

Bill No. 114 of 2023

THE PHARMACY (AMENDMENT) BILL, 2023

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further to amend the Pharmacy Act, 1948.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. This Act may be called the Pharmacy (Amendment) Act, 2023.

Short title.

8 of 1948.

2. After section 32B of the Pharmacy Act, 1948, the following section shall be inserted, namely:—

Insertion of new section 32C.

Jammu and
Kashmir
Act No. 10
LIII of
2011
(1955 A.D.).

"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 or possesses qualification (medical assistant/pharmacists) 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 condition that an application to be made in this behalf within a period of one year from the commencement of the Pharmacy (Amendment) Act, 2023 and on payment of such fee, and in such manner, as may be prescribed by the Government of Union territory of Jammu and Kashmir and Administration of Union territory of Ladakh."

Special provision relating to persons registered or qualified under Jammu and Kashmir Pharmacy Act, 2011.

STATEMENT OF OBJECTS AND REASONS

The implementation of the Jammu and Kashmir Reorganisation Act, 2019 led to repealing of various Acts applicable in the erstwhile State of Jammu and Kashmir including the Jammu and Kashmir Pharmacy Act, Samvat, 2011 (1955 A.D.) which regulated the profession of Pharmacy in the State. Consequently, the Jammu and Kashmir Pharmacy Council was re-constituted and the Pharmacy Act, 1948 was adopted in the Union territory of Jammu and Kashmir *vide* Statutory Order dated 5-10-2020 of MHA introducing section 32C in the Pharmacy Act, 1948. It is pertinent to mention that it was never actually amended in the Pharmacy Act, 1948 but remained a part of the Statutory Order dated 5-10-2020. The section reads as follows:—

“32C. Special provisions regarding persons registered under the Jammu and Kashmir Pharmacy Act, (Samvat, 2011) (1955 A.D.)—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 31.10.2020 and payment of such fee as may be prescribed by the Government of Union territory of Jammu and Kashmir.”.

2. Similarly, the Pharmacy Act, 1948 was adopted in the Union Territory of Ladakh *vide* Statutory Order dated 23-10-2020 of MHA introducing a section 32C in the Pharmacy Act, 1948. It is pertinent to mention that it was never actually amended in the Pharmacy Act, 1948 but remained a part of the Statutory Order dated 23-10- 2020. The section reads as follows:—

“32C. Special provisions regarding persons registered under the Jammu and Kashmir Pharmacy Act, (Samvat, 2011) (1955 A.D.)—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 1st day of the January, 2020 and payment of such fee as may be prescribed by the Administration of the Union territory of Ladakh.”.

3. This notification created an ambiguity as it did not mention that whether the person possessing an approved qualification (medical assistant/pharmacists) under the Jammu and Kashmir Pharmacy Act, Samvat, 2011 (1955 A.D.) but could not be registered/ did not apply earlier due to some reason has an opportunity to be registered and whether the students who were undergoing an approved course leading to an approved qualification (medical assistant/pharmacists) for registration under the Jammu and Kashmir Pharmacy Act, Samvat, 2011 (1955 A.D.) at the time of enactment of the Jammu and Kashmir Re-organisation Act, 2019 and have acquired the said approved qualification (medical assistant/pharmacist) can be considered for registration. Hence, arose the need for amendment of section 32C of

the Pharmacy Act, 1948. In view of the above, the following insertion is proposed in section 32C of the Pharmacy Act, 1948:—

“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 or possesses qualification (medical assistant/ pharmacists) 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 condition that an application to be made in this behalf within a period of one year from the commencement of the Pharmacy (Amendment) Act, 2023 and on payment of such fee, and in such manner, as may be prescribed by the Government of Union territory of Jammu and Kashmir and the Administration of Union territory of Ladakh.”.

The above insertion resolves the ambiguity mentioned in the above paras.

4. The proposed changes have been discussed with the Ministry of Home Affairs which had in turn held further consultations with the Department of Health and Medical Education of Government of Union territory of Jammu and Kashmir and of administration of Union territory of Ladakh. The Governments of both the Union territories submitted the draft amendment Bill duly vetted by their respective Department of Law, Justice, and Parliamentary Affairs.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;

DR. MANSUKH MANDAVIYA.

The 27th July, 2023.

LOK SABHA

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further to amend the Pharmacy Act, 1948.

(Dr. Mansukh Mandaviya, Minister of Health and Family Welfare)