



**REGULATION OF PHARMACY EDUCATION IN INDIA BY AICTE AND PCI- A SWOT  
ANALYSIS OF PRESENT SYSTEM OF INSPECTIONS**

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**ABSTRACT**

Pharmacy educational institutions in India are forced to take approval from both All India Council for Technical Education (AICTE) and Pharmacy Council of India (PCI) for conducting pharmacy courses like D.Pharm and B.Pharm by paying heavy fees. AICTE came into existence in India on 30th November 1945 based on a resolution passed by the Government of India, and PCI in March 1948. The PCI was formed based on the Pharmacy Act 1948 framed by the British during pre-independence period. In 1987 AICTE Act was passed by the Indian parliament (Rajya Sabha on 26th November and Lok Sabha on 15th December) as Act 52 of 1987. Since 1987, AICTE also became a statutory body. Various Indian High Courts have made it clear that after 1987, AICTE is in total control of Pharmacy Education. The quality of education, training and skill development are important components in moulding a new generation of competent professionals. As far as education is concerned, necessary infrastructure, well designed and regularly updated syllabus, proper mentoring and training, effective teaching methods and ability of teaching faculty to inspire and guide students are all important aspects. This paper critically analyses the pharmacy education scenario of India and the existing system of dual control. It evaluates the current systems of inspections of Pharmacy colleges by AICTE and PCI with respect to the objectives of pharmacy education. A SWOT analysis of the present systems of AICTE and PCI inspections of pharmacy colleges in the country is also conducted.

**KEYWORDS:** Regulation of Pharmacy education, Pharmacy college inspection, AICTE Inspection, PCI inspection, Approval of Pharmacy colleges, Dual control of Pharmacy.

**INTRODUCTION**

The purpose of pharmacy education is to mould a new generation of efficient and effective pharmacy professionals who can lead and guide the profession of pharmacy for the future generations. Unfortunately the Pharmacy Education in India has become a process of

teaching the pharmacists of tomorrow by the teachers of today using the curricula of good old days. We don't have any hesitation or conscious prick in using pretty old outdated syllabus for teaching the professionals of tomorrow. The various pharmacy education programmes offered in India are shown in Box No1.

Box No 1. Pharmacy education programmes offered in India.

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i) Diploma in pharmacy (D.Pharm,	2 year program after 10+2)
ii) Bachelor of pharmacy (B.Pharm,	4 year program after 10+2)
iii) Master of pharmacy ( M.Pharm,	2 year program after B.Pharm)
iv) Doctor of pharmacy (Pharm.D,	6 year program after 10+2)
v) Doctor of Pharmacy (Pharm.D) P.B.	3 year program after B.Pharm
vi) Doctor of philosophy (Ph.D, generally	3 years work after M.Parm).
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India is perhaps the only country in the world which is having a diploma course (D.Pharm) as the minimum

qualification for registering as a professional pharmacist with the statutory Council or agency for getting approval

or license for the practice of pharmacy. Other countries have made degree in pharmacy (B.Pharm /M.Pharm / Pharm.D) as the minimum qualification for the practice of pharmacy. In countries like US, one should have a Pharm. D degree and then pass the state pharmacy licensure examination after completing pharmacy internship for a period (500- 2000 Hrs. depending upon the individual states) for getting registered as a pharmacist.<sup>[1,2,3]</sup>

Universities are the statutory bodies capable of framing syllabus, implementing the Regulations and evaluating the students based on appropriate systems of examination. It is the prerogative of the Universities to frame syllabus and Regulations and approve them. Right from the time of AICTE (1945), B.Pharm syllabi and Regulations are framed by respective universities.<sup>[3]</sup>

In recent times the Pharmacy Council of India (PCI), which was originally looking after only the D.Pharm course, has shown over enthusiasm in framing syllabus and Regulations for various degree programs like Pharm.D, B.Pharm and M.Pharm in blatant violation of the verdicts of various High Courts of India. They framed the syllabus and Regulations and notified the same in the Gazette of India. It is interesting to note that the PCI is running D.Pharm course in India in 2017 with a 30 year old syllabus and a six year long pharmacy

programme- Doctor of Pharmacy (Pharm.D)- with 10 year old syllabus and Regulations.

AICTE, the statutory body responsible to govern technical education including pharmacy in the country, makes only modal syllabus and the Indian Universities were given the right and power to modify and update the syllabus at any time and incorporate new concepts and innovations in the regulations and curriculum. It is true that only very few Universities do make additions and deletions in their syllabus at regular intervals, as expected. Many public Universities are notorious in making delay in updating the syllabus even after five or eight years. Most Universities manage to update the P.G syllabi in every two or three years.

Currently Pharmacy education in India is under dual control of both AICTE and PCI. It is in clear violations of the judgments of Indian courts, some of which are briefly discussed in this paper. Both All India Council for Technical Education (AICTE) and Pharmacy Council of India (PCI) are insisting their approval for conducting pharmacy courses and are charging inspection and affiliation fees.<sup>[3]</sup>

#### Inspection and Affiliation Fees of AICTE

The various fees charged by AICTE from a Pharmacy College is shown in Box No2.

#### Box No 2: AICTE fees for Pharmacy College (Source AICTE Approval Hand book 2017-18.

Security Deposit	Rs. 15.00 lakhs
Processing fee (first time)	Rs. 7.00 lakhs
Change of site	Rs. 2.00 lakhs
Closure of institution	Rs. 0.50 lakhs
Increase in intake	Rs. 1.00 lakh
Conversion of diploma into Degree or degree into diploma	Rs. 5.00 lakhs
Extension of approval after 1 <sup>st</sup> approval	Rs 1.00 lakh / year
(The Management should also provide a security deposit of Rs 50 lakhs as operational expenses.)	

PCI is charging Inspection fee of Rs 1.00 lakh for B.Pharm and 0.25 lakhs for D.Pharm. The annual affiliation fee for B.Pharm is 1.00 lakh, and D.Pharm 0.50 lakhs. For Pharm.D PCI is charging Rs 2.00 lakhs as inspection fee, year wise approval fee of Rs 1.00 lakh up to 6<sup>th</sup> year, Approval under S12 of Pharmacy Act Rs 2.00 lakhs and annual affiliation fee of Rs 0.50 lakhs after approval under S.12 Pharmacy Act.

#### Pharmacy Education in India

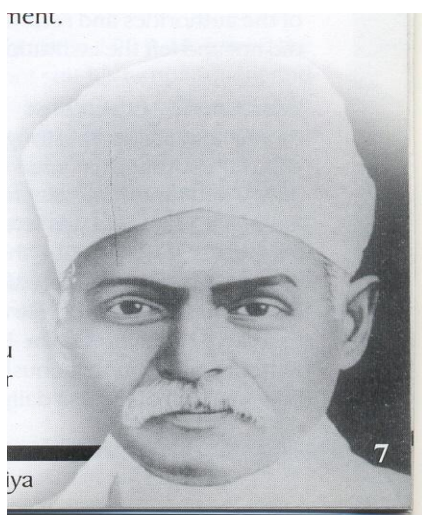
The pharmacy education in India is not very old as in the case of countries like Italy, France, Germany or USA. Pharmacy education at University level in India started only in 1932 in Banaras Hindu University(BHU), by a thirty year old youth, Mahadeva Lal Schroff popularly

known as M.L. Schroff. Originally it was a two year B.Sc. programme which got converted into a B.Pharm course in 1937. Schroff could start pharmacy education in India because of the encouragement and support he got from Pandit Madan Mohan Malaviya, a national figure who was the Vice chancellor of the BHU during those days. Other than the University programmes, pharmacy programmes like Compounders course, Pharmacy Certificate course and Diploma in Pharmacy were being conducted in various hospitals in India during the later part of 19<sup>th</sup> century.<sup>[2,3]</sup>



Mahadeva Lal Schroff  
1902-71

**Fig No 1: M.L Schroff.**



**Fig. No 2: Pandit Madan Mohan Malaviya.**

The growth of pharmacy education in India was in 'bonsai style' till 1980s. At the time of independence there were only five pharmacy colleges in the country which increased to 16 by 1967. During the period 1995 - 2008 hundreds of new pharmacy degree colleges were started in India. The number of pharmacy colleges increased to 900 by 2009 and further increased to over 1600 by 2017. Table No 2 shows the distribution of Pharmacy Colleges in Indian states and Union Territories. These colleges impart diploma, degree, M.Pharm, Pharm.D and PhD programs in Pharmacy. Only about 15 per cent of the Indian Pharmacy Colleges are situated in the health care campus attached to the hospitals or other health care educational institutions and most of them are in the South Indian states like Kerala, Tamil Nadu, Karnataka, Telangana and Andhra Pradesh.

#### **Control of Pharmacy Education by AICTE and PCI.**

All India Council for Technical Education (AICTE) came into existence in India on 30<sup>th</sup> November 1945

based on a resolution passed by the Government of India. Pharmacy Council of India (PCI) came into existence in March 1948, just after independence. PCI was established under section 3 of the Pharmacy Act 1948 which was framed by the British during pre-independence period.

Right from 1945, Pharmacy education at University level was with AICTE. PCI was looking after the Diploma in Pharmacy (D.Pharm), which is not basically a University course. D.Pharm is conducted by the government departments like Director of Technical Education (DTE), Director of Medical Education (DME) or in some cases by the Drugs Control department. However there was always mutual understanding and consultations between the two agencies – AICTE and PCI- and they worked in tandem with mutual trust and co-operation.<sup>[3]</sup> The AICTE Act was passed by the Indian parliament (Rajya Sabha on 26<sup>th</sup> November and Lok Sabha on 15<sup>th</sup> December) in 1987 as Act 52 of 1987. Since then AICTE also became a statutory body.

The preamble of the Pharmacy Act makes clear that it was enacted to "regulate the profession of pharmacy and practice of pharmacy and for that purpose constitute the Pharmacy Councils". But the preamble of AICTE Act says "An Act to provide for the establishment of an All India Council for Technical Education with a view to proper planning and co-ordinated development of the technical education system through out the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith".<sup>[4]</sup>

Table No 1: No of Pharmacy Colleges in Indian States and Union Territories.

Sl. No	States and Union Territories	No of Pharmacy Colleges	
		Year 2012	Year 2017
1	Andhra Pradesh	141	142
2	Arunachal Pradesh	Nil	Nil
3	Assam	3	4
4	Bihar	4	4
5	Chhattisgarh	18	22
6	Goa	2	2
7	Gujarat	86	74
8	Haryana	46	78
9	Himachal Pradesh	20	19
10	Jammu and Kashmir	Ni	1
11	Jharkhand	2	3
12	Karnataka	70	66
13	Kerala	33	44
14	Madhya Pradesh	119	115
15	Maharashtra	327	437
16	Manipur	Nil	Nil
17	Meghalaya	Nil	Nil
18	Mizoram	Nil	1
19	Nagaland	Nil	1
20	Odisha	19	19
21	Punjab	70	90
22	Rajasthan	57	55
23	Sikkim	1	1
24	Tamil Nadu	39	51
25	Telangana	177	151
26	Tripura	2	2
27	Uttarakhand	36	41
28	Uttar Pradesh	121	170
29	West Bengal	20	28
30	Andaman and Nicobar UT	Nil	Nil
31	Chandigarh UT	3	3
32	NCT Delhi UT	8	6
33	Dadra and Nagar Haveli UT	1	1
34	Daman and Diu UT	Nil	Nil
35	Lakshadweep UT	Nil	Nil
36	Puducherry UT	1	1
	<b>Total</b>	<b>1426</b>	<b>1613</b>

It is to be noted that Section 2(g) of the AICTE Act defines clearly what is technical education and S.2 (h) technical institutions. Pharmacy is very well included in the definition of technical education and pharmacy colleges as technical institutions. Pharmacy is considered as a technical profession, not only in India but through out the world including countries like USA where Pharm.D is the most popular pharmacy programme. As per the provisions of Sections 13(2), 13(4) and 23 of AICTE Act, the All India Board of Pharmaceutical Education is also constituted in AICTE<sup>5</sup>. The Central council of AICTE has a representative of PCI as its member and the PCI gas a representative of AICTE. It shows that these two bodies were helping each other in the past for the betterment of Pharmacy education in the country.

From 1948 to 2000 AD, PCI was focusing on D.Pharm course and AICTE was governing the pharmacy courses at the University level in a cordial manner. PCI entered in to the area of B.Pharm education during the period 2000- 2006 through a 'lateral entry'. It was the time when degree colleges increased in number in the country, overshooting the diploma. During those days, Initially the B.Pharm colleges have to take PCI approval only by the time students are in final (4<sup>th</sup> year) of the course. It was during those days that AICTE made it's approval compulsory for D.Pharm Colleges also. It was during the period 2000- 2006 that the dual control of pharmacy education originated in India in its present form. Interestingly AICTE did not object the steps taken by PCI and PCI did not object the steps taken by AICTE.

**Punjab- Haryana High Court decision of 1995**

The 12<sup>th</sup> May 1995 verdict of Punjab Haryana High Court in Gandhi College of Pharmacy Vs AICTE, available at (<https://indiankanoon.org/doc/1878023/>) is believed to be the first High Court judgment on the issue of dual control after the AICTE Act 1987 came into existence. Gandhi College at Karnal was running D.Pharm course since 1984 and the Board of Technical Education Haryana was the course and examination conducting authority. The College was admitting 120 students every year on the strength of PCI approvals. On 20<sup>th</sup> March 1993, an AICTE team inspected the College and found many shortages of required facilities. Subject to the fulfilment of certain conditions, AICTE had given approval for 60 admissions. Against the decision of AICTE the College approached the Punjab Haryana High Court. The main contention of the College was that the running of the D.Pharm course is the sole responsibility of PCI and AICTE has no role in it. AICTE was first respondent and PCI the third respondent in the case.

AICTE took the stand that that AICTE alone has the power and jurisdiction to approve the course and determine the intake strength of Pharmacy courses including D.Pharm after the AICTE Act 1987. The High Court considered the question of which of the two bodies AICTE and PCI has the power to approve Diploma in Pharmacy after the AICTE Act 1987. High Court studied the both Acts in detail and analyzed their genesis, position and constitution.

The judgment says “in terms of Art 372 of Constitution, the 1987 AICTE Act will prevail and the provisions of the 1948 Pharmacy Act to that extent stand repealed/ altered..... When two Acts are inconsistent or repugnant to each other, the existing law will be deemed to have been altered, repealed or amended by the later law enacted by the competent Legislature. Even when there is no repugnancy or inconsistency between the two enactments, the later law enacted by the competent Legislature will prevail provided the law covers the same field as is covered by the existing law, since it is the last expression of the will of the legislature that will prevail”.

The petition of the Gandhi College of Pharmacy was dismissed upholding the position of AICTE and directed the College to admit only as per AICTE approval.<sup>[6]</sup>

**Madras High Court declared Sections 10-15 of Pharmacy Act inoperative in 2002 in a land mark case**

The High Court of Madras on 10<sup>th</sup> April 2002 ordered another land mark verdict in the case of ‘A. Mahesh Vs K.K. College of pharmacy’ on the subject of dual control by AICTE and PCI. This judgment which is subsequently quoted in many high court and supreme court decisions is available at (<https://indiankanoon.org/doc/1570453/>). In this case the 3<sup>rd</sup> respondent was Chairman AICTE and the 5<sup>th</sup> the Secretary PCI.

The judgment says “Pharmacy Act is a pre-constitutional statute enacted prior to the constitution. AICTE Act 1987 is referable to Entry 66 of List 1 of Seventh Schedule of the Constitution of India. The AICTE Act covers the same field which was earlier covered by the Pharmacy Act, particularly laying down norms and standards for studies in the field of pharmacy. Therefore in terms of Article 372 of the Constitution of India, the AICTE Act to the extent it covers the same field as covered by the Pharmacy Act will prevail and the provisions of the Pharmacy Act to that extent would yield to the AICTE Act.....Consequently the provisions of AICTE Act alone shall regulate and control the colleges in the matter of laying down norms and standards for courses in pharmacy”.

The judgment also states that “the said enactment (AICTE Act) is a special enactment in so far as laying down norms and standards for courses, curricula, physical and instructional facilities, staff pattern and other qualifications, quality assessment and examinations as well as for grant of approval for starting new technical institutions and for introduction of new course or programs in consultation with agencies concerned”.

**Box No 3: Subjects of Section 10- 15 of Pharmacy Act.**

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- Section 10. Education Regulations.
  - Section 11. Application of Education Regulations to States.
  - Section 12. Approved courses of study and examinations.
  - Section 13. With withdrawal of approval.
  - Section 14. Qualifications granted out side the territories to which Act extends
  - Section 15. Mode of declarations.
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The most significant component of the judgment is that it makes S10 to S15 of Pharmacy Act inoperative and says” Hence, provisions of Section 10 to 15 of the Pharmacy Act shall be deemed to be inoperative in so far

they relate to admission of students, syllabi, course of study and the examination and for that matter the approval of pharmacy course. Consequently the provisions of AICTE Act alone shall regulate and control

the colleges in matter of laying down norms and standards for courses in pharmacy".<sup>[7]</sup> Box No 3 shows the subject areas of Section 10 to 15 of the Pharmacy Act. 1948.

It is to be noted that it is after the 1995 and 2002 judgments of High Courts that PCI framed the Education Regulations for Pharm.D, B.Pharm and M.Pharm courses and notified in the Gazette. This act of PCI is not only an intentional violation of Indian High Court orders, but also against the academic interests of the profession. Syllabus framing and finalization of Regulations are the prerogatives of Universities which have academic experts in their Board of Studies, Faculties and Academic Councils.

### Gujarat High Court order in 2016

The High court of Gujarat at Ahmadabad in (a special civil application No 9506 of 2016) L J Institute of Pharmacy Vs Union of India made a verdict on 25<sup>th</sup> July 2016 which is available at ([www.jacpcldce.ac.in/Adm16/Pharma/SCA\\_9506\\_2016.pdf](http://www.jacpcldce.ac.in/Adm16/Pharma/SCA_9506_2016.pdf)). This CAV Order of Justice NV Anjaria quotes the 12<sup>th</sup> May 1995 verdict of Punjab Haryana High Court verdict in Gandhi College of Pharmacy Vs AICTE and 2002 judgment of Madras High Court in the case of 'A. Mahesh Vs K.K. College of pharmacy and says that AICTE Act is above Pharmacy Act and hence the decision of AICTE is binding to the Pharmacy Colleges.<sup>[8]</sup>

### Pharmacy Regulations in blatant violation of High Court orders

Two high court judgments, one of Punjab Haryana High Court in 1995 (AIR 1995 PH135) and another of Madras High Court in 2002 upheld the view that with the enactment of 1987 AICTE Act, the control and regulation of Pharmacy education in the country is totally under AICTE. Both the High Courts have given clear verdict declaring that AICTE is the authority to govern Pharmacy education, both at D.Pharm and University degree levels and PCI is not having any statutory status over AICTE in relation to the governance of Pharmacy education in the country. Both AICTE and PCI were respondents in the 1995 and 2002 High court cases.

It is in this background that in 2008 PCI framed the Pharm.D Syllabi and Regulations. This was not objected by AICTE. Why? Who were the members of the Pharmacy Board of AICTE during those days? Did the Pharmacy Board and its Chairman advised AICTE properly in the issue? Who was the President of PCI? Was he/ she aware of the 1995 and 2002 judgments of Indian High Courts? As AICTE kept silent on the Pharm.D issue PCI started framing other Regulations for B.Pharm and M.Pharm. In 2014 PCI framed Regulations for both B.Pharm and M.Pharm and notified in the Gazette. If a syllabus is notified in the Gazette, all

changes and modifications need to be notified in the Gazette, other wise such modifications are null and void.

In spite of such naughty and non-wise notifications of PCI, the AICTE and its Board of Pharmacy kept silent. How can PCI frame the said Regulations without consulting AICTE, that too after the 2002 Madras High Court verdict? Can a PCI without any legal arms hijack in a Taliban style the prerogative of Universities and academic experts to frame the syllabus? A thorough study of the working of AICTE, its Pharmacy Board and the PCI during the period 1995 – 2014 is in need to bring out the reasons for the present situation.

It needs a thorough investigation into the working of both AICTE and PCI along with the Board of Studies of AICTE and the Education Regulation Committee of PCI during the period 2000 - 2014 to understand the real issues and problems with the dual control of Pharmacy Education in India. The dual control compels the pharmacy colleges to seek approval from both AICTE and PCI paying huge inspection and affiliation fees and bear the burden of repeated inspections. Why inspections are conducted at different times by the two agencies for the same purpose? If PCI is very much interested in conducting inspections, why can't they approach AICTE with such proposals and then conduct joint inspection in conformity with the 2012 Supreme Court direction in Parshavanath Charitable Trust Vs AICTE.

It is very clear that with its existing structure, constitution and functioning, the PCI is not competent to frame the syllabus or Regulations for programmes like B.Pharm, Pharm.D and M.Pharm courses as they failed miserably in conducting the two year diploma course (D.Pharm). The D.Pharm Regulations of PCI, ER 1991, which is currently used to teach students is 30 years old!<sup>[2,3]</sup>

In all parts of the world the Pharm.D syllabus is framed by the Universities and the National Boards or Councils make only the overall suggestions of the course structure. Same is the case with B.Pharm and M.Pharm syllabi. Universities have competent teachers in their academic bodies like Board of Studies, Faculty, and Academic Councils and they can update and modify the syllabus regularly incorporating newer and emerging concepts and trends. It is just because of the fact that PCI has experience only in running D.Pharm programmes that they dared to frame syllabus and Regulations for courses like Pharm.D, B.Pharm and M.Pharm making mockery of the University system in the country and violating the High Court orders. Can PCI without any legal arms, in a Taliban style hijack the prerogative of Universities and academic experts to frame the syllabus?

Interestingly all the pharmacy colleges, both in government and private started for applying for the approval and affiliation from both agencies every year by paying the fees during 2005- 2010 period. Even

government institutions, which are exempted from the AICTE inspection fee, readily started paying inspection fee to PCI for approval. A complaint which is relevant, is that dual control became a source for collecting money for working funds, otherwise there is no benefit for the education or profession. While the Government of India controlled body AICTE is taking a passive and silent attitude with respect to pharmacy education, PCI is showing 'attention deficient hyperactivity disorder (ADHD)' syndrome, which is really a health problem adversely affecting the growth and development of the profession of pharmacy in India. Another allegation against PCI is that it is working as agents of certain private pharmacy colleges in India in relation to pharmacy education.

In the Parshavanath Charitable Trust Vs AICTE case, the Supreme Court in 2012 scanned the provisions of AICTE and UGC Acts and stated in para 24 of the verdict "A careful scanning of the provisions of AICTE Act and the Provisions of the UGC Act 1956, in juxtaposition, will show that the role of AICTE vis-s-vis the Universities is only advisory, recommendatory and one of providing guidance, thereby sub serving the cause of maintaining appropriate standards and qualitative norms and not as an authority empowered to issue and enforce any sanctions by itself." If AICTE is not having the power and authority to implement a rigid and gazette notified syllabus for technical programs, what is the value of syllabus and Regulations framed by PCI for ever-changing technical and professional programs like B.Pharm, M.Pharm and Pharm.D?

#### **Government control in AICTE and PCI**

The AICTE is under the direct and immediate control of Government of India, ministry of human resource development (MHRD). Its chairman, vice chairman, member secretary, Advisors, Directors, Regional Officers and other officers in power are all appointed by the Government of India. They are all full time officers having specified and independent duties and responsibilities. All AICTE staff are often forced to work without looking at calendar or clock. AICTE is heavily funded by MHRD and goes to the tune of Rs 3000- 4000 crores annually. The funds are used for various academic and research activities in technical courses including pharmacy. AICTE is giving lot of support and assistance to government institutions, public universities and accredited institutions including private/ self finance colleges. They don't collect inspection/ approval fee from Government/ public institutions<sup>3</sup>. No other Council including medical, dental, nursing or pharmacy get such grants or funds from Government of India. The profession of pharmacy and the PCI should have utilized the situation for the development of pharmacy education and research in the country.

PCI is not under the direct control of Government of India as in the case of AICTE. Compared to AICTE, PCI it is a very 'nano' establishment in all aspects. PCI is not

having any regional offices and officers as in the case of AICTE. Its officers other than the Registrar and office staff are all ad-hoc and part-time. PCI president and vice president are not appointed by Government as in the case of AICTE officers like Chairman, Vice Chairman, Member Secretary, Advisors, Directors, Dy. Directors or Regional Officers. PCI president and vice president are elected by the Central Council which consists of elected, ex-officio and nominated members. PCI is a 'single man' control unit. Its composition is based on the pre-independence Act and a registered pharmacist who can also be a qualified person (not having formal pharmacy qualification) or a diploma in pharmacy can be a nominated or elected member. If we look at the constitution of MCI, Nursing Council and Dental Council we can see that all their members are professors or principals of educational colleges.

#### **Doctor of Pharmacy (Pharm.D) degree and AICTE**

Doctor of Pharmacy (Pharm.D) program is a 6 year professional degree program after 10+2 introduced in 2008 in India by PCI without consulting AICTE. The starting of Pharm.D without AICTE approval was in blatant violation of the Punjab Haryana High Court judgment of 1995 and the Madras High Court land mark judgment of 2002. When Pharm.D was started violating the High Court judgments, AICTE and its National Board of Pharmacy kept silent. They did not bother to inform the public about the fact that Pharm.D is not approved by AICTE. Pharm.D was started in AICTE approved B.Pharm Colleges which completed 4 years of existence and graduated one batch of B.Pharm students. Now there are over 120 Pharm.D Colleges in India.

#### *Are Pharm.D students not Pharmacy Students?*

The Pharm.D students are not getting the opportunity to apply for various schemes of AICTE like travel grant, seminar grant etc. and they cannot appear for G.PAT examinations because Pharm.D is not an AICTE approved program. The Pharm.D (PB) students even if are G.PAT qualified (because of their B.Pharm degree) are not getting stipend for the three year Pharm.D(PB). Many Pharm.D qualified persons are doing PhD programs in various Indian Universities, but they are not getting any financial support from AICTE. NIPERs are not permitting PharmDs register for the PhD programs. Some Universities provide financial assistance from UGC for the PhD programs to those completed Pharm.D. The non- approval of the Pharm.D by the AICTE is creating many technical difficulties in getting jobs and employments for the Pharm.D qualified people in the country. The students, their parents and teachers are very much worried about the present situation of non-approval of the Pharm.D program by AICTE, especially based on the notification of AICTE regarding non-approved programs. What will be the plight of Pharm.D in India if its conducted in its present manner?

### Impact of CBI Cases in inspection and approval process of AICTE

The AICTE made the inspection related activities systematic, transparent and corruption free as a result of the CBI cases registered against its own Chairman, Members Secretary and few other officers in July 2009. In 2009 July CBI arrested AICTE Member Secretary K.Narayana Rao for allegedly accepting a bribe of Rs 5 lakhs for inspection and approval of an engineering college in Hyderabad. Subsequently CBI registered separate corruption charges against AICTE chairman Prof Ram Avtar Yadav and few other officers. Prof R A Yadav and two other high officers of AICTE were suspended on July 29, 2009. Since then AICTE became under scan of CBI and other agencies. The AICTE office and its various Regional offices and staff are now under CCTV recordings. Naturally AICTE was forced to make inspections transparent and quick.

It is interesting to note that Dr.Kethan Desai, the powerful long time President of Medical Council of India (MCI) was also arrested by CBI in April 2010 on certain corruption charges related to inspection and approval of medical colleges. The all time powerful boss of MCI was arrested by CBI on 22<sup>nd</sup> April 2010 for allegedly accepting Rs two crores as bribe for granting recognition to a Medical College in Punjab. Now MCI is supervised by a Committee constituted by Supreme Court of India. Among the various Indian Councils regulating the professional courses, perhaps the Nursing Council is the one generally believed to be free from allegations related to corruption in inspections and approvals.

*Supreme Court declaration of confirmed schedule for AICTE approval and completion of admissions of students.*

In the Parshavanath Charitable Trust Vs AICTE (2013) 3 SCC 385, the Supreme Court declared "AICTE is a specialized body constituted for the purpose of bringing uniformity in technical education all over the country and to ensure that the institutions which are recognized by AICTE are possessed of complete infrastructure, staff and other facilities and are capable of maintaining education standards for imparting technical education" (para 25).

Again in its para 27, the Supreme Court declared "The concerned department of the State and the affiliating University have a role to play, but it is limited in its application. They cannot lay down any guidelines or policies in conflict with the Central statute or the standards laid down by the Central body. The State can frame its policies, but such policy again has to be in conformity with the direction issued by the Central body. Though there is no such apparent conflict in the present case, yet it needs to be clarified that grant of approval by the State and affiliation by the University for increased intake of seats or commencement of new college should not be repugnant to the conditions of approval / recommendations granted by AICTE."

It was in this judgment on paras 43,44 and 45 that Supreme Court finalized the confirmed schedule for AICTE approval of technical institutions including Pharmacy Colleges and completion of admission for technical programmes including Pharmacy courses.<sup>[12]</sup> This schedule is shown in Table No 2.

**Table No 2. Admission Schedule declared as "the law which shall be strictly adhered by all and none of the authorities shall have the power or jurisdiction to vary the dates" by the Supreme Court of India in Parshavanath Charitable Trust Vs AICTE.**

1.	Conduct of entrance exam or other State CET	In the month of May
2.	Declaration of Result of both qualifying and entrance examinations	On or before 5 <sup>th</sup> June
3.	1 <sup>st</sup> round of counseling /admission for allotment of seats	On or before 30 <sup>th</sup> June
4.	2 <sup>nd</sup> round of counseling for allotment of seats	On or before 10 <sup>th</sup> July
5.	Last round of Counseling for allotment of seats	On or before 20 <sup>th</sup> July
6.	Last date for admitting students in seats other than allotted above	30 <sup>th</sup> July
7.	Commencement of classes/ academic session	1 <sup>st</sup> August
8.	Last date up to which students can be admitted against vacancies	15 <sup>th</sup> August
9.	Last date of granting or refusal of approval by AICTE	10 <sup>th</sup> April
10.	Last date of granting or refusing approval by University/ State Govt.	15 <sup>th</sup> May

After the CBI case and the Supreme Court judgment in 2012, AICTE was forced to make its inspection transparent, quick, and according to a schedule notified every year. The trained experts are selected / appointed based on random computer based selection process. Experts are informed about the inspection only two or three days in advance through phone followed by email communication. If one expert is not ready for the specified day, the computer will select another person and the inspections are conducted as scheduled.

Inconvenience of one expert is not a cause for the change of date of inspection.

All AICTE inspectors are given strict directions to not to involve in any corrupt practices during inspection. The Colleges are also instructed not to give any gifts or other similar things to the inspectors. The flight tickets, accommodation, transport and all other related expenses of the inspectors and met by AICTE. There is a vigilance



wing in AICTE and any body can report the corrupt practice of inspection team to them (See **Fig 3**).

The inspection report form of AICTE is downloaded at the site of inspection by the college and given to experts. After the inspection the report is uploaded to the AICTE portal by the experts in the college itself on the same day in a confidential manner. The Regional officers of AICTE will ensure that they get the report immediately after the inspection without any delay. Since 2013, AICTE is completing all inspections at the national level as per the schedule fixed by Supreme Court and the approvals are given by 10<sup>th</sup> April of every year without fail.

In ACN College of Pharmacy Vs AICTE, the Delhi High Court on 7<sup>th</sup> January 2016 pointed out the prescribed time schedule for approval and admissions of Supreme Court in Parshavanath Charitable Trust Vs AICTE is the law of land and hence rejected the request of the College for grant of approval as the dead line for approval of AICTE was over.

#### ***Can different bodies have different calendar of granting approval?***

In the light of the Supreme Court judgment in Parshavanath Charitable Trust Vs AICTE, and the fixing of inspection Admission Schedule whether there can be different calendar for inspection and approval of Pharmacy colleges? In the judgment the Supreme Court declared the schedule for grant of approval and completion of admissions for technical courses as shown in Table No.4 and stated "Thus we approve these admission dates and declare it to be the law which shall be strictly adhered by all and none of the authorities shall have the power or jurisdiction to vary the dates" (Para 45). Under such circumstances, there cannot be different calendar for granting approval for Pharmacy or other technical courses specified in the AICTE Act. The State Governments and affiliating Universities are bound to follow the schedule as per Table No 4.

#### **PCI Inspection and approval of Pharmacy Colleges**


PCI inspection will start months after AICTE inspection and often after starting the courses. It is scheduled, planned, and conducted in the traditional manner. No body knows when they will conduct inspections. Even after inspections PCI takes 2-3 months or more time to issue approval letters. No surprise if approval is received after 3-6 months of inspection.

The PCI has a very large list of inspectors and 90 percent of them are from private institutions. All the works are done at the Delhi office of PCI. Communications related to PCI inspections are through classical means of post office. Inspectors are not given any orientation or training in conducting inspection as in the case of AICTE. PCI gives appointments to couple of teachers and inspections are conducted as per the convenience of the appointed teachers, causing inordinate delays, often

30- 90 days after their appointment. The component of transparency established in AICTE is totally lacking in PCI inspections causing complaints and difficulties. Quite often it has become a mockery.

Perturbed over unusual delay in granting permissions to run D.Pharm Colleges, in private institutes, a division bench of Punjab and Haryana high court headed by Justice Surya Kant in August 2017 asked the PCI President to explain why a probe into its affairs by an independent agency should not be ordered<sup>11</sup>. The bench also directed the Haryana State Board of Technical Education (HSBTE) to apprise the court how it had decided to grant approval to some private institutes and deny the same to others. The AICTE was also directed to explain as to why it compels the institutes to apply for its consent/approval on yearly basis.

Pharmacy experts from government institutions and public universities believe that an enquiry by out side agency like CBI can only unearth the irregularities believed to be happened in the PCI during post 2002 AD period leading to the dual control and gazette notification of many illegal Regulations overlooking AICTE and the High Courts and Supreme court verdicts.



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**Declaration by the member of Expert Visit Committee**

I am accepting the duty as a member in the Expert Visit Committee to ..... on .....  
and I hereby undertake to declare that

- i. I will not accept any hospitality (except tea, snacks and working lunch) or gifts (in kind or any other form) from the Institution, its management or any of its representatives, before, during or after the visit undertaken.
- ii. I will not share my email id/ mobile number/ any contact number/ visiting card etc. to the Institution, its management or any of its representatives.
- iii. I will not encourage subsequent contact with the Institution.
- iv. I will maintain confidentiality about the outcome of the visit and will not share with the Institution, its management or any of its representatives on any information related to the visit and its outcome.
- v. I am not having any conflict of interest/ earlier association directly or indirectly with the Institution.
- vi. I will explicitly mention the deficiencies in the report.
- vii. No vigilance/departmental inquiry pending against me.
- viii. I will refrain from making any unwarranted comments / observations at the time of interacting with the faculty, staff, student and management.
- ix. I am aware about the norms and rules & regulations of AICTE and assure that EVC will be conducted in a transparent and unbiased manner.

**Signature of the Expert  
Name, Address and contact details**

**Fig No 3: Declaration by Experts of AICTE for getting appointed as inspection team member.**

### **SWOT ANALYSIS OF AICTE AND PCI INSPECTIONS.**

1. AICTE inspections and approval process including extension of approvals, are carried out by its Delhi Head Office and the various Regional Offices jointly. Currently there are 10 Regional Offices for AICTE at Bangalore, Bhopal, Chandigarh, Chennai, Guwahati, Hyderabad, Kanpur, Kolkata, Mumbai, and Thiruvananthapuram having specified jurisdiction. These offices in liaison with the Delhi Head office complete the inspection and approval process in a time bound schedule notified every year, prior to the starting of admission procedure for professional courses in conformity with the schedule fixed by Supreme Court in 2013. In the case of PCI, all activities related to inspection and approval are

done at its Delhi office and they don't have regional offices as in the case of AICTE. PCI is not following this calendar and there is no guarantee that the approval / denial or the extension of approval is obtained within a specified period. It may be noted that as per the judgments of various High Courts of India, approval from PCI is not essential for starting or running a Pharmacy college, only AICTE approval is needed. In 2017, the Punjab Haryana High Court warned PCI for its delay in giving approvals and extension of approvals and the PCI President was asked to give reasons for not ordering an enquiry by outside agency.

2. AICTE inspectors are selected and appointed with the help of computer recorded data bank of experts

by the Regional officers. This is done two or three days in advance of inspection, and communicated to inspectors through phone followed by email. If the date is not convenient for one expert, the computer will select another person and the inspections are conducted as scheduled. Inconvenience of one expert is not a reason for the change of date of inspection. Inspectors are appointed by the PCI months or weeks in advance and they are given the freedom to fix the inspection dates. Often they fix it based on certain discussions with institutions.

3. In the case of AICTE, there is no scope for the inspectors to have advance discussions with the institution and they take all precautions to prevent such aspects. (See Fig 3). In the case of PCI prior discussions and consultations are possible. Inspections are closely monitored by the Regional officers of AICTE till they get the soft copy of the Report on the inspection day itself.
4. The AICTE appointment order strictly prevents the inspectors from receiving hospitalities like hotel accommodation, flight tickets etc. from the inspecting institutions (Fig No 3). PCI directly or indirectly permits the same. When the flight tickets and accommodation are arranged by official agencies of AICTE, many PCI inspectors avail such facilities from Colleges.
5. AICTE is providing good remuneration which is at the rate of Rs 8000/= per College. The remuneration of PCI is low and there is inordinate delay in sanctioning the same.
6. In the case of AICTE inspections, the inspection form is downloaded from the website of AICTE on the day of inspection at the site of inspection. The College has to download the same through their portal and hand over to the inspection team. In the case of PCI the form is given to the inspection team months in advance.
7. In the case of AICTE inspection, the Report (soft copy) is given to the Regional Officer of AICTE on the same day through internet. The hard copy inspection Report along with video graph (CD) of inspection is sent on the same day or the very next day to the Regional officer. There is no scope for delay of sending the report to AICTE. In the case of PCI, the reports are often delayed and some inspectors intentionally delay the sending of report to PCI head office.
8. In the case of AICTE, the journey tickets including flight tickets are arranged by the AICTE/ their travel agency. The accommodation and local transport are also arranged by the AICTE. The inspectors are specifically instructed and asked to declare that they will not receive any such benefits from the institution (See Fig No3) prior to their appointment as inspectors. There is no such restrictions and conditions in the case of PCI inspections. Often the inspectors contact the college (or vice versa) and ask for booking of tickets for on ward and return journeys. Moreover the PCI is not providing air tickets to the inspectors and the inspectors are supposed to make it out of pocket and claim later which is generally delayed by 3-6 months for reimbursement. Since PCI is not providing accommodation to the inspectors, the Colleges are forced to provide accommodation and local transport to the PCI inspectors which can influence the inspection report.
9. There is no scope for AICTE inspectors to stay back at the College or nearby place and avail offered hospitalities like local sight -seeing or visit to some other places of choice or stay in their guest houses etc. as their return tickets are also booked by AICTE immediately after the inspection. In the case of PCI, this is very much possible and is often considered as part of the PCI inspection process. Some colleges even invite the spouse and children of the inspectors in advance to make them happy
10. AICTE inspectors (other than the Architects) are of the rank and cadre of Associate Professors or Professors of Government institutions or public Universities or retired from such institutions. All of them are highly experienced and very well accustomed with the general formalities and norms in government. PCI inspectors are mainly (over 90%) from private institutions and are not experienced as in the case of AICTE inspectors.
11. AICTE inspection team is composed of three members, two Professors and one Architect. They are often from different states. Most of the Architects in the AICTE experts list are not teachers but private practitioners. Hence they are often tempted to behave like the PCI inspectors of private pharmacy colleges for various reasons. PCI inspection team is composed of two members, often from the neighboring states. They are directed to fix the date for inspection as per their convenience within one or two months period.
12. Every year AICTE inspections are conducted in conformity with the conditions prescribed in the AICTE Approval Hand Book notified in their website. AICTE provides orientation/ induction programmes to its experts at various centers every year prior to the starting of the inspections. No such activities are there for PCI inspections.
13. The AICTE inspectors are empanelled and appointed based on a computer soft ware program. The inspection dates are fixed by the officials of AICTE and the inspectors have no freedom to

change the dates. AICTE inform the institutions about the inspection team just one or two days in advance. The AICTE inspectors quite often know about the institution to be inspected only on the day of inspection and the inspection report is updated to the AICTE website immediately after the inspection. No such system is available with PCI and it is the will and pleasure of the PCI officials that decides who should inspect which institution.

14. The inspection process of AICTE are very transparent and is discouraging un-ethical and corrupt practices. The AICTE inspection process is more professional and time specified which is in full conformity with the Supreme Court directions in Parshavanath Charitable Trust Vs AICTE. However the PCI inspections and approvals are not in conformity with the Supreme Court directions.
15. AICTE is strictly following the Supreme Court Schedule in the case of both approval and continuation of Affiliation. Its inspection is strict and specific with separate inspection formats. PCI is not following any schedule for approval and continuation of approval. PCI inspections are not strict and specific as in the case of AICTE. There is inordinate delay in the issue of continuation of approval by PCI.
16. AICTE is not arranging regular inspection to the once approved institutions for the purpose of continuation of affiliation, though they have established a mechanism where students, teachers, parents and the public can register complaints and grievances and for follow-up actions. AICTE has a separate and independent vigilance wing also. Based on complaints or otherwise AICTE conduct surprise inspections for which the actions are quick and immediate. Suspension/ cancellation of approval, put in zero admission category, reduction of admission etc are some of the punishments given for violation of norms or wrong information. The inspection procedure of PCI is old and outdated, and not using the advancements in IT and communications. PCI unnecessarily conducts regular inspections for continuation of affiliations. Even for surprise inspections PCI appoint inspectors months before. Surprise inspections of PCI are conducted after 1-3 months of appointment of inspectors.

## CONCLUSIONS

As per AICTE Act 1987, and the AICTE Regulations 2016, like other engineering and technology programs, all Pharmacy degree and Diploma programs have to be approved by AICTE. AICTE is approving Pharmacy programmes like D.Pharm, B.Pharm and M.Pharm. However Pharm.D program started in 2008 is not yet approved by the AICTE. This is adversely affecting the students, their parents and the profession of pharmacy.

Dual control involving AICTE and PCI is a serious issue adversely affecting Pharmacy education in India. Indian High Courts have made clear verdicts in favour of AICTE in the governance of Pharmacy education in India. As AICTE is keeping silent, PCI becomes hyper active in framing Regulations one after another violating the judgments of Punjab Haryana High Court judgment of 1995, Madras High Court Judgment of 2002 and the Supreme Court of India judgment in Parshavanath Charitable Trust Vs AICTE in 2013.

The SWOT analysis of the current systems of Pharmacy College inspections by AICTE and PCI makes it clear that AICTE inspection is far better than PCI inspections in many aspects. The AICTE inspections by 2013 became transparent and in conformity with the schedule declared as law of land by the Supreme Court. The AICTE inspection is now discouraging most of the corrupt and unethical practices in the inspection process. PCI inspections are irregular and is in traditional manner without using the advancements in information technology and communications.

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