

Pharmacy Act, 1948

Section 1 - Short title, extent and commencement

PHARMACY ACT, 1948 PHARMACY ACT, 1948 8 OF 1948 "It is desirable that, as in most other countries, only persons who have attained a minimum standard of professional education should be permitted to practise the Profession of Pharmacy. It is accordingly proposed to establish a Central Council of Pharmacy, which will prescribe the minimum standards of education and approve courses of study and examinations for Pharmacists, and Provincial Pharmacy Councils, which will be responsible for the maintenance of provincial registers of qualified pharmacists. it is further proposed to empower Provincial Governments to prohibit the dispensing of medicine on the prescription of a Medical Practitioner otherwise than by, or under the direct and personal supervision of, a registered pharmacists."-Gaz. of Ind.,1947, Part V, page 469. Amending Act 24 of 1959 :- The Pharmacy Act, 1948 (8 of 1948), which provides for the regulation of the profession and practice of pharmacy has been in force since 1948. This Bill seeks to amend the Act so as to give effect to the following objects, namely :- (1) the extension of the Act to the areas comprised in the former Part B States; (2) the introduction of provisions necessary to meet the situation which has arisen on account of the reorganisation of States which took effect on 1st November, 1956; (3) the registration of certain categories of persons. Opportunity has also been taken to make a few minor amendments in the Act, the need for which has been brought to light in the course of the administration of the Act during the last ten years. The Notes on clauses appended hereto explain the provisions of the Bill, wherever necessary.-Gaz. of India, 10- 12-1958. Pt. II, section 2, Ext., p. 1253. Amending Act 70 of 1976 :- The Bill seeks to provide for wider representation on the Pharmacy Council of India by providing for the inclusion in that Council of the representatives of the Union territories as also of the University Grants Commission and All-India Council for Technical Education. 2. A high degree of specialisation is taking place in various branches of pharmacy. It is, therefore, necessary to induct specialists as members of the committees of the Pharmacy Council of India. The Bill, therefore seeks to empower the Pharmacy Council of India to co-opt non-member specialists as members of its committees. 3. The accounts of the Pharmacy Council of India are at present audited by private auditors. The Bill seeks to provide that the audit of the accounts of the Pharmacy Council of India shall be made by the Comptroller and Auditor General of India or any person authorised by him. 4. A large number of persons had migrated to India from the territories now known as Bangla Desh. Other persons had been repatriated from Burma, Ceylon and Uganda, Many of these persons had been engaged in the profession of pharmacy for their livelihood in the territories from which they have migrated to India but did not possess the required qualifications in pharmacy. The Bill seeks to provide facilities for the registration of these persons to enable them to earn their livelihood in India. 5. A large number of persons had qualified in examination for compounder's/dispenser's courses in accordance with the rules made under Drugs and Cosmetics Act, 1940. These persons were not, however, registered under Pharmacy Act, 1948. The Bill seeks to provide for their registration as pharmacists. 6. Section 42 of the Pharmacy Act empowers the State Governments to appoint a date on and from which unregistered persons shall be prohibited from dispensing medicines in that State. Many State Governments have not, however, appointed, as yet, any date under the said section 42. In the circumstances, the Bill seeks to provide that section 42 shall automatically come into force in a State on the expiry of a period of five years from the commencement of the Pharmacy (Amendment) Act, 1975 if the Government of the concerned State had failed to exercise the powers conferred on it by section 42. 7. Opportunity has also been taken to carry out certain other amendments in the Act to enable the Pharmacy Council of India to discharge its functions effectively.-S.O.R.- Gaz. of Ind., 8-8- 1975, Pt. II. section 2, Ext., p. 692. Amending Act 22 of 1982 :- Section 42 of the Pharmacy Act provides that on or after such date as the State Government may by notification in the Official Gazette appoint in this behalf no person other than a registered pharmacist shall compound, prepare, mix or dispense any medicine on the prescription of a medical practitioner. The section was amended in 1976 to provide that where a State Government fails to bring the section into force from a

dale earlier than the 1st September, 1981 (i.e. five years from the dale of coming into force of the Amendment Act of 1976), inc section would automatically dime into force in that State on the 1st September, 1981. So far only the State Governments of Assam, Kerala, Uttar Pradesh and the Union territory of Delhi have brought the provisions of the section into force. 2. Representations have been made that if the section were to come into force automatically with effect from 1st September, 1981 in the remaining States, certain categories of persons engaged in dispensing of drugs hitherto would become ineligible to continue their profession. In view of these representations and in order to enable the States concerned to train an adequate number of pharmacists. the sixth Joint Conference of the Centra! Council of Health and Central Family Welfare Council have recommended in April, 1979 that the section may be amended so that the date of automatic coming into force of the section in States in which it is not brought into force earliar is fixed as the 1 st September, 1984. It is proposed to accept this recommendation. 3. The Bill seeks to achieve the above object.-S.O.R.-Gar.. of Ind., 7-9-1981, Pt. II, section 2, Ext.. p. 578.An Act to regulate the profession of pharmacy. WHEREAS it is expedient to make better provision for the regulation of the profession and practice of pharmacy and for that purpose to constitute Pharmacy Councils; It is hereby enacted as follows :-

CHAPTER 1 : INTRODUCTORY 1) This Act may be called The Pharmacy Act, 1948. (2) It extends to the whole of India except the State of Jammu and Kashmir.] (3) It shall come into force at once, but Chapters III, IV and V shall take effect in a particular State from such date as the Suite Government may, by notification in the Official Gazette", appoint in this behalf. Provided that where on account of the territorial changes brought about by the reorganisation of States on the 1st day of November, 1956, Chapters III, IV and V have effect only in a part of a State, the said Chapters shall take effect in the remaining part of that State from such date as the State Government may in like manner appoint.]