



All India Drugs Control Officers' Confederation

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Lr.No. AIDCOC/Rep/2020-21

Dated: 20th Jan 2021

Shri. Atal Dulloo, IAS
Financial Commissioner,
Health and Medical Education,
Jammu & Kashmir
Srinagar

Subject: Request to Notify the Drugs Inspectors of J&K to Gazetted Officers and to address the Disparity in their pay structure.

Ref:

1. File No: HD/Drugs/29/2011, dt. 29-07-2011 of H&ME, J&K
2. File No: Ps/HM/H&ME/14/387, dt. 19-08-2014 of H&ME, J&K
3. File No: HD/Drugs/44/2017, 15-06-2017 of H&ME, J&K
4. File No: HD/Drugs/38/19, 2019 of H&ME, J&K

Respected Sir,

At the outset, I take this opportunity to introduce our organization as All India Drugs Control Officers' Confederation (AIDCOC), formed in 1995 representing Drugs Control Officers of India. I am also happy to inform you that the Drugs Control Officers working in all the States and the Central Drugs Standard Control Organization (CDSCO) are affiliated to our organization either through their State Associations or in their individual capacity.

The Drug Inspectors have been appointed and have reasonable powers clearly defined to implement the Provisions and Rules under Drugs and Cosmetics Act 1940, Drug Price Control Order (DPCO) 1995 issued by the government under the Essential Commodities Act, Drugs and Magic Remedies Act (DMROA) 1954 & Rules and Narcotic and Psychotropic Substances Act 1985, equally extended to the Union of India, including the Union Territory of Jammu and Kashmir.

The Drug Inspectors (both Central and State) are empowered by the law to audit various Manufacturing & Testing facilities of Allopathic drugs, Vaccine & Sera, Medical Devices, Medical Oxygen, Cosmetics, Blood Banks & CROs and inspections of more than 8 Lakh retail and wholesale pharmacies across the country. Thereby the Drug Inspectors in the country are constantly thriving to ensure safety, efficacy and quality of medical products manufactured, imported & distributed in the country to ensure the safety, rights, and wellbeing of the patients.

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The Qualifications of Inspectors as per Drugs & Cosmetics Act (U/Rule 49) is “*degree in Pharmacy or Pharmaceutical Sciences or Medicine with specialization in Clinical Pharmacology or Microbiology*”. From this, it may be noticed that the degree in Pharmacy or Pharmaceutical Sciences is treated on par with specialisation obtained after Medical degree in general (in other words MBBS).

The Drugs Inspectors are entry level officers in the Directorate of Drugs Control like Assistant surgeons who are the entry level officers in other health departments like Department of Public Health and Preventive Medicine, Department of Medical and Rural Health Services and Directorate of Family Welfare. **However, there is a disparity in the recognition of Drugs Inspector in the Union Territory of J&K with respect to their cadre and pay structure and they have not been treated on par with that sanctioned/ fixed to a medical graduate in other words MBBS.**

There was a serious discrepancy even between the Drugs Inspectors and Food Inspectors in J&K, both are working under same department and controlled by same administrative head, though the eligibility criteria for Drugs Inspectors is a professional course (B.Pharmacy) unlike a non-technical course for Food inspectors i.e. graduation in science stream with a certificate course in food technology.

The Drugs Inspector appointed in the year Nov. 2009 with a grade pay of 4260/-, whereas Food Inspectors were given a grade pay of 4300.

Name of the Post	Pay scale as per SRO: 20 dated: 24.02.1992	Revised grade pay (2009)
Food Inspectors	1300-2550	4300
Drug Inspector	1300-2550	4260

We are very saddened to note that the Drugs Inspectors of J&K are not treated on par with Drugs Inspectors of other states, which is clear from the below details.

Eligibility Criteria for appointing Drug Inspectors under Grade Pay in various States

State/U.T	Eligibility	Grade Pay		Cadre
		At the time of appointment (Nov.2009)	First In-situ promotion (Dec.2018)	
Jammu & Kashmir	B. Pharmacy	4260/-	4280/-	Non-Gazetted
Central Drugs Standards Control Organization (CDSCO) Govt. of India	B. Pharmacy	5400		Gazetted

Himachal Pradesh	B. Pharmacy	4800	Gazetted
Haryana	B. Pharmacy	4800	Gazetted
Delhi	B. Pharmacy	4800	Gazetted
Gujarat	B. Pharmacy	4800	Gazetted
Maharashtra	B. Pharmacy	5400	Gazetted
Tamilnadu	B. Pharmacy	4900	Gazetted
Andhra Pradesh	B. Pharmacy	5400	Gazetted
Telangana	B. Pharmacy	5400	Gazetted
Punjab	B. Pharmacy	4800	Gazetted

We understand that the Drugs Inspectors of the J&K are NOT notified as Gazetted officers and hence they are unable to implement Drug Price Control order & the provisions of the Drugs and Magic Remedies Act 1955 in the U.T. It may kindly be noted that only Gazetted officers are authorized to implement the provisions of the Drug Price Control Order (DPCO) 1995 and Drugs and Magic Remedies Act 1954. At present any legal action in respect of any violation with regard to Drugs Price Control Order 2013(**DPCO**) is ineffective and dismal due to the reason that the Drug Inspectors working on the ground at cutting edge levels, for the reason of Non-Gazetted cadre. **That the relevant Act & Order is not being implemented in the J&K in totality because of above cited reason thereby the benefit does not reach to the common people.**

In light of above your kind attention is invited to the fact that the J&K is having the 2nd largest per capita consumption of Drugs in India who's manufacturing, distribution and sale is regulated by Drug Inspectors at grass root level being large in number, therefore, in order to book the culprits found violating the said Order or action warranted under rules, the officers/officials working at ground level needs to be notified under the Essential Commodities Act, 1955.

We understand that multiple representations were made by the Jammu and Kashmir Drug Inspectors Association to the concerned authorities and a file bearing no. HD/Drugs/44/2017, 15-06-2017 is pending in the H&ME, civil Secretariat J&K (Jammu) in this regard.

It is also learnt that the Hon'ble High court of J&K directed the Government to consider Gazetted Cadre for Drugs Inspectors in a SWP 1554/95 filed by the Drug Inspectors of J&K and opined as

“State Government would take notice of the assertions made by the petitioners in this petition and also in the representations preferred by them. The fact that in other states, the Drug Inspectors are getting higher emoluments be also taken into consideration. The fact that food inspectors were also controlled by same administrative head and at one point of time, they were in a lower grade than the drug inspectors and also that now they have been fitted in a higher grade would also be taken into consideration while taking a decision in case of the petitions. Let a decision be taken within a period of three months.”

We therefore request your good self to kindly look into the matter and consider notification of the Drugs Inspectors of J&K as Gazetted officers and revising the pay structure of the Drugs Inspectors on par with pay scales of above said cadres as prevalent in other Medical Departments and to commensurate with pay scale Drugs Inspectors of other states with the view to render justice to the important indispensable officers employed in the Department of Drugs Control who have been relentlessly discharging the duties, even though there is a disparity prevailing in the matters of pay scales fixed and also poor service conditions when compared in respect of transport and other facilities provided to their counterparts in the other medical departments Viz. Department of Public Health and Preventive Medicine, Department of Medical and Rural Health Services and Directorate of Family Welfare.

Thanking you in anticipation to grant our appeal.

With Best regards



Dr. Jayanta Kr. Chaudhury
President, AIDCOC

Copy to:

1. The Honorable Lieutenant Governor, J&K
2. Principal Secretary to Honorable Lieutenant Governor, J&K
3. State Drugs Controller, Jammu and Kashmir