

PHARMACY ACT

1948

By:

Sohansinh Vaghela

Assistant Professor

SIPS, Gandhinagar

INTRODUCTION

- The recommendations of **Drugs Enquiry Committee** and **Health Survey and Development Committee**, laid the foundation for the enactment of the **Pharmacy Act, 1948**
 - On 4th march, 1948, the Statutory control on the pharmacy education in the country was established with the enactment of the Pharmacy Act, 1948 with the following preamble.
 - "**An Act to regulate the profession of pharmacy**".
 - The Pharmacy Act enacted by **Ministry of Health and Family Welfare, GOI**
 - Have **5** Chapters which **46** sections.
 - The **major** amendment to the Act was made in **1976** to **Section 42** of the Act 'the drug stores in the country would be run under the **supervision of registered pharmacists**'.
-

INTRODUCTION

The Chapters covered under the Pharmacy Act are as follows:

- **Chapter I:** Introductory (Immediately come in action)
 - **Chapter II:** Pharmacy Council of India (PCI) (Immediately come in action)
 - Pharmacy Council of India was constituted in 1949
 - **Chapter III:** State Pharmacy Council (SPC) (Implemented in timeframe)
 - **Chapter IV:** Registration of Pharmacists (Implemented in timeframe)
 - **Chapter V:** Miscellaneous (Implemented in timeframe)
-

OBJECTS (PURPOSE)

- To **Restore** the pharmacy profession
 - To **Improving** status of profession of pharmacy
 - To **Regulate** the pharmacy practice
 - To provide uniform **education and training**
 - To maintain **control** over pharmacy profession
-

DEFINITIONS

- Registered Medical Practitioner (RMP):
 - A person holding a qualification granted by an authority notified under section 3 of the Indian medical degree act.
 - Registered Pharmacist:
 - A person registered as pharmacist and whose name is for the time being entered in the register of the state.
-

PHARMACY COUNCIL OF INDIA

On 9th March, 1949, the Pharmacy Council of India (PCI) was constituted to fulfil the objectives of the Pharmacy Act, 1948 by way of:

- Prescribing the **minimum standard** of education required for qualifying as a pharmacist
- Ensuring **uniform implementation** of the educational standards throughout the country.
- **Approving the courses** of study and examination for pharmacists
- **Withdrawing approval**, if the course of study does not continue to be in conformity with the educational standards prescribed by the PCI.
- **Approving qualifications** granted **outside** the territories to which the Pharmacy Act, 1948 extends i.e., the approval of foreign qualification.
- **Maintaining Central Register** of Pharmacists.

PHARMACY COUNCIL OF INDIA (Constitution of PCI)

Ex-Officio Members	Elected Members	Nominated Members
Director-General of Medical and Health Services Government of India or his/her nominee	Six members of whom at least one teacher of each of the subjects of Pharmacy, elected by University Grants Commission from amongst teacher of Indian Universities or affiliated colleges imparting diploma or degree in pharmacy.	Six members nominated by the Government of India Ministry of Health and Family Welfare of which at least 4 should possess degree or diploma in pharmacy qualification and should be practicing pharmacy or pharmaceutical chemistry.
Drugs Controller General of India or his/her nominee.	One member elected from amongst its members of Medical Council of India.	One representative each of University Grants Commission (UGC) and All India Council for Technical Education (AICTE)
Director, Central Drugs Laboratory (COL), Kolkatta.	One member each elected by the State Pharmacy Council of each State who should be a registered pharmacist.	One member representing each State Government or Union Territory who shall be a registered pharmacist nominated by the respective State Government or Union Territory.

PHARMACY COUNCIL OF INDIA

Functions of PCI:

1. Education regulation (E.R.): (Sec-10)
 - Minimum qualification for registration
 - Minimum qualification for admission
 - Duration of training during course
 - Syllabus
 - Condition to be fulfilled by institute
 - Condition to be fulfilled by university
2. To regulate the ER in the states.
3. Approval of Institute (Sec-12):
 - Infrastructure facility examine by inspector
4. Withdrawal of approval: If guideline of ER not followed
5. Recognition of other Qualifications: If anyone qualified by an authority outside India.
6. Preparation & Maintenance of central Register of Pharmacist:
7. Fix the rate of allowance of its members.
8. Decide the mode of election

STATE PHARMACY COUNCIL

- Have responsibility of **maintaining an up-to-date register** of the registered pharmacists within the State.
 - With an amendment to Section 42 of the Pharmacy Act, **no person other than registered pharmacists can compound**, dispense or do the retail business pertaining to medicines.
 - State Pharmacy Council of one State can also cater to the needs of other States through an official agreement.
 - There can also be **Joint State Pharmacy Council** covering two or more States under an official agreement.
 - The term of State Pharmacy Council is for **5 year**.
 - The composition of State Pharmacy Council constituted by the State Government or the Joint State Pharmacy Council constituted by participating States is as:
-

STATE PHARMACY COUNCIL (Constitution of SPC)

State Pharmacy Council

Joint State Pharmacy Council

I Elected Members

Six members elected by registered pharmacists of the particular State.

3-5 members elected from Registered pharmacists of each participating state.

One member who is a registered medical practitioner elected by the Medical Council of State

One registered Medical Practitioner elected by the Medical Council of each participating State

II Nominated Members

Five members nominated by each State of which **at least 3** should be Degree or diploma holders in pharmacy or pharmaceutical chemistry .

2-4 members nominated from each participating State of which **more than 50%** shall be the persons with degree or diploma qualification in pharmacy or pharmaceutical chemistry

STATE PHARMACY COUNCIL (Constitution of SPC)

State Pharmacy Council

Joint State Pharmacy Council

III Ex-Officio Members

(a) Chief Administrative Officer or Incharge, Medical and Health Services of state or his/her nominee

(b) Officer Incharge for Drugs and Cosmetic Act, 1940 of each State, or his/her nominee

(c) One Government Analyst under DCA, 1940 nominated by the State Government

(a) Chief Administrative Officer or Incharge, Medical and Health Services of each participating State or his/her nominee

(b) Officer Incharge for Drugs and Cosmetic Act, 1940 of participating State or his/her nominee

(c) One Government Analyst under DCA, 1940 nominated by each participating State.

STATE PHARMACY COUNCIL

Registration of Pharmacist

1. **First Register of Pharmacist:** Immediately after independence until SPC was constituted.
2. **Subsequent Register:** During the period of implementation of Pharmacy Act and framing of Educational Registrations.
3. **Regular Register:** After Education Regulations came into force.

First Register of Pharmacist

- Immediately after independence,
- There was shortage of pharmacists to run the hospitals and drug stores.
- State Governments were asked to appoint Registration Tribunal of 3 members of which one shall act as Secretary-cum Treasurer.
- Minimum qualification:
 - Minimum age of 18 years on date of application and have an **approved Chemist and Druggist diploma certificate**. Or//
 - A **graduate in any discipline** with a minimum of **three years experience in compounding and dispensing in a hospital or at any place where drugs are regularly dispensed on prescriptions of medical practitioners**.

STATE PHARMACY COUNCIL

Subsequent Register:

- For the **interim period** until Education Regulations were enforced in the State,
 - the names of eligible candidates were included in the register of pharmacists on fulfilling the following criteria.
 - Minimum age of 18 years
 - A person satisfying conditions prescribed with the prior approval of the Central Council or conditions entitling a person to have his name entered on the first register, provided he is a matriculate. Or//
 - A person with **matriculate qualification** who is a registered pharmacist in another State.
-

STATE PHARMACY COUNCIL

Regular Register:

- **After implementation of Education Regulations** framed by the Pharmacy Council of India,
 - **only a diploma in pharmacy** holder of an institution approved by PCI who has undergone practical training of **500 hours** after completion of D. Pharm. course is only eligible for registration as pharmacist.
 - The State Pharmacy Council maintains up-to-date Register of pharmacists after collection of requisite fees including following information.
 1. **Full Name** of pharmacist and his/her **residential address**
 2. The date of his/her first admission to the Register/ **Date of Registration**
 3. **Qualification, year of passing** of qualifying examination
 4. **Professional address**
 5. **Date of Birth** and any other particulars as prescribed.
-

STATE PHARMACY COUNCIL

Removal of Name from Register (Sec- 36)

- The Executive Committee may order for removal of name of a person from Register, after giving reasonable opportunity to person concerned, on following grounds:
 1. A person whose name has been entered in the Register by error or an account of misrepresentation or suppression of fact,
 2. A person who gives false information about himself/herself,
 3. A person who submits false certificate or false document in support of his/her registration,
 4. A person who is convicted of an offence in connection with his/ her profession,
 5. A person who was indirectly involved in commitment of professional offence and if it is proved that the offence was instigated or connived at by the registered pharmacist.
-

Offences and Penalties

- Dispensing by Unregistered Person:
 - Under Section 42 of the Act, no person other than a registered pharmacist shall compound, prepare, mix, or dispense any medicine on the prescription of a medical practitioner.
 - Whoever contravenes this provision is punishable with imprisonment of six months or fine of Rs. 1000.00 or both.
 - The penalty for falsely claiming to be registered pharmacist is Rs. 500.00 for first conviction and imprisonment extending to six months or fine of Rs. 1000.00 or both for subsequent conviction.
-