



# DCO INDIA'S PROPOSAL TO CHANGE NAME OF D&C ACT EVOKES MIXED RESPONSES.

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## Astract:

The proposal by Drug Control Officers India (DCO India) to rename the Drugs and Cosmetics Act of 1940 to "Bharatiya Aushadhi awam Chikitsa Upakaran Adhiniyam" has sparked a divided response. Supporters argue that renaming aligns with India's broader efforts to shed colonial legacies and assert national identity, reflecting India's independence and modernization. They view the name change as timely, given recent updates to the Act. However, critics worry about practical implications, such as confusion in international pharmaceutical trade, disruption in legal enforcement, and challenges posed by India's linguistic diversity. Many emphasize that instead of focusing on renaming, efforts should be directed toward strengthening regulatory enforcement and addressing real challenges in the pharmaceutical sector. The debate highlights the tension between symbolic gestures of decolonization and practical concerns of global integration and regulatory efficiency.

## Historical Context and Rationale

The D&C Act was originally enacted in 1940 under British rule and has undergone several amendments over the years. DCO India's national president, G Koteeswara Rao, suggested that just as the Indian government replaced British-era criminal laws with Indian equivalents, the D&C Act should also adopt a more nationalistic identity. This change would, according to some, reflect India's post-colonial identity better. Furthermore, the Act has now been divided into the **Drugs and Medical Devices Act** and **Cosmetics Rules 2020**, making it the right time for a title update.

## Support for the Name Change

Some regulatory officers argue that the proposed name change is essential for aligning with India's broader agenda of rebranding laws to better reflect its independence from colonial rule. **Sumant Kumar Tiwari**, a Joint Drug Controller, agrees that renaming to something Indian is acceptable, as long as global standards are maintained in the application and enforcement of the law.

Additionally, **RP Chaudhury**, president of the All India Drug Control Officers Confederation (AIDCOC), pointed out that the current Act has seen numerous amendments since its initial passage, making it essentially a new law. Thus, he believes that a name change could be an opportune moment for reform, as long as the amendments do not disrupt the constitution.

## Opposition to the Proposal

However, not everyone agrees with this proposal. A significant concern raised is the potential for confusion both domestically and internationally. **Pradeep Mattu**, a former joint commissioner and drug controller, pointed out that the D&C Act is recognized internationally, and a sudden name change could disrupt international cooperation and recognition. He also noted that the Hindi name may not be universally understood even within India, particularly in non-Hindi-speaking regions.

Further, **R.L. Bandyopadhyay**, former drug regulatory officer of Bihar, argued that changing the name alone would not address the real issues plaguing the pharmaceutical sector, such as illegal sales of prescription drugs and non-pharmacists running pharmacies. He emphasized the need for stricter enforcement of existing laws.

Similarly, **Dr. Revi S Menon**, a former Kerala drug controller, voiced concerns about how the name change could negatively impact India's pharmaceutical exports and international regulatory alignment. He noted that much of India's international correspondence regarding drug regulations is conducted in English, and a switch to Hindi may cause unnecessary hurdles.

## Concerns About Practical Implications

Several experts have highlighted the practical challenges of implementing this change. **Dr. Prabhakar Reddy Veerareddy**, a pharmacy academic, mentioned that pharmacy professionals have been using English terminology for centuries, making it difficult for the industry to transition to Hindi terms. **R Narayana Swamy**, a former Deputy Drug Controller (DDC), also expressed his opposition, stating that renaming the Act to Hindi would serve no functional purpose.

## Broader Legal and Administrative Considerations

Beyond the name itself, some argue that any reform should focus on strengthening the legal framework rather than superficial changes. **Dr. Jayanta Kumar Chaudhury**, a former drug controller, stated that robust legal provisions and strict punitive measures are more important for ensuring the safety and quality of medical products than a change in title. He emphasized that public understanding of the law, rather than the complexity of its name, should be prioritized.

The debate around renaming the **Drugs and Cosmetics (D&C) Act** to **Bharatiya Aushadhi awam Chikitsa Upakaran Adhiniyam** reflects deeper concerns related to regulatory effectiveness, cultural identity, and the practicality of law enforcement. This discussion is not just a matter of semantics but touches upon how laws are perceived, applied, and understood both domestically and globally.

## Cultural Identity and Nationalistic Trends

The Indian government's broader move to replace colonial-era laws with terms that resonate with the country's cultural identity has gained momentum in recent years. The renaming of various institutions and laws to reflect Indian heritage, rather than their British colonial roots, is seen as an assertion of India's independence and national pride. The renaming of the D&C Act fits into this narrative, as it aims to rid India of its colonial legacies.

For supporters, this is a critical step towards decolonizing Indian law. **G. Koteeswara Rao**, president of DCO India, has strongly advocated for this change, citing the recent replacement of criminal laws with more culturally resonant Indian terms. For him, changing the name of the D&C Act is not just about optics but about aligning India's legal system with its post-colonial identity. He believes that the new name will better reflect India's sovereignty and modernization.

## Practical Concerns for the Pharmaceutical Industry

On the other hand, critics argue that the renaming of the Act could have detrimental practical implications, especially for India's thriving pharmaceutical sector, which is heavily intertwined with global markets. The

D&C Act is internationally recognized and plays a critical role in ensuring that Indian pharmaceutical products meet global standards. Any change in its name could cause confusion among international regulators and trading partners.

**Dr. Revi S Menon**, former drug controller of Kerala, has raised concerns about how this name change could hinder India's pharmaceutical exports. The global pharmaceutical industry relies on the D&C Act's English terminology, and switching to a Hindi name may create bureaucratic and linguistic barriers for communication between Indian regulators and their international counterparts. Menon warned that Indian companies that export drugs and medical devices could face complications in terms of compliance, recognition, and legal cooperation if the Act is suddenly renamed.

### Regional Linguistic Sensitivities

The linguistic diversity of India adds another layer of complexity to this proposal. While Hindi is the most widely spoken language in India, it is not universally understood across all regions. In southern states like Tamil Nadu and Kerala, as well as northeastern states, Hindi is often not the primary language, and English is more commonly used in professional and legal contexts.

**Pradeep Mattu**, former joint commissioner and drug controller of Punjab, expressed concerns about how a Hindi name might confuse officials and regulatory officers who have memorized the provisions of the D&C Act in English. He pointed out that the transition from an English name to a Hindi one could create inefficiencies, especially since regulatory training and the legal framework have long been established in English.

**R. Narayana Swamy**, a former DDC, also reflected this sentiment, emphasizing that the change would complicate matters for professionals who have been using English terms in pharmaceutical practice for generations. He argued that implementing the name change across the country would be a challenging task given India's linguistic diversity.

### Enforcement vs. Symbolic Change

Several stakeholders have raised the point that merely changing the name of the Act will not address the core issues affecting India's pharmaceutical and drug control ecosystem. **R.L. Bandyopadhyay**, former drug regulatory officer in Bihar, noted that the primary challenges facing the sector include the sale of prescription drugs without proper prescriptions, unlicensed pharmacists, and counterfeit drugs. According to him, changing the name of the Act will not help solve these problems. He urged that instead of focusing on a cosmetic change, the government should focus on strict enforcement of the existing provisions of the D&C Act.

Similarly, **Dr. Jayanta Kumar Chaudhury**, a former AIDCOC president, emphasized the need for meaningful reforms. He argued that effective regulation of spurious drugs, medical devices, and cosmetics should be the government's priority. Chaudhary pointed out that renaming the Act will not automatically strengthen the enforcement mechanisms or improve the legal framework. Instead, stringent punitive measures and strong enforcement of existing rules would make a more tangible impact on public health.

### The Case for Amendments

While there is a strong push for updating the name of the Act, some experts believe that what is truly required are amendments to the content of the law itself. **Dr. Roy Choudhary**, a former Deputy Drug Controller, suggested that the Act does need updates to better reflect current regulatory needs, particularly in relation to medical devices and newer pharmaceutical technologies. However, he does not support a title change, asserting that the title is less important than the substantive changes required to modernize the Act.

### Legal and Constitutional Considerations

Legally, the name change would require an amendment to the Act, and this process itself could stir debate. **RP Chaudhury**, the president of AIDCOC, acknowledged that while it is within the government's prerogative to



change the Act's name, such changes should not disturb the constitutional framework of the law. Any amendment to the D&C Act needs to be carefully considered to ensure it does not inadvertently weaken the existing legal provisions that protect public health and safety.

## Symbolism and National Identity

For many proponents of the name change, the move is seen as a necessary step in shedding India's colonial past. Over the years, India has undertaken several initiatives to replace names and symbols inherited from British rule. From renaming cities (e.g., Bombay to Mumbai) to reforming educational curricula, these efforts have sought to emphasize India's own cultural and historical identity. Changing the D&C Act's name would be another step in this broader national movement.

**G. Koteeswara Rao**, president of DCO India, is one of the most vocal supporters of the change. According to him, aligning the name of the Act with India's heritage and language is important for cultural and national identity. The proposal comes on the heels of changes to other significant laws, such as criminal laws that had their origins in British legislation. This nationalistic reasoning is central to the push for renaming the D&C Act.

Moreover, Rao and others argue that the new name, **Bharatiya Aushadhi awam Chikitsa Upakaran Adhiniyam**, resonates more with the ethos of modern India, signaling independence, self-reliance, and pride in its pharmaceutical and healthcare sectors. This shift is in line with India's ongoing effort to be seen not only as a global hub for pharmaceuticals but also as a country rooted in its indigenous culture and identity.

## Industry Resistance and Concerns Over International Standing

While some view the name change as symbolic and empowering, many industry experts are concerned about the practical consequences of such a shift. India is one of the world's largest exporters of generic drugs, and the D&C Act is internationally recognized. **Dr. Revi S Menon**, former drug controller of Kerala, raised an important issue regarding the potential confusion among international regulators. The D&C Act serves as a reference point for drug regulatory authorities across the globe. A sudden change in its name, especially to a non-English title, could complicate matters for Indian exporters, leading to delays in approvals, additional bureaucratic hurdles, and confusion regarding compliance.

The pharmaceutical industry relies heavily on consistent, clear communication with international partners and regulators, most of whom operate in English. Switching to a Hindi name for a law that governs drug regulations may not align with the global norms to which Indian pharmaceutical companies must adhere. Such a change might require additional explanations, translations, and adjustments for international recognition, causing friction in trade relations.

**Jagdeep Singh**, president of the SME Pharma Industries Confederation, shares similar concerns, stating that altering the name will not serve any functional purpose and might even hamper the industry's global standing. The name **Drugs and Cosmetics Act** is well-established, and any change to it might require updating international agreements, altering marketing strategies, and retraining professionals.

## Domestic Impact on Legal and Regulatory Framework

Domestically, the proposal has also sparked debate about its impact on regulatory enforcement and the practicality of such a transition. Several experts have highlighted that while a name change might be symbolically significant, it does not address the core issues plaguing drug regulation in India, such as non-compliance, over-the-counter sales of prescription medications, and the proliferation of counterfeit drugs.

**R.L. Bandyopadhyay**, a former drug regulatory officer, emphasized that changing the name alone will not tackle these systemic problems. According to him, the focus should be on enforcing the current laws with greater rigor, improving surveillance, and cracking down on illegal practices within the pharmaceutical sector. The renaming could detract from these more pressing issues.

In addition, concerns have been raised about the logistical and legal complexities of such a change. **Pradeep Mattu**, a former joint commissioner and drug controller, argued that renaming the D&C Act could disrupt the current legal understanding of the Act. Regulators, law enforcement officers, and legal professionals have spent decades familiarizing themselves with the provisions of the Act in English. Shifting to a Hindi name might introduce confusion and require retraining of personnel across states, particularly in non-Hindi-speaking regions like the south.

## Legal Reforms and Enforcement Gaps

Beyond the debate on the name change, several experts have called for a more comprehensive review of the D&C Act's content and its enforcement. Many believe that while symbolic changes are important, they should be accompanied by substantive legal reforms to address the evolving challenges of the pharmaceutical and medical devices sectors.

**Dr. Jayanta Kumar Chaudhury**, former president of the AIDCOC, argued that the law needs to be updated to incorporate stronger provisions for regulating medical devices and to ensure the safety, quality, and efficacy of drugs and cosmetics. He also highlighted the importance of implementing stricter punitive measures against those involved in the production and sale of spurious drugs. According to him, the efficacy of the law lies not in its name but in its ability to safeguard public health, and that can only be achieved through robust enforcement.

Similarly, **Dr. Roy Choudhary**, a former Deputy Drug Controller, called for amendments to the Act to make it more adaptable to modern-day requirements, particularly as new technologies and therapies emerge in the pharmaceutical sector. However, he expressed concerns about whether a name change would actually result in meaningful reforms.

## Conclusion

The proposal to rename the Drugs and Cosmetics Act to Bharatiya Aushadhi awam Chikitsa Upakaran Adhiniyam has sparked both enthusiasm and skepticism. While some see it as an important step in the ongoing process of decolonizing India's legal framework, others worry about the potential confusion, particularly in an industry as globally interconnected as pharmaceuticals. The debate highlights broader issues around regulatory enforcement, public health, and India's place in the international market. At its core, the effectiveness of the law depends more on its implementation and content than on its name. Therefore, stakeholders emphasize that while a name change might have symbolic value, the focus should remain on strengthening the regulatory framework and ensuring public safety.

While the proposal to rename the D&C Act has garnered attention for its symbolic value in aligning with India's post-colonial identity, it has also exposed deeper concerns about the state of pharmaceutical regulation in India. The debate reflects the tension between symbolism and practicality, between national pride and global integration.

On one hand, proponents view the name change as a vital step in asserting India's independence and reinforcing its cultural identity. On the other hand, critics argue that the practical implications—such as confusion among international regulators, disruption to the pharmaceutical industry, and linguistic challenges—far outweigh the symbolic benefits.

Ultimately, while the name change may have some symbolic resonance, many stakeholders agree that the focus should be on substantive legal reforms, stricter enforcement of existing regulations, and addressing the real challenges in India's pharmaceutical and medical devices sectors. The future of the D&C Act, whether under a new name or not, will depend on how well the law is able to adapt to modern regulatory needs, enforce compliance, and protect public health.