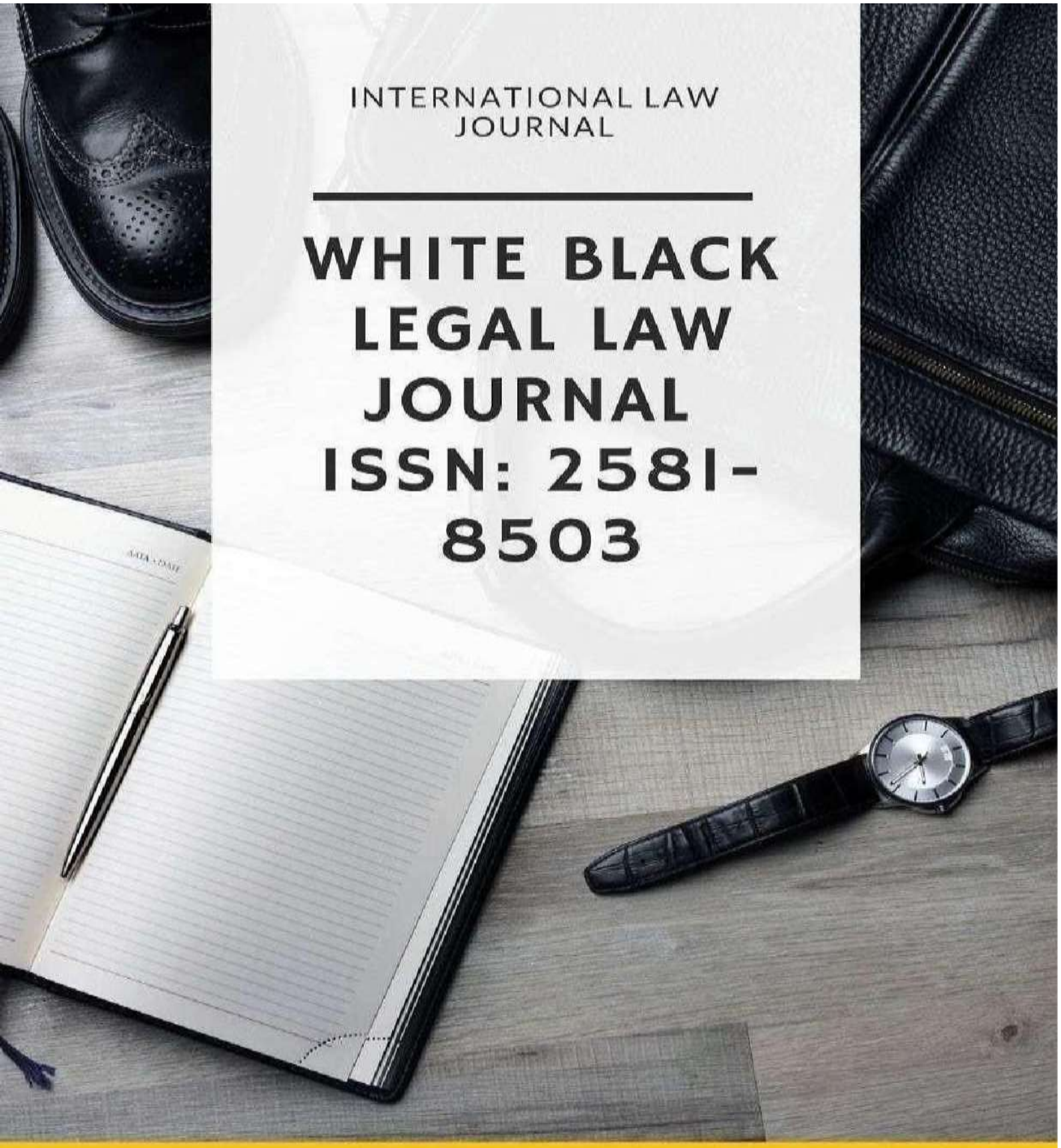

INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

COSMETIC INGREDIENT TRANSPARENCY: LESSONS FROM INTERNATIONAL LAWS FOR DEVELOPING A LEGAL FRAMEWORK IN TAMIL NADU

AUTHORED BY - DHAKSHAMANASA .K.S.
Law Student Final Year B.Com LLB (HONS)
College: Vels University of Science And Technology Advanced Studies (VISTAS)
Pallavaram, Chennai

CO-AUTHOR - KOUSHIKA.P
Assistant Professor
School Of Law (VISTAS)

Abstract

The rules for products are becoming really important because people are getting worried about the safety of the things that are in these products. We use cosmetics every day. People do not know what is in them. This is a problem because we need to ow what we are putting on our skin. The issue of what's in cosmetics is crucial for keeping people safe and healthy. This paper is going to look at the laws that regulate what is in cosmetics in India and how these laws help people make choices.

The study looks at the laws that're in place like the Drugs and Cosmetics Act of 1940 and the Cosmetics Rules of 2020. It looks at what the rules say about what needs to be on the labels of products how the government makes sure people are following these rules and what happens when they are not. The paper also looks at how the government of Tamil Nadu like the Tamil Nadu Drugs Control Administration can help make sure cosmetic products are safe.

The study wants to find out if there are any gaps in the laws by comparing them to the laws in countries like the European Union and the United States. These countries have ways of making sure people know what is in cosmetic products and how safe they are.

The paper suggests that Tamil Nadu should change its laws to make it easier for people to know what is in products. It thinks that the government should make companies tell people more

about what's in their products and that they should use computers to make this information more available. The study says that if people know what is in products they will be safer and healthier and the government will be more accountable. This is especially important because the cosmetic market is growing fast. Cosmetic products are a part of our lives and we need to make sure that cosmetic products are safe. The laws, for products need to be strong so that we can trust cosmetic products.

Proposed State-Level Legal Framework for Cosmetic Ingredient Transparency in Tamil Nadu

Constitutional Support of State-Level Transparency Measures.

Any offer to enhance the transparency of cosmetic ingredients in Tamil Nadu should be analysed in the framework of the legal regulations of the legislative authority in India. Drugs and cosmetics are regulated under the Seventh Schedule in the Concurrent List in the Constitution, which is listed as Entry 19 (List III).[1] This implies that the Parliament and the State Legislatures have the power to make laws on the topic, but will be subject to the principle of repugnancy described in Article 254, which creates a way out between central and state laws.[2]

In M. Karunanidhi Vs. Supreme Court. Union of India gave a clarification that invalidation of a State law can only be done when there is a clear and unavoidable conflict with a Central enactment.[3] The central legislation can only be strengthened or merely supplemented, and this does not necessarily make a state measure unconstitutional. In that way, Tamil Nadu also has constitutional powers in order to implement transparency-oriented mechanisms, but they should not conflict with the Drugs and Cosmetics Act 1940, and the Cosmetics Rules 2020.

The Drugs and Cosmetics Act 1940 is the main law that governs cosmetics in India. Although the regulations about manufacture, import, labeling and safety are formulated on the central level, State Drug Control Authorities are primarily involved in the enforcement. This is an indicator of a cooperative federal model where standards set by the country are administered in a decentralised manner. The transparency program that is going to be presented at Tamil Nadu would thus operate under the area of its enforcement as opposed to setting a separate

[1] INDIA CONST. sched. VII, List III, Entry 19.
[2] INDIA CONST. art. 254.
[3] *M. Karunanidhi v. Union of India*, (1979) 3 SCC 431.

regulatory framework.

The right to health and informed decision-making is another constitutional jurisprudence that promotes higher levels of transparency. Article 21 has been understood by the Supreme Court in such a way that the right to health is an inseparable part of the right to life.[4] Despite the fact that cosmetic products are not pharmaceutical, they are directly put on the human body and they can have long term health consequences. Ingredient meaningful disclosure is an effective preventative healthcare tool, and it provides empowerment to consumers.

Also, the constitutional acknowledgement of the "right to know' stipulates transparency requirements. In State of U.P. Vs. Raj Narain, the Supreme Court also connected the right to information with the freedom of speech and expression to transparency as a democratic value.[5] Such a regulation limiting the level of informational asymmetry between producers and consumers is thus constitutionally justifiable. Technical compliance with the labelling regulations, wherein the disclosure of ingredients may be technically correct and may appear in some form, but itself is inaccessible, goes against the greater aims of consumer protection.
Under this constitutional space, Tamil Nadu can also consider the adoption of additional transparency mechanisms, including:

1. Compulsory extra disclosure of substances that are under international prohibitions.
2. Streamlined and easy-to-understand labelling practices in line with core regulations.
3. Stricter checking of claims on ingredients by inspection mechanisms.
4. Enhanced quality digital reporting of licensed manufacturers.

These measures would not create any legislative intrusion but would be administrative fine-tuning in the context of an intersecting constitution. The Indian constitutional system does not thwart progressive state action; on the contrary, it permits a carefully planned series of innovations to foster the health of the populace, consumer freedom and responsibility in government.

Tamil Nadu can defend a semi-autonomous model of transparency as something that is constitutionally permissible, in the sense of being responsive to federal concern while within the wider statutory structure of Indian cosmetic law.

[4] INDIA CONST. art. 21; *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42.
[5] *State of U.P. v. Raj Narain*, (1975) 4 SCC 428.

Additional disclosure of Ingredients Mechanism.

However, as the Cosmetics Rules, 2020 outline a set of mandatory labelling requirements on the cosmetic products used in India, the current framework is more about formal disclosure as opposed to substantive transparency.[6] The lists of ingredients are normally organised in technical nomenclature, usually in small fonts and without any contextual information on the possible health consequences. Such disclosure can meet compliance requirements set by statute, but it is not always sufficient to allow any meaningful consumer comprehension. In this connection, an additional ingredient disclosure system on the state level could improve the transparency, but without changing the fundamental central standards.

The suggested mechanism of Tamil Nadu would not overtake or alter the labelling regulations as outlined in the Drugs and Cosmetics Act, 1940.[7] Still, it would be more of a supplementary transparency measure that would minimise informational asymmetry and enhance access to the information about ingredients. This is aimed at changing ingredient disclosure into a consumer-right rather than a passive compliance requirement.

Digital Ingredient Disclosure Registry as a Mandatory Disclosure.

The establishment of a State Cosmetic Ingredients Disclosure Registry is the first element of the suggested mechanism. Any manufacturers and importers selling cosmetic products in Tamil Nadu would need to post comprehensive ingredient details on a centralised digital portal, which the State Drugs Control Administration would maintain.

This registry would include:

i. Full list of ingredients in International Nomenclature of Cosmetic Ingredients
ii. Functional split of every ingredient, like preservative, fragrance, colourant
iii. Mark of whether the ingredient is restricted or prohibited in large international jurisdictions;

Publication of ranges of concentration where necessary, to which proprietary trade secrets need not be jeopardised. That kind of digital registry would not introduce new substantive prohibitions, but would increase the information accessibility beyond the physical packaging limitations. Through searchable databases, consumers, researchers and regulators would be in a position to confirm ingredient information, increasing accountability.

[6] Cosmetics Rules, 2020, rules 34–38, Gazette of India.
[7] Drugs and Cosmetics Act, 1940, No. 23, Acts of Parliament, 1940 (India); Cosmetics Rules, 2020.

Enhancement of Labelling System based on QR -Codes.

An additional mechanism might mandate that cosmetic products that are sold in Tamil Nadu have a QR code attached to the State Disclosure Registry. This would not change the printed label required by central law, but would offer consumers more access to the ingredient information digitally.

The QR system could display:

1. Clear descriptions on the functions of ingredients
2. Cautions in which ingredients are either prohibited internationally or subject to scientific controversy
3. Vulnerable populations, such as pregnant women and people with allergies, should be given safety warnings.

This will make sure that the exemptions on small packages that are already in use will not affect the transparency. Through the incorporation of technology into disclosure practices, the State will be in a position to increase informational clarity without having to make the physical changes in labelling cumbersome.

Tiered Disclosure Model on risk.

Cosmetic ingredients are not all equal in terms of their health reactions. Hence, Tamil Nadu can consider a tiered system of regulatory prioritisation with a disclosure system based on risk ingredients that may be categorised as

1. Much safer substances that are universally approved
2. Indian law Restricted or concentration-limited substances
3. Drugs that have been prohibited or placed under strict restrictions in major regimes like the European Union.

In the case of ingredients that are placed in higher-risk groups, the extra disclosure requirements can be solved in the form of more transparent warning messages or even a compulsory reporting to the State authority. Such grassroots methodology ensures proportionality in regulation intervention and is also consistent with precautionary public health guidelines.

Manufacturer self-declaration and accountability framework.

To prevent the excessive administrative load, the additional mechanism can be based on the organised self-reporting by manufacturers. Every manufacturer that is situated in Tamil Nadu would occasionally certify that:

1. All ingredient labelling is correct and full.
2. There are no prohibited or falsely declared substances
3. Regulatory changes on the international level have been evaluated in terms of compliance.

Transparency can be imposed as opposed to proclaimed by enhancing documentation and verification requirements.

Research facilitation towards public accessibility.

Academic institutions and even the public health researchers should be able to access the State Disclosure Registry, besides the regulators. This would promote the independent review of ingredient patterns, toxicological issues and regulatory compliance trends. In the long-term, this type of data-based monitoring can be used to make evidence-based policy amendments.

In this regard, transparency is turned into a dynamic regulation mechanism as opposed to a static labelling rule. It makes this possible as it allows preventive governance, whereby, before much damage is inflicted, harmful substances may be identified early.

Central compatibility with Legislation.

Most importantly, the additional disclosure system should be compatible with the Drugs and Cosmetics Act 1940 and the Cosmetics Rules, 2020. The State model is not introducing new bans, changing the concentration limits that were permissible, or changing the cosmetic standards. Rather, it will augment the way and availability of disclosure to the enforcement competence already vested in the State power.

By providing services for administration requirements, digital infrastructure and reporting requirements, as opposed to the conflicting statutory provisions, the proposed framework is constitutional on the Concurrent List system. It enhances regulatory transparency and maintains uniformity at the national level.

In a nutshell, the Supplementary Ingredient Disclosure Mechanism is aimed at bridging the gap between formal compliance and substantive consumer awareness. It is aware that simple enumeration of ingredients is not enough in markets that are defined by the complexity of chemicals and the dynamic nature of scientific knowledge. Tamil Nadu can be the first state to develop a technologically adaptive, constitutional and responsive model of transparency due to digital augmentation, risk-based categorisation and structured accountability.

Transparency Portal State Cosmetic Ingredients.

Any supplementary disclosure mechanism is not only effective depending on the intent of regulation but on institutional infrastructure. In line with this, the suggested Tamil Nadu transparency model will entail the creation of a special State Cosmetic Ingredients Transparency Portal, which will serve as the main online application between manufacturers, regulators and consumers. This portal would become the working information base of the suggested disclosure platform and turn the passive compliance requirements into an interactive system of governance.

As opposed to the general regulatory websites, which offer a minimal amount of statutory information, the proposed Transparency Portal would be developed as a dynamic regulatory resource that combines ingredient information, compliance reporting, public access, and enforcement tracking. The Tamil Nadu Drugs Control Administration of the Department of Health and Family Welfare would administer it, which would provide continuity in the institutions in the current enforcement system.[8]

Organisational Design and Administrative Control.

The portal is supposed to operate under a specific Transparency Oversight Unit of the State Drugs Control Administration. This specialised unit would:

1. Manufacturer of monitors publishes ingredient labels
2. Perform regular audits on data submitted;
3. Liaise with the central regulatory bodies as needed

Revise international regulatory changes that apply to ingredient restrictions.

By establishing a specialised oversight cell, it is guaranteed that transparency governance is not merely a marginal administrative task, but it is established as a systematic regulatory priority. It would also assist in training of regulatory officers on the technical part and classifying ingredients and checking them digitally.

Facing the Consumer Interface by Public.

The Transparency Portal would be characterised by open access to the information. Consumers are supposed to be able to search products based on brand name, manufacturer, or ingredient. The interface should be created with an easily understandable language and even be multi-lingual such as having Tamil and English to allow inclusion. The Portal may display:

[8] Government of Tamil Nadu, Health and Family Welfare Department; Drugs Control Department.

1. Full ingredient listings with a functional description
2. Diluted definitions of technical terms
3. Determination of ingredients that are liable to international scrutiny
4. Warnings on drugs limited by specific jurisdictions.

The Portal lowers informational asymmetry and improves market accountability since it allows consumers to independently confirm the information about ingredients. In this case, transparency will be a participatory regulatory tool, but not a passive compliance formality.

Data Checking and Cross-Checking System.

The Portal should also have a verification architecture to avoid misuse or wrong report. The companies that post ingredient information must be obliged to post the supporting information in terms of formulation records and safety testing where necessary.

The oversight unit can carry out:

1. Random compliance audits
2. Checking of licensing records
3. On the basis of validation, Inspection for declaration of ingredient.

There is also the option of digital cross-referencing tools, which can be implemented to point at inconsistencies between disclosures uploaded and labelling information that can be seen during actual inspections. The hybrid model (a mix of online monitoring and physical enforcement) would guarantee that transparency can be enforced.

Proprietary Information and Trade Secret Protection.

As much as transparency is required, it should be struck off against reasonable commercial confidentiality. The Portal framework must hence draw the lines between compulsory public disclosure factors and secret technical formulae.

For instance:

1. Composed percentage compositions can be kept secret unless a safety consideration arises
2. Proprietary fragrance formulations can be defended on condition of revealing of allergenic ingredients.

The State model also strikes a balance between transparency and commercial protection by avoiding discouraging innovation, but at the same time, promoting consumer awareness.

Interconnection with the National and International Databases.

In order to enhance regulatory coherence, the Portal can be connected to the corresponding national and international regulatory changes. Regular alignment to central regulatory notifications would be done to ensure that it is compliant with the Drugs and Cosmetics Act and Cosmetics Rules.[9]

The Portal can also have an informational section reference centre, where there would be a summary of global regulatory developments regarding restricted substances. This comparative layer would not come with any foreign standards as it would make consumers and regulators aware of new scientific and regulatory trends.

Such integration makes Tamil Nadu a progressive regulatory institution, although it maintains statutory uniformity with national law.

Periodic Public Disclosure and Transparency Reports.

One of the sophisticated services of the proposed Portal would be that of publishing the Transparency Reports annually. These reports may include:

i. Registered number of products
ii. Rate of compliance violation
iii. Enforcement actions taken
iv. New ingredient-related issues.

Public reporting increases regulatory responsibility and creates institutional credibility. It also promotes voluntary compliance with manufacturers who have realised that the trends of enforcement are publicly reported.

Long-Term Governance Impact

In the long run, the State Cosmetic Ingredients Transparency Portal has the potential to produce valuable data on patterns of ingredients, risk types and compliance behaviour. This information can be of assistance in the creation of academic research, legislative changes, and early detection of potentially dangerous substances.

The Portal, therefore becomes more than a disclosure mechanism to become a preventive governance mechanism. It facilitates the alignment of transparency and proactive protection of the health of the population by making it possible to detect regulatory gaps and even scientific

[9] Central Drugs Standard Control Organisation (CDSCO), cosmetic regulatory notifications under Drugs and Cosmetics Act, 1940.

controversies in the initial stages.

To sum up, the State Cosmetic Ingredients Transparency Portal is the institutional personification of the offered supplementary disclosure instrument. It implements constitutional ideals of informed choice and cooperative federalism by way of digital government, systematised monitoring and access to participatory. With the combination of accessibility, verification, and accountability as part of an adaptable technology that enables uncertainty response to the state, Tamil Nadu can be the first state to initiate a state responsive model that enhances the transparency of cosmetic ingredients without causing discord among the national regulations.

Enhanced Market Surveillance and Enforcement

On the one hand, greater disclosure and digital transparency systems offer structural solutions; on the other hand, their functionality will largely rely on their strong enforcement. Unverified, unmonitored, unenforced transparency exposes itself to be a mere compliance device, and not a substantive tool of regulation. Consequently, the suggested Tamil Nadu transparency model should integrate a robust market surveillance and enforcement framework that will be aimed at making sure that ingredient disclosures are correct, uniform, and dependable.

The existing enforcement structure under the Drugs and Cosmetics Act, 1940 give the State Drug Control Authorities the responsibility of carrying out inspection, sampling, and licensing.[10]Nevertheless, practically, compliance and safety testing are frequently enforced instead of ingredient transparency verification. An additional enforcement framework should therefore introduce transparency-based supervision into the frameworks of inspection.

Inspection protocols on transparency

The first component of the reform is the introduction of specialised inspection checklists that aim at targeting the accuracy of ingredient disclosure. The verifications that could be made by the inspecting officers are:

i. Correspondence between the labelling of the physical product and digital disclosures uploaded
ii. Adherence to the prohibition of regulated substances concentrations
iii. Precision of declarations about self-declarations made by manufacturers
iv. Lack of claims of mislabeled or misleading ingredients.

[10] Drugs and Cosmetics Act, 1940, §§ 18–27.

These special inspection procedures would also make transparency requirements be regarded as central regulatory necessities and not as marginal formalities.

Random sampling of cosmetic products with retail stores and websites could be done periodically to compare the ingredient declaration with the laboratory analysis findings. In the cases where the differences are detected, enforcement can be adopted according to the currently existing statutory provisions regarding misbranding or adulteration.

Internet Market Place monitoring.

As e-commerce is rising, cosmetic products are being sold online by bypassing the traditional distribution control at times. An enhanced enforcement structure should thus include surveillance of internet-based marketplaces that are in operation in Tamil Nadu.[11]

The State authority may:

i. Mandate internet sites so that ingredient reports are consistent with the State Transparency Portal
ii. Require sellers to be certified on compliance at the platform level
iii. Introduce the withdrawal of products that have been identified to have undisclosed or restricted substances.

This strategy acknowledges the evolving business environment and eliminates the regulatory loopholes in online retailing.

Framework of Graduated Penalty and Corrective Compliance.

A graduated model of balanced deterrence and corrective opportunity should be used in enforcing. Minor flaws in disclosure processes can be solved with compliance notices and expected rectifying periods. Nevertheless, gross breaches, e.g. deliberate concealment of prohibited substances or misleading statements on ingredients, can be subjected to tougher punishment provisions by relevant statutes.

A model of transparency-related enforcement can include:

i. First minor disclosure lapses should be warned against
ii. Financial fines to be used in case of recurrent non-compliance
iii. Suspension of manufacturing or sale licences, in the event of gross misrepresentation
iv. Enforcement through public disclosure of the performance of transparency report per year.

[11] Consumer Protection (E-Commerce) Rules, 2020, Gazette of India.

Reputational consequences are a possibility that makes voluntary compliance more effective and increases the strength of regulatory credibility.

Inter-Agency Coordination

The concept of ingredient transparency overlaps various areas of regulation, such as consumer protection, health regulation and trade regulation. Based on this, the enforcement architecture is to be structured with coordination between:

i. Tamil Nadu Drugs Control Administration
ii. Public protection authorities
iii. Public health departments

In cases of import or interstate distribution, the central regulatory bodies are involved.

This form of coordination helps to avoid regulatory fragmentation and makes enforcement action not confined to administrative silos.

Building of Furniture and Training.

The cosmetic formulations are complex chemical compositions. Good implementation of transparency would necessitate technical skills among the regulatory officials. The State may invest in:

i. Ingredient classification and international regulatory developments training programmes
ii. Increase in laboratory capacity for chemical analysis
iii. Automated data flagging digital monitors.

Capacity building makes enforcement more transformative so that it is not reactive policing anymore, but informed regulatory governance.

Information-Based Surveillance Model.

The Transparency Portal that would be created under section 5.3 would produce a lot of information on the patterns of using ingredients. The information could be used to determine:

i. Commonly abused dangerous drugs;
ii. Constant breaches of compliance by certain manufacturers
iii. Situations in which policy needs to be taken.

A surveillance strategy using data helps to improve the preventive patrol and enables the regulators to rank inspections using risk indicators instead of only random selection.

Fair regulatory treatment of Proportionality and Regulatory Fairness.

As the enforcement is enhanced, it is necessary to maintain regulatory fairness and not overly impose compliance requirements that can be disproportionately imposed on small-scale manufacturers. The enforcement framework should hence observe the principles of proportionality, procedural fairness and openness in decision making.

To make the enforcement actions revocable and legally viable, clear guidelines and avenues of redressing grievances, as well as avenues of appeal, should be included.

The enhanced market surveillance and enforcement framework redefines the concept of transparency as not the obligation of disclosure but an obligation of regulation that is actively monitored. Combining specialised inspection procedures, online regulation of the marketplaces, graduated punishment, inter-agency collaboration, and surveillance based on data, Tamil Nadu will have the chance to make sure that its additional model of transparency works under the framework of the existing laws.

In this regard, enforcement would be the pragmatic enforcer of transparency. Unverified and unaccountable disclosure is a token gesture; regulated monitoring and equivalent sanctions, transparency will be an effective tool of state-sponsored health property.

Public Health-Oriented Precautionary Notification System.

Cosmetic governance transparency should not take the form of a non-active and passive ingredient listing and a response mechanism. Recent regulatory theory has come to accept the need for precautionary regulation, especially in areas that touch on chemical exposure and developing scientific evidence. Substances used in cosmetic products are frequently subject to long-term dermatological, hormonal or environmental assessment through scientific scrutiny. In this regard, a transparency model that responds to the state should include mechanisms that can eliminate regulatory uncertainty before the definitive harm is determined.

The Tamil Nadu proposal can thus present a Public Health-Oriented Precautionary Notification System that falls under the jurisdiction of the administrative authority of the State Drugs Control Administration.[12] This mechanism would not issue bilateral proscriptions or subvert the central legislation. Instead, it would act as an advisory and monitoring mechanism to provide a warning of an imminent scientific or international regulatory development of certain cosmetic ingredients to the stakeholders.

[12] See generally INDIA CONST. art. 21; precautionary public health principles under Indian constitutional jurisprudence.

Reason to take a Precautionary Approach.

The conventional model of cosmetic regulation is the harm-based model, according to which the regulatory intervention takes place after definitive results of toxicology. There is, however, an increasing trend of precautionary reasoning in the practice of global regulation, especially concerning jurisdictions that observe precautionary-like reasoning in the endocrine-disturbing chemicals, allergenic substances, as well as bioaccumulative substances.

With such direct and frequent exposure of cosmetic products to the human body, the need to wait before scientific harm is conclusively known to inform consumers may work against the prevention of public health. The gap can be filled by a precautionary notification system, which encourages informed awareness without necessarily subjecting the statutory prohibitions.

This type of model is particularly applicable in a federal system with states having the opportunity to address local priorities in the field of public health, but still being consistent with national regulatory requirements.

Notification Mechanism Structure.

In the suggested model, Tamil Nadu Drugs Control Administration can occasionally give Precautionary Ingredient Notifications in which:

i. A component is prohibited or severely limited in large international jurisdictions
ii. Critical science institutions have voiced safety concerns, which are under review
iii. The surveillance records of state level have recorded adverse reaction trends.

Such notifications would be posted in the Transparency Portal and sent out to authorised manufacturers, distributors, and online marketplaces in operation in the State.

Notably, these notifications would not automatically forbid sales unless they are required by central law. Instead, they would:

i. foment voluntary reformulation
ii. Demand greater clarity of disclosure
iii. Alarm closer inspection checking
iv. Report on new regulatory controversies to consumers.

This strategy ensures there is constitutional peace, and it embraces proactive governance.

Scientific Review Advisory Committee.

A State Cosmetic Ingredients Advisory Committee should be composed of: to give technical credibility to the precautionary system.

i. Toxicologists

ii. Dermatologists
iii. Public health experts
iv. Regulatory officers.

The committee would consider the scientific literature, the international regulation updates and adverse event information, and then suggest the issuance of precautionary notifications. This kind of expert intervention enhances the legitimacy of the State interventions concerning transparency, and it limits arbitrariness.

Consumer Awareness and Risk Communication.

Effective risk communication is one of the aims of precautionary notifications. Scientific ambiguity should be reported in such a manner that does not cause panic to people but brings knowledge.

The notifications can thus involve:

i. Elaboration on the nature of concern
ii. Indication that the ingredient is not prohibited by law
iii. Overview of foreign regulatory changes
iv. Recommendations on vulnerable or sensitive groups.

The contextualisation of risk instead of hyperbolic exaggerations by the State leads to rational decision-making by consumers.

Communication with the Headquarters.

In case precautionary notifications entail considerable safety issues, the State authority can officially inform the Central Drugs Standard Control Organisation of its results, which will be assessed at the national level.[13] This vertical communication strengthens cooperative federalism and provides that the local surveillance insights are used to serve the purpose of national regulatory evaluation.

The State is therefore not an equivalent regulator but a front-runner node in the regulatory ecosystem.

Preventive Governance and Regulatory Evolution.

The emergence of a precautionary notification system is a change in the regime of compliance

[13] Central Drugs Standard Control Organisation (CDSCO), Ministry of Health & Family Welfare, Government of India.

with anticipatory regulation. It admits the fact that the science of cosmetic ingredients develops at a fast pace and that the responsiveness of regulations has to keep up.

i. Over time, such a system may:
ii. Make manufacturers implement globally harmonised safety standards.
iii. Enhance the safety formulation.
iv. Eliminate enforcement burdens in the future by avoiding regulatory lag.
v. Transparency here is prospective as opposed to being backward.

The Tamil Nadu transparency model is reinforced by the Public Health-Oriented Precautionary Notification System, which allows the incorporation of scientific surveillance and advisory evaluation as well as the use of informed risk communication into the current statutory mechanism. It does not contradict the key legislation and does not have the autonomy of prohibition. Rather, it puts into practice the principles of preventive public health by means of advisory transparency and systematic control.

The proposed state-responsive model will go beyond formal compliance with the regulation and adopt a dynamic health-focused model of cosmetic governance by including precaution, disclosure, and enforcement.

Conclusion and Future Regulatory Directions

7.1 Return to the Research Problem.

This paper started with a focal regulatory dilemma, which is the divide between legal adherence to Indian cosmetic regulations and the more substantive protection of consumers through meaningful disclosure of ingredients. Although the current legal system about cosmetics in India has introduced some disclosure requirements, the study raised the question of whether the disclosure system provides real channels through which consumers make informed consumer choices, safeguard the health of the population, and sets forth constitutional promises in the right to health.[14]

The fundamental issue of this study is the difference between procedural compliance and substantive transparency. Procedural compliance is that of meeting minimum statutory standards, like labelling of ingredients, requiring licenses to manufacture and upholding labelling standards. Substantive transparency, however, demands ingredient disclosure to be coherent, easy to understand, scientifically meaningful and one that has the ability to allow the consumer to judge the health risks. The research problem arose based on the fact that, despite

[14] INDIA CONST. art. 21.

the fact that the regulatory bodies might be technically adhering to laboratory regulations, the current framework fails to ensure that consumers get informed of the safety profile, allergic potential, or regulatory status of the ingredients used in cosmetic products.

The research also found that ingredient disclosure in India is more or less stagnant and in textual form, mostly in smaller fonts and encircled in technical nomenclature. To an average consumer, one who is not a scientist, the result of such disclosure is not an informed choice. So, it was not only whether there are rules or not, but whether the rules are used to serve their protective role. It is not a question of legality or illegality but of adequacy and insufficiency.

The other aspect of the research issue is that of comparative regulatory deficiency. Increased levels of transparency, such as electronic disclosure systems, accessible ingredient databases, allergy warning mechanisms, and pre-market-risk-communicative systems, have become widely adopted in many jurisdictions. Conversely, the Indian model still depends on the traditional formats of labelling and reactive models of enforcement. Such an unequal situation begged a very important question: Is the cosmetic regulatory model in India suitable to the emerging global standards of consumer protection and risk communication?

The paper also challenged the institutional constraints of a federal distribution of powers in India. The regulatory framework of drugs and social health governance of cosmetics, including Union as well as State authorities. As much as the central framework sets order baseline standards, state-level enforcement mechanisms are usually limited in terms of capacity to enforce, labs, and disjointed systems of surveillance. This provokes a research problem, which is often foundational: is it possible to implement additional transparency practices by states like Tamil Nadu, without running afoul of central law and what would be the institutional design to facilitate such change?

The research problem was thus in multi-layers:

1. How existing Indian cosmetic ingredients disclosure regulations are more about compliance than transparency.
2. Whether consumers are really empowered to make educated decisions about potentially harmful or allergenic foodstuffs.
3. The question of whether the regulatory framework adequately addresses the inclusion of the principles of public health in line with constitutional protections.
4. Not only whether a state-based reform model would be able to enhance transparency without breaching federal balance, but also specifically in Tamil Nadu.

Notably, regulatory failure was not part of the assumptions of this study. Rather, it realised that India has an operating licensing and inspection system for cosmetics. Nevertheless, the

question under consideration was the regulatory design that is forward-thinking, techno-sensitive, and health-oriented. Absence of law was not an issue, but a lack of profundity in disclosure norms.

The study also came out of an increased global talk of toxic ingredients in cosmeticals and e-commerce cross-border cosmetics, and consumer attraction towards clean beauty products. Consumers in a more digitalised market are relying on online platforms where ingredient claims might be incomplete, inconsistent or secondary to marketing claims. This change of behaviour in the market aggravated the research issue: in what way can the transparency be modernised so as to fit into the trend of digital consumption?

Moreover, the research also asked the question of whether cosmetic control in India has adequately integrated the precautionary principle and risk communication model that is widely used in food safety and pharmaceutical regulation. Being perceived as a low-risk consumer product, cosmetics can include ingredients that indicate the chance of endocrine disruption, allergic dermatitis, or a risk of long-term exposure. Here, transparency does not mean only commercial disclosure, but it is a preventive health measure to the populace.

The research problem was therefore not restricted to the statutory interpretation. It placed cosmetic ingredient disclosure in the context of the wider consumer protection, internet governance, cooperative federalism, and constitutional health jurisprudence. By presenting the question of transparency versus compliance, the study has brought to the fore the fact that little legal conformity does not indeed guarantee substantive protection.

Finally, this chapter revisits the initial question that informed the entire research: Should cosmetic ingredient transparency in India go beyond being a regulatory obligation to be a consumer entitlement that is constitutionally based? The findings and research recommendations made below aim to provide a response to this question not only based on the doctrinal analysis but also based on structural and policy reform proposals specific to the settings of Tamil Nadu, though the findings are also applicable to the country.

7.2 Key Findings of the Study

This paper has revealed three findings formulated independently of each other, which ultimately show that cosmetic ingredient transparency in India need of reform. Such results are not occasional, but structural, which means that the current regulatory framework is simply constrained, not because of isolated breaches of enforcement.

Structural Inequality Between Disclosure and Comprehensibility.

The initial and the most important conclusion made in the course of this research is that there is a structural gap between the requirements of statutory disclosure and the way in which the information is perceived by consumers. Although the Indian cosmetic regulations provide a requirement to have the listing of ingredients, the system fails to effectively provide the appropriate framework to ensure that the listed ingredients are relevant to the common man.

The name of the ingredients is normally listed in a scientific (or International Nomenclature of Cosmetic Ingredients (INCI)) form. Though technically correct, such a format presupposes a certain degree of scientific literacy, which is beyond what is possessed by many consumers. The focus of the law is on the mentioning of the ingredient and not on its intelligibility. As a result, formal compliance is attained at the expense of transparency being effectively curtailed.

The study shows that transparency not only entails the availability of information but also its availability and interpretability. The list of chemical terms, which is printed in small font and is long, does not help in assessing the risk to consumers. The simplified risk indicators, highlighting of allergens and digital systems of referencing, which enable consumers to easily check ingredient safety, are not required.

Therefore, the initial important discovery is that the Indian cosmetic regulation takes a disclosure-based approach without the incorporation of consumer-oriented transparency. This is more of a compliance philosophy, and not a rights philosophy.