

PHARMACY COUNCIL OF INDIA

(Constituted under the Pharmacy Act, 1948)

E-MAIL : registrar@pci.nic.in
WEBSITE : www.pci.nic.in
TELEPHONE : 011-61299901,
: 011-61299902,
: 011-61299903,

NBCC Centre, 3rd Floor,
Plot No.2, Community Centre
Maa Anandamai Marg
Okhla Phase I
New Delhi – 110 020

Email

Ref.No. 12-43/2021-PCI

To
The Secretary
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare
AHS Section, Nirman Bhawan

NEW DELHI-110011

E.Mail : ahssection@gmail.com, poonam.22@gov.in, amit.biswas69@nic.in

Sub: Proposal regarding amendment of Section 32C of the Pharmacy Act, 1948.

- Ref:**
1. Order issued by Ministry of Home Affairs vide Gazette No. S.O. 3465(E) dt. 05.10.2022
 2. Letter of Government of Jammu & Kashmir, Health & Medical Education Department vide No.HD/Drugs/41/2021-02, dt. 31.01.2022 alongwith letter dt. 06.01.2021 and 21.12.2021 (S/87)
 3. Letter of Government of Jammu & Kashmir, Health & Medical Education Department vide No. HD/Drugs/41/2021-02, dated, 01.12.2022 (S/98)
 4. Council's email dt. 12.08.2021 (S/55)

Sir/Madam,

With reference to the subject cited above, I am directed to inform that the subject cited issue was considered by 387th Executive Committee of the PCI in its meeting held on 26th and 27th Dec 2022, which decided that after the abrogation of Article 370 of the Indian Constitution on 5th August, 2019 and enactment of Jammu & Kashmir Reorganization Act, 2019 on 31st October, 2019, the Pharmacy Act of 1948 was extended to the whole of India including Jammu & Kashmir (J&K) and Ladakh.

To provide benefit of Pharmacy Act, 1948 after the enactment of J&K Reorganization Act, 2019, it is the need of the hour to extend the opportunity to the persons who already hold an approved qualification for registration under the J&K Pharmacy Act, 2011 and did not apply earlier for the reason that the insertion of section 32C did not provide them opportunity for registration followed by their carrier growth. It is further made clear that the Compounders cadre of J&K was replaced by Medical Assistants/Pharmacist from the year 1992, which was further reviewed in the year 1993 when the Medical Assistants were re-designated as 'Pharmacist'.

Now, under the current scenario, I am directed to convey that the proposed amendment in new section namely 32C, should have 01 (one) year relaxation from the date of its gazette notification.

A draft of modified version of Section 32C to be inserted in the Pharmacy Act, 1948 is hereby presented with a request to introduce it in the Parliament for its enactment and in case the Parliament is not in motion/session, this draft may kindly be carried out by way of an Ordinance.

A draft of modified version of Section 32C to be inserted in the Pharmacy Act, 1948 is presented below for your ready reference please.

Name of the Section & Title to be inserted in the Pharmacy Act, 1948	FOR	READ
<p style="text-align: center;">‘32C’</p> <p>Special provisions regarding persons registered under the Jammu and Kashmir Pharmacy Act, Samvat, 2011 (1955 A.D).</p>	<p>“32C. Notwithstanding anything contained in section 32, any person whose name has been entered in the register of pharmacists maintained under the Jammu and Kashmir Pharmacy Act, 2011 (1955 A.D) and possesses qualification prescribed under the said Act shall be deemed to have been entered in the register of pharmacists prepared and maintained under Chapter IV of this Act, subject to an application to be made in this behalf within a period of one year commencing from the 31st October, 2020 and payment of such fee as may be prescribed by the Government of Union territory of Jammu and Kashmir.”.</p>	<p>“32C. Notwithstanding anything contained in section 32, any person whose name has been entered in the register of pharmacists maintained under the Jammu and Kashmir Pharmacy Act, 2011 (1955 A.D) or possesses qualification prescribed under the said Act shall be deemed to have been entered in the register of pharmacists prepared and maintained under Chapter IV of this Act, subject to an application to be made in this behalf within a period of two years commencing from the 31st October, 2020 and payment of such fee as may be prescribed by the Government of Union territory of Jammu and Kashmir.”.</p>

This is for your necessary action please.

Yours faithfully

(ANIL MITTAL)
(I/C) Registrar-cum-Secretary

Copy to-

<p>1) Deputy Secretary (SRA & LC) Ministry of Home Affairs (Department of Jammu & Kashmir and Ladakh Affairs) Government of India, New Delhi</p>	<p>2) The President Jammu & Kashmir Pharmacy Council Combined Food and Drug Testing Lab, Patoli Mangotrian, Jammu Email: presidentjkpharmacycouncil@gmail.com</p>
<p>3) The Registrar Ladakh Pharmacy Council Drugs and Food Control Organisation, Dambuchan, Agling, Leh-194101 Email: ladakhpharmacycouncil@gmail.com</p>	

(ANIL MITTAL)
(I/C) Registrar-cum-Secretary

NIO to:
Sh. Sushil Sudan
Member, PCI

(ANIL MITTAL)
(I/C) Registrar-cum-Secretary