

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
STARRED QUESTION NO. 245
TO BE ANSWERED ON THE 17TH MARCH, 2023**

ONLINE SALE OF MEDICINES

***245. DR. SUBHASH RAMRAO BHAMRE:
SHRI SUNIL DATTATRAY TATKARE:**

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether Drugs Act, Pharmacy Act and other drug related rules do not permit the sale of medicines on the internet and if so, the details thereof;
- (b) whether online pharmacies and online platform are indulging in illegal sale of drugs and there is sudden increase in sale of duplicate and spurious drugs, if so, the details thereof;
- (c) whether the Government also plans to completely ban online sale of medicines especially abortion pills in the near future, if so, the details thereof and action taken/likely to be taken thereon;
- (d) if not, whether the Government has finalized the guidelines for sale and distribution of drugs through e-Pharmacies;
- (e) whether illegal e-Pharmacies are also creating their own health data on their portal which is also a threat to personal health data and also against the PM Health data policy of NHRM; and
- (f) if so, the corrective steps taken by the Government in this regard?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(DR MANSUKH MANDAVIYA)**

(a) to (f) A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 245 FOR 17TH MARCH, 2023**

(a) to (d): In order to regulate the online sale of medicines comprehensively, the Government had published draft rules vide G.S.R. 817 (E) dated 28th August 2018 inviting comments from public/stakeholders for amendment to the Drugs and Cosmetics Rules, 1945 for incorporating provisions relating to regulation of sale and distribution of drugs through e- pharmacy.

The draft rules contain provisions for registration of e-pharmacy, periodic inspection of e-pharmacy, procedure for distribution or sale of drugs through e-pharmacy, prohibition of advertisement of drugs through e-pharmacy, complaint redressal mechanism, monitoring of e-pharmacy, etc.

Several court cases are pending in various High Courts in the country on online sale of drugs.

The Hon'ble Madras High Court, vide order dated 17.12.2018, has ordered that as the draft rules are framed by the Central Government, after deliberations including the stakeholders, till the aforesaid rules are notified, the on-line traders are bound not to proceed with their on-line business in drugs and cosmetics. Thereafter, Madras High Court on 02.01.2019 stayed the paragraph containing the above order dated 17.12.2018.

In another case, the Hon'ble High Court of Delhi passed the order that respondents are injuncted from online sale of medicines without licence and the respondents are directed to ensure that the same is prohibited forthwith until further orders.

The said order of the Hon'ble High Court of Delhi was forwarded to all States/UTs Drug Controllers by Central Drugs Standard Control Organisation (CDSCO) on 08.05.2019, 28.11.2019 and 03.02.2023 for necessary action and compliance.

Further, show cause notices were issued by CDSCO to various firms engaged in online/ internet sale of drugs on 08.02.2023 & 09.02.2023.

(e) & (f): CDSCO has informed that no such specific report has been received regarding creation of their own health data by E-Pharmacies on their portal.
