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Centre Stops Online Sale of Medicines

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Why in News

Drugs Controller General of India (DCGI) has directed all states and Union territories to prohibit the sale of medicines through unlicensed online platforms as per the Delhi High Court order.

- In its **Zaheer Ahmed case (2018)**, the Delhi High Court had said that online sale of medicines should be prohibited until draft rules to regulate e-pharmacies are finalized and put in place.
- Online sale of prescription medicines is a relatively recent phenomenon in India and laws are yet to be framed to regulate the industry.

Key Points

- The government has prepared **draft e-pharmacy rules** that are under consideration of a group of ministers (GoM) headed by the defence minister.
- The Delhi High Court had stated that the drugs were sold online in **violation of the Drugs and Cosmetics (D&C) Act, 1940**. Under the D&C Act, 1940 and D&C Rules, 1945 sale of spurious drugs is a punishable offence and State Licensing Authorities are empowered to take action in this regard.
- However, e-pharmacies continued to sell online, after securing a stay from the Madras High Court in January 2019.
 - In December 2018, a single-judge Bench of the Madras High Court had told traders not to proceed with their online business in drugs till the rules are notified by the Central government.
- E-pharmacies have claimed that their **business model is well covered by the Information Technology (IT) Act, 2000** under the concept of intermediaries, and the **pharmacy retail operations are covered by the Drugs and Cosmetics Act**.

The Drugs and Cosmetics Act, 1940

- It regulates the import, manufacturing and distribution of drugs in India.
- Its objective is to ensure that the drugs and cosmetics sold in India are safe, effective and fulfill the safety standards and parameters.

Some Provisions of Draft Rules on Sale of Drugs by e-pharmacy

- Those who want to sell pharmacy online will **have to register with the Central Drugs Standard Control Organization (CDSCO)**, the country's apex drug regulator and central licensing authority.

Also, they must retain prescriptions and verify details of patients and doctors.

- **No e-pharmacy shall advertise** any drug on radio or television or the Internet or print or any other media for any purpose.
- The supply of any drug shall be made against a cash or credit memo generated through the **e-pharmacy portal** and such memos shall be maintained by the e-pharmacy registration holder as a record.

e-Pharmacy Sector

- **Advantages:**
 - e-pharmacies **offer discounts, doorstep delivery, accountability** in case of delay in services or non-availability of a particular brand or combination of drugs at the click of a button.
 - They offer the customers the **convenience to compare and select their medicines.**
- **Disadvantages:**
 - They present **stiff competition and threaten the business of traditional pharmacies.** Their growth can impact the livelihood of nearly a million chemists, distributors and their employees
 - **Monitoring of fake and illegal pharmacies** could be a challenge and cyber experts need to be employed to tackle such cases.
 - **A scanned copy of a prescription is not considered authentic** under the D&C Act as well as under the IT Act.
 - **Drug abuse:** One prescription can be uploaded on two different e-pharmacy sites, leading to drug abuse. Such multiple dispensing of prescriptions can lead to misuse of drugs and increase the number of drug addicts, especially youth.

Source- Livemint