

PHARMACY ACT, 1948

Introduction

- The **Pharmacy Act, 1948** is an important legislation enacted by the **Parliament of India** to regulate the **profession and practice of pharmacy** in India.
 - It came into force on **4th March 1948**.
 - The Act extends to the **whole of India** (except Jammu & Kashmir at the time of enactment; now applicable throughout India).
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OBJECTIVES OF THE PHARMACY ACT, 1948

1. **To regulate the profession of pharmacy** in India.
 2. **To establish uniform education standards** for pharmacists.
 3. **To maintain control over the practice of pharmacy** by registering qualified persons only.
 4. **To constitute Pharmacy Councils** at the central and state levels for regulating education and registration.
 5. **To ensure public health safety** by ensuring that only qualified and registered pharmacists dispense medicines.
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CONSTITUTION UNDER THE ACT

1. Pharmacy Council of India (PCI) – Section 3

- **Constituted by the Central Government.**
 - **Composition:**
 - 6 members elected by the **Medical Council of India**.
 - 1 member elected by the **University Grants Commission**.
 - 1 representative from each **State Pharmacy Council**.
 - 6 members nominated by the **Central Government**.
 - The **Director General of Health Services (DGHS)** (ex-officio).
 - **President and Vice-President:** Elected by members of PCI.
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2. State Pharmacy Council – Section 19

- **Constituted by the State Government.**
- **Composition:**
 - 6 members elected from registered pharmacists.
 - 1 member elected by the **Medical Council** of the State.
 - 5 members nominated by the **State Government**.

- **Chief Administrative Medical Officer** (ex-officio).
 - **Government Analyst** (ex-officio).
 - **Joint State Pharmacy Council** may be established for two or more states.
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FUNCTIONS UNDER THE ACT

Functions of the Pharmacy Council of India (PCI):

1. **Prescribe minimum educational standards** for pharmacists.
 2. **Approve courses and examinations** for registration.
 3. **Maintain a Central Register of Pharmacists.**
 4. **Inspect institutions** offering pharmacy education.
 5. **Frame regulations** regarding pharmacy education and practice.
 6. **Advise Central and State Governments** on matters related to pharmacy education and profession.
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Functions of State Pharmacy Councils:

1. **Maintain a Register of Pharmacists** in the state.
 2. **Regulate the registration process** of qualified pharmacists.
 3. **Renew registration** and remove names of deceased or disqualified pharmacists.
 4. **Enforce provisions** of the Pharmacy Act at the state level.
 5. **Take disciplinary actions** against misconduct of registered pharmacists.
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REGISTRATION OF PHARMACISTS

- Only those who possess the **prescribed qualification in pharmacy** are eligible for registration.
- **Registered Pharmacists** can legally dispense medicines.
- The **Register of Pharmacists** includes name, qualification, address, and registration number.

Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

1. Objective

To **control advertisements** of drugs in India that make **false or misleading claims**, and to **prohibit advertisements** of certain drugs and remedies for specific diseases and conditions.

Purpose:

- Protect the public from misleading claims about medicines.
 - Prevent exploitation of ignorance and superstition.
 - Regulate advertisements relating to drugs and magical cures.
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2. Extent and Commencement

- **Applies to:** Whole of India.
 - **Came into force:** 1st April, 1955.
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3. Key Definitions

- **Drug:** Includes medicines for internal or external use of human beings or animals, and substances used for diagnosis, treatment, or prevention of disease.
 - **Advertisement:** Any notice, circular, label, wrapper, or other document or announcement by any means (print, broadcast, or digital).
 - **Magic Remedy:** Any talisman, mantra, kavacha, or other charm claimed to possess miraculous powers for curing or preventing disease.
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4. Main Provisions

A. Prohibited Advertisements (Section 3)

- No person shall advertise any drug that claims to:
 - Cure or prevent certain **specified diseases** (listed in the Schedule, e.g., cancer, diabetes, epilepsy, sexual impotence, etc.).
 - **Improve sexual virility**, menstrual disorders, or conception.
 - Mislead the public regarding its use, safety, or effectiveness.

B. Prohibition of Magic Remedies (Section 4)

- Prohibits advertisements of **magic remedies** claiming to have powers to cure or prevent any disease.

C. False or Misleading Advertisements (Section 5)

- No advertisement should give **false claims** or **misrepresent** a drug's effectiveness.

D. Exceptions (Section 14)

- Advertisements may be allowed for:

- Scientific publications intended for medical professionals.
 - Government-approved medical texts.
 - Advertisements sent confidentially to registered medical practitioners.
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5. Penalties

- **First Offence:** Imprisonment up to **6 months**, or fine, or both.
 - **Subsequent Offence:** Imprisonment up to **1 year**, or fine, or both.
 - **For continuing offences:** Additional fine per day.
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6. Authorities and Enforcement

- The **State Government** appoints **Drug Inspectors** to enforce provisions.
 - They have the power to **search, seize, and inspect** advertisements and related materials.
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7. Schedule

Contains a **list of diseases and conditions** for which advertisement is prohibited.
Examples:

- Cancer
 - Diabetes
 - Epilepsy
 - Paralysis
 - Leprosy
 - Sexual impotence
 - Venereal diseases (e.g., syphilis, gonorrhea)
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8. Importance of the Act

- Protects consumers from **fraudulent and dangerous claims**.
 - Promotes **ethical advertising** in the pharmaceutical sector.
 - Supports **public health** and **scientific integrity**.
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