

सं० / No. 31026/23/2022-Policy
भारत सरकार / Government of India
रसायन एवं उर्वरक मंत्रालय / Ministry of Chemicals and Fertilizers
औषध विभाग / Department of Pharmaceuticals

शास्त्री भवन, नई दिल्ली
Shastri Bhawan, New Delhi
Dated the 12th September, 2022

कार्यालय ज्ञापन / OFFICE MEMORANDUM

Subject: - Constitution of High Level Committee to consider various issues pertaining to UCPMP and examine the requirement for a legally enforceable mechanism for regulating marketing practices by Pharma Companies-regarding.

The Department of Pharmaceuticals has also put in place a code of ethics for the pharma companies, called, *Uniform Code of Pharmaceutical Marketing Practices (UCPMP)* w.e.f. 01.01.2015, which is adopted by all the major pharmaceutical associations. The code provides for procedure of filing complaints, inquiry by the Apex Committees of the Associations, penal actions, etc. to be taken by the pharmaceutical association of which the company is a member. The code is not enforceable under any law/statute of the Government.

2. The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, under the Indian Medical Council Act, 1956, as amended from time to time, mention in detail about the relationship of the Healthcare Professionals with pharmaceutical companies and prohibits the physicians/medical practitioners from committing such acts which are unethical in nature. The regulations also lay down the manner of enforcement in case complaints are received which are in violation of these regulations. The Regulations are enforced by National Medical Commission under the Department of Health and Family Welfare, duly involving State Medical Councils.

3. Besides IMC Regulations, the CBDT circular no. 5/2012 dated 1.8.2012 upheld by the Hon'ble Supreme Court in its decision dated 24.02.2022 in Apex Laboratories Private Ltd. Vs. DCIT [SLP (C)No. 23207 of 2019] and further, reiterated by the Government through Finance Act, 2022 is also an important development w.r.t pharmaceutical marketing practices.

4. Hence, to examine the issue holistically and align the interventions by various stakeholder departments and also to examine all the related issues on the requirement of legally enforceable mechanism for regulating marketing practices, a High Level Committee is constituted with the following members: -

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| (i) | Member (Health and Nutrition), NITI Aayog | : | Chairperson |
| (ii) | Secretary, Department of Pharmaceuticals(DoP) | : | Member |
| (iii) | Secretary, D/o Health and Family Welfare | : | Member |
| (iv) | Chairman, Central Board of Direct Taxes | : | Member |
| (v) | Joint Secretary (Policy), DoP | : | Member Secretary |

The committee may co-opt members from other departments such as D/o Legal Affairs, etc. as and when required.

5. The Terms of Reference (ToR) of the Committee shall be as under: -

- (i) To examine the various provisions of stakeholder departments w.r.t pharmaceutical marketing practices and align the interventions for effective implementation among health care providers and industry.
- (ii) To examine the related issues on the requirement of legally enforceable mechanism for regulating marketing practices, including study of the practices across the globe.
- (iii) Any other issues as the Committee may deem fit on the subject matter.

6. The Committee shall submit its recommendation within 90 days.

7. This issues with the approval of Minister (Health and Family Welfare and Chemicals & Fertilizers)



(Dr. Sumit Garg)

Deputy Secretary to the Govt. of India

Tel- 011-23389840

To

- (i) Member(Health), NITI Aayog, New Delhi.
- (ii) Secretary, Department of Health and Family Welfare, Nirman Bhawan, New Delhi.
- (iii) Secretary, Department of Pharmaceuticals, Shastri Bhawan, New Delhi.
- (iv) Chairman, CBDT, North Block, New Delhi.

Copy to:

- (i) PS to Minister (Chemicals and Fertilizers)
- (ii) PS to Minister of State (Chemicals and Fertilizers)
- (iii) Secretary (Revenue), Ministry of Finance, North Block, New Delhi.