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 (स्वास्थ्य एवं परिवार कल्याण मंत्रालय के अंतर्गत सांख्यिक निकाय)
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कामधे दू. बततानाम प्राणिनामार्तिनाशनम्

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Circular

1.4.2025

Ref. No- 14-56/2025-PCI (Procedure file)

To All State Governments

Sub: Hon'ble Supreme Court vide judgment dated 05.03.2020 in Pharmacy Council of India v. Dr. SK Toshniwal Educational Trusts Vidarbha Institute of Pharmacy and Ors. 2020 SCC Online SC 296.

Sir/Madam,

With reference to the subject cited above, it is informed that –

The Hon'ble Supreme Court in ***Pharmacy Council of India v. Dr. SK Toshniwal Educational Trusts Vidarbha Institute of Pharmacy and Ors. 2020 SCC Online SC 296*** wherein the Hon'ble Supreme Court vide judgment dated 05.03.2020, after detailed analysis of the scheme of the Pharmacy Act has clearly held that the norms and regulations set by the PCI and other specified authorities under the Pharmacy Act alone would have to be followed by an institution imparting education for degrees and diplomas in pharmacy, and that the Pharmacy Act, 1948 and rules and norms made thereunder would prevail over the AICTE Act, 1987. The relevant extracts of the judgment is reproduced below for kind reference -


“65. Thus, considering the various provisions of the Pharmacy Act and the regulations made therein; it can be said that the Pharmacy Act is a complete Code in itself in the subject of pharmacy. The PCI has been constituted as a body empowered to regulate the education and profession of pharmacy in India. It cannot be disputed that the subject of pharmacy is a special and not a general subject. From the relevant provisions of the Pharmacy Act, more particularly, the provisions referred to hereinabove, the Pharmacy Act exclusively covers all areas inclusive of approval of courses, laying down course content, eligibility conditions for students as well as teachers, evaluation standards of examination, grant of registration, entry of higher qualifications in the same discipline, taking action for infamous conduct etc. It also contains a penal provision. Thus, **the legislative intent in enacting the Pharmacy Act seems to be to ensure that there is seamless regulation of the profession. To carry out the objective and purpose for enacting the Pharmacy Act, the Legislature has established under the Statute the autonomous statutory authority i.e., Pharmacy Council of India. Thus, it can be said that in the field of pharmacy, the Pharmacy Act is a special law.**

80. On the other hand, so far as AICTE is concerned, only one member would be from the field of pharmacy and that too representative of PCI. Under the circumstances, **the PCI is the body of experts connected with the subject of pharmacy and related subjects and therefore it will be in the larger interest and more particularly in the interest of education of pharmacy that PCI shall alone have the Jurisdiction in the field of pharmacy.** rather than AICTE.
84. We are in complete agreement with the view taken by this Court in Shri Prince Shivaji Maratha Boarding House's College of Architecture (supra). Otherwise on merits also, as observed and held hereinabove, the Pharmacy Act which is a Special Act in the field of pharmacy shall prevail and consequently so far as the recognition of degrees and diplomas of pharmacy education is concerned, the Pharmacy Act shall prevail. **As observed hereinabove, PCI constituted under the provisions of the Pharmacy Act which is consisting of the experts in the field of pharmacy and/or related subjects shall prevail. Consequently, the norms and regulations set by the PCI and other specified authorities under the Pharmacy Act would have to be followed by an institution imparting education for degrees and diplomas in pharmacy.**
87. In view of the above and for the reasons stated above, it is held that in the field of Pharmacy Education and more particularly so far as the recognition of degrees and diplomas of Pharmacy Education is concerned, the Pharmacy Act, 1948 shall prevail. **The norms and regulations set by the PCI and other specified authorities under the Pharmacy Act would have to be followed by the concerned institutions imparting education for degrees and diplomas in Pharmacy, including the norms and regulations with respect to increase and/or decrease in intake capacity of the students and the decisions of the PCI shall only be followed by the institutions imparting degrees and diplomas in Pharmacy.** The questions are answered accordingly.”

In view of above, it is informed that pharmacy courses are independent health-oriented courses.

This is for information

Yours faithfully

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Registrar-cum-Secretary