend, who spoke last, I think there is nothing wrong in bringing cosmetics into this Bill. In fact, this amendment was long overdue. At one stage he said, "Drop the measure." It should never be done because there is need for it, as is established by the speeches that were delivered before. A number of harmful mixtures come under the name of cosmetics. They affect our health, and any Health Ministry which does not take cognizance of these facts does not deserve to be congratulated upon the work that it has been doing, and it is not too late, it is not too soon that it has come forward with this legislation.

Sir, we have a number of legislative measures going about in this House—the Food (Adulteration) Act, this Drugs Act and so on. But the whole trouble about this is that apart from the mistakes in the legislation which, he said, a reference to a Select Committee would cure, I do believe that references to Select Committees do make Acts better. Our hastily passing many of our Bills has resulted in rather immature, incorrect legislation in many cases. That is proved by the fact that we get so many amendments too quick. That is true. While I generally support that