

## Webinar on

# Unlocking Healthcare Access: The Regulatory Path Ahead for E-Pharmacy

Thursday, 4th September 2025 | 3:00 PM – 4:30 PM

## **Background & Agenda**

India's e-pharmacy sector has seen steady growth, supported by increasing digital adoption, cost-effective delivery models, and initiatives like Digital India and the National Digital Health Mission. These platforms have helped ensure timely access to medicines, particularly in underserved regions, and have supported millions of patients in managing chronic and acute conditions with ease. Consequently, e-pharmacy is showing a promising growth – both real and potential – contributing to the success of Digital India. More than twenty big and small e-pharmacy platforms are operating in the Indian market adopting different business models – inventory-based, marketplace model, hybrid model or franchisee.

However, the sector is also facing resistance from the industry association – All India Organisation of Chemists and Druggists (AIOCD), representing over 1.2 million brick-n-mortar chemists. Their main concerns are predatory pricing, illegal activities (such as unregulated sale of prescription drugs) and erosion of livelihoods of traditional retailers.

Most of the concerns raised can be rectified by adequately regulating e-pharmacy. At present e-pharmacy is governed under general provisions of the Drug and Cosmetics Act, 1940, and Pharmacy Act, 1948, which were designed for traditional brick-n-mortar pharmacies. In 2018, draft rules (draft Drugs and Cosmetics (Amendment) Rules, 2018<sup>1</sup>), setting out the requirements and conditions for the sale of drugs by an e-pharmacy, were notified. However, same have not been finalised or enacted till now. Similarly, with the aim to overhaul the whole regime under the Drugs & Cosmetics Act, 1940, a draft bill – the Drugs, Medical Devices and Cosmetics Bill, 2022<sup>2</sup> – was issued for public comments by the Government in July 2022. There has been no progress on this as well.

The regulatory deficit in e-pharmacy space not only pose policy uncertainty having adverse effect on investment in and growth of this sector, but is also leading to conflicting interpretations by courts, further creating ambiguity. For instance, in 2018, Delhi High Court, in its interim/injunction order, stayed sale of drugs without licence by online pharmacies.<sup>3</sup> Subsequently, the Drug Controller of India wrote to all the states and union territories to take necessary action to comply with the Delhi High Court order.<sup>4</sup> A contempt petition in the Delhi High Court was also filed since the online sale of medicines continued. In 2023, the Court had

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<sup>1</sup> [https://induslaw.com/publications/pdf/alerts-2018/Draft\\_E\\_pharmacy\\_Rules.pdf](https://induslaw.com/publications/pdf/alerts-2018/Draft_E_pharmacy_Rules.pdf)

<sup>2</sup> <https://main.mohfw.gov.in/sites/default/files/Drugs%2C%20Medical%20Devices%20and%20Cosmetics%20Bill.pdf>

<sup>3</sup> <https://indiankanoon.org/doc/7569642/>

<sup>4</sup> <https://www.livemint.com/news/india/government-directs-states-to-take-action-against-unlicensed-online-pharmacies-11575376011403.html>

directed the Centre and the Delhi government to act against people selling pharmaceutical drugs online without a valid licence.<sup>5</sup>

Around the same time in 2018, a single bench of the Madras High Court directed online traders to not proceed with online business in drugs and cosmetics till the draft rules on e-pharmacy (of 2018) are notified.<sup>6</sup> Upon appeal the Division Bench of the Madras High Court stayed the order of the Single Judge. It opined that though the authorities constituted under the D&C Act and Rules are competent to take appropriate action on violation of relevant statutory provisions, a sudden prohibition on online sales will cause grave hardship to the concerned patients who order medicines online.<sup>7</sup>

Furthermore, during the COVID-19 pandemic, in March 2020, the doorstep delivery of medicines was allowed vide a notification. However, on the insistence of AIOCD, the Drug Technical Advisory Body (DTAB) is presently reviewing whether doorstep delivery of medicines should continue.<sup>8</sup>

Thus, the regulatory uncertainty vis-à-vis e-pharmacy continues adversely affecting confidence in the sector. While FICCI has come out with self-regulation in form of “Voluntary Code of Conduct for E-Pharmacies in India<sup>9</sup>,” the same may not be enough. A balanced and modern regulatory framework is needed to provide clear direction and encourage responsible growth of e-pharmacy in India, consequently benefiting the industry and consumers alike.

In this background, CUTS International is organising this webinar to obtain views of different stakeholders. Deliberations therein will provide insights for future research and advocacy on the subject matter.

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<sup>5</sup> <https://www.thehindu.com/news/cities/Delhi/act-against-illegal-sale-of-medicines-online-delhi-hc-to-govts/article67252218.ece>

<sup>6</sup> <http://elplaw.in/wp-content/uploads/2019/01/E-Pharma-Madras-HC-17.12.2018.pdf>

<sup>7</sup> <https://www.mondaq.com/india/healthcare/968136/e-pharmacies-the-story-so-far--the-way-forward>

<sup>8</sup> <https://timesofindia.indiatimes.com/india/doors-step-delivery-medicines-under-review-govt-in-rs/articleshow/122989650.cms>

<sup>9</sup> <https://ficci.in/public/storage/PressRelease/2600/ficci-press-nov21-e-pharmacy.pdf>

## **Unlocking Healthcare Access: The Regulatory Path Ahead for E-Pharmacy**

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### **Agenda**

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| <b>03:00 PM – 03:15 PM</b> | <b>Welcome Address &amp; Setting the context</b><br><b>Pradeep S. Mehta</b> , Secretary General, CUTS International  |
| <b>03:15 PM – 04:25 PM</b> | <b>Panel Discussion (including Q&amp;A)</b><br><b>Moderator:</b> <b>Anil Padmanabhan</b> , Senior Journalist<br><b>Panellists:</b><br><b>Nirupama Soundararajan</b> , Co-founder & CEO, Policy Consensus Centre<br><b>Leena Menghaney</b> , Lawyer/Consultant, Public Health, Pharmaceuticals & Access<br><b>Murali Neelakantan</b> , Principal Lawyer, Amicus |
| <b>04:25 PM – 04.30 PM</b> | <b>Vote of Thanks</b><br><b>Ujjwal Kumar</b> , Associate Director, CUTS International  |

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