

The Pharmacy Act, 1948 (8 of 1948)¹

[4th March, 1948.]

An Act to regulate the profession of pharmacy.

WHEREAS it is expedient to make better provision for the regulation of the profession and practise of

pharmacy and for that purpose to constitute Pharmacy Councils;

It is hereby enacted as follows:-

CHAPTER 1

INTRODUCTORY

1. Short title, extent and commencement. -(1) This Act may be called the pharmacy Act, 1948.

2[(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 3[***] as the State Government may, by notification in the Official Gazette, appoint in this behalf:

4[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]

2. Interpretation.-In this Act, unless there is anything repugnant in the subject

or context,

(a) "agreement" means an agreement entered into under section 20;

(b) "approved" means approved by the Central Council under section 12 or section 14;

5[(C) "Central Council" means the Pharmacy Council of India constituted under section 3;

(d) "Central Register" means the register of pharmacists maintained by the Central Council under section

15A;

(da) "Executive Committee" means the Executive Committee of the Central Council or of the State Council, as

the context may require;

1. For Statement of Objects and Reasons, see Gazette of India, 1947, Pt. V, p. 469; and for Report

of Select Committee, see Gazette of India, 1948, Pt. V, p. 6

The Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, sec. 2 and Sch.I;

to Pondicherry by Reg. 7 of 1963, sec. 3 and Sch I; to Goa. Daman and Diu by Reg. 11 of

1963, sec. 3 and Sch. and to Lakshadweep by Reg. 8 of 1965, sec. 3 and Sch.

The Act has been modified in its application to the States of Maharashtra, Gujarat, Mysore and Rajasthan

by S.O. 2814, dated 14th August, 1964, Gazette of India, 1964, Extra., Pt. II, Sec. 3(ii), p. 717.

The Act has been modified in its application to the State of Tamil Nadu by the Madras Adaptation of Laws

(Central Acts) Order, 1957 and the Madras Adaptation of Laws (Central Acts) Order, 1961.

2. Subs. by Act 24 of 1959, sec. 2, for sub-section (2) (w.e.f. 1-5-1960).

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3. The words "not later than three years from the commencement of this Act, omitted by Act 24 of 1959" sec.

2, (w.e.f. 1-5-1960).

4. Ins. by Act 24 of 1959 sec. 2 (w.e.f. 1-5-1960).

5. Subs. by Act 70 of 1976, sec. 2, for clauses (c), (d) and (e) (w.e.f. 1-9-1976).

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(e) "Indian University" means a University within the meaning of section 3 of the University Grants

Commission Act, 1956 (3 of 1956) and includes such other institutions, being institutions established by or

under a Central Act as the Central Government may, by notification in the Official Gazette, specify in this

behalf;]

1[(f) "medical practitioner" means a person ---

(i) holding a qualification granted by an authority specified or notified under section 3 of the Indian

Medical Degrees Act, 1916 (7 of 1916), or specified in the Schedules to the Indian Medical Council Act.

1956 (102 of 1956); or

(ii) registered or eligible for registration in a medical register of a State meant for the registration of

persons practicing the modern scientific system of medicine; or

(iii) registered in a medical register of a State, who, although not falling within sub-clause (i) or sub-clause

(ii) is declared by a general or special order made by the State Government in this behalf as a person

practicing the modern scientific system of medicine for the purposes of this Act; or

(iv) registered or eligible for registration in the register of dentists for a State under the Dentists Act, 1948

(16 of 1948); or

(v) who is engaged in the practise of veterinary medicine and who possesses qualifications approved by

the State Government;]

(g) "prescribed" means in Chapter II prescribed by regulations made under section 18, and elsewhere

prescribed by rules made under section 46;

2[(h) "register" means a register of pharmacists prepared and maintained under Chapter IV;

(i) "registered pharmacist" means a person whose name is for the time being entered in the register of the

State in which he is for the time being residing or carrying on his profession or business of pharmacy;

(j) "State Council" means a State Council of Pharmacy constituted under section 19, and includes a Joint

State Council of Pharmacy constituted in accordance with an agreement under section 20;

(k) "University Grants Commission" means the University Grants Commission established under section 4 of

the University Grants Commission Act, 1956 (3 of 1956).]

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CHAPTER II

THE PHARMACY COUNCIL OF INDIA

3. Constitution and Composition of Central Council.- The Central Government shall, as soon as may be,

constitute a Central Council consisting of the following members, namely:

(a). six members, among whom there shall be at least one teacher of each of the subjects, pharmaceutical

chemistry, pharmacy, pharmacology and pharmacognosy elected by the 4 [University Grants Commission]

from among persons on the teaching staff

1. Subs. by Act 24 of 1959, sec. 3, for clause (f) (w.e.f 1-5-1960).

2. Subs. by Act 70 of 1976, sec. 2, for clauses (h), (i) and (j) (w.e.f. 1-9-1976).

3. Clause (k), ins by the A.O. 1950 was omitted by Act 24 of 1959, sec. 3 (w.e.f. 1-5-1960).

4. Subs. by Act 70 of 1976, sec. 3, for "authority known as the Inter-University Board" (w.e.f 1-9-1976).

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of an Indian University or a college affiliated thereto which grants a degree or diploma in pharmacy:

(b) Six members, of whom at least 1[four] shall be persons possessing a degree or diploma in, and practicing

pharmacy or pharmaceutical chemistry. Nominated by the Central Government:

(c) One member elected from amongst themselves by the members of the Medical Council of India;

(d) the Director General, Health Services, ex officio or if he is unable to attend any Meeting, a person

authorized by him in writing to do so;

2[(dd) the Drugs Controller, India, ex officio or if he is unable to attend any meeting, a person authorized by

him in writing to do so;]

(e) the Director of the Central Drugs Laboratory, ex officio;

'[(f) a representative of the University Grants Commission and a representative of the All India Council for

Technical Education;]

(g) one member to represent each 4[***] State elected 5 [from amongst themselves] by the members of each

State Council, who shall be a registered pharmacist;

(h) One member to represent each 4[***] State nominated by 6[the] State Government, who shall be 7[***] a

registered pharmacist:

8[provided that for five years from the date on which the Pharmacy (Amendment) Act, 1976. comes into

force the Government of each Union territory shall, instead of electing a member under clause (g) nominate

one member, being a person eligible for registration under section 31, to represent that territory.]

9[***]

COMMENTS

The Pharmacy Council of India consists of the following:

(i) Six members, among whom at least one teacher of pharmaceutical chemistry, pharmacy.

Pharmacology and pharmacology elected by the University Grants Commission.

(ii) Six members, four of whom are persons possessing a degree or diploma in and practicing pharmacy

or pharmaceutical chemistry, nominated by the Central Government.

(iii) One member elected from amongst themselves by the members of the Medical Council of India.

(iv) the Director General of Health Services or an authorized person by him.

(v) the Drugs Controller of India or an authorized person by him,

(vi) the Director of Central Drugs Laboratory,

1. Subs. by Act 70 of 1976, sec. 3. for "three" (w.e.f. 1-9-1976).

2. Ins. by Act 24 of 1959, sec. 4 (w.e.f. 1-5-1960).

3. Subs. by Act 70 of 1976, sec. 3, for clause (f) (w.e.f. 1-9-1976).

4. The word and letter "Part A" omitted by the Adaptation of Laws (No.3) Order, 1956.

5. Ins. by Act 70 of 1976, sec. 3 (w.e.f. 1-9-1976).

6. Subs. by the Adaptation of Laws (No.3) Order, 1956. for "each such".

7. The words "either a registered medical practitioner or" omitted by Act 70 of 1976, sec. 3 (w.e.f. 1-9-1976).

8. Subs. by Act. 70 of 1976, sec. 3. for the former proviso (w.e.f. 1-9-1976).

9. Explanation omitted by Act 70 of 1976, sec. 3 (w.e.f.1-9-1976).

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(vii) a representative of the University Grants Commission,

(viii) a representative of the All India Council for Technical Education.

(ix) One member to represent each state elected from each state council and who is a registered pharmacist,

(x) One member to represent each state nominated by the State Government who is a registered pharmacist.'

(xi) One member to represent each Union territory, nominated by the Union territory Council, being eligible for

registration under section 31 of the Act,

4. Incorporation of Central Council.- The Council constituted under section 3 shall be a body corporate by

the name of the Pharmacy Council of India, having perpetual succession and a common seal, with power to

acquire and hold property both movable and immovable, and shall by the said name sue and be sued.

COMMENTS

The Pharmacy Council of India is a body Corporate having perpetual succession and a common seal with

power to acquire and hold property and can sue and be sued.

5. President and Vice-President of Central Council.-(1) The President and Vice-President of the Central

Council shall be elected by the members of the said Council from among themselves.

1[***]

(2) 2[The President] or Vice-President shall hold office as such for a term not

exceeding five years and not extending beyond the .expiry of his term as member of the Central Council. but

subject to his being a member of the Central Council, he shall be eligible for re-election:

3[Provided that if his term of office as a member of the Central Council expires before the expiry of the full

term for which he is elected as President or Vice-President, he shall. if he is re-elected or re -nominated as a

member of the Central Council. continue to hold office as President or Vice-President for the full term for

which he is elected to such office.]

6. Mode of elections.-Elections under this Chapter shall be conducted in the prescribed manner, and where

any dispute arises regarding any such election it shall be referred to the Central Government whose decision

shall be final.

7. Term of office and casual vacancies.-(I) Subject to the provisions of this section, a nominated or elected

member 4[***] shall hold office for a term of five years from the date of his nomination or election or until his

successor has been duly nominated or elected. Whichever is longer?

(2). A nominated or elected member may at any time resign his membership by writing under his hand

addressed to the President, and the seat of such member shall thereupon become vacant. .

(3) A nominated or elected member shall be deemed to have vacated his seat if he is absent without

excuse, sufficient in the opinion of the Central Council, from three consecutive meetings of the Central

Council or if he is elected under clause (a), (c) or (g) of section 3, if he ceases to be a member of the teaching

staff, Medical Council of India or a registered pharmacist, as the case may be.

I. Proviso omitted by Act 24 of 1959. sec. 5 (w.e.f. 1-5-1960).

2. Subs. by Act 70 of 1976, sec. 4. for "An elected President" (w.e.f. 1-9-1976).

3. Added by Act 70 of 1976, sec. 4, (w.e.f. 1-9-1976).

4..The words. "Other than a nominated President" omitted by Act 70 of 1976, sec. 5 (w.e.f. 1-9-1976)

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(4) A casual vacancy in the Central Council shall be filled by fresh nomination or election, as the case

may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the

term for which the member whose place he takes was nominated or elected.

(5) No act done by the Central Council shall be called in question on the ground merely of the existence

of any vacancy in, or any defect in the constitution of the Central Council.

(6) Members of the Central Council shall be eligible for re-nomination or re election.

1 [8. Staff ,remuneration and allowances.- The Central Council shall--

(a) appoint a Registrar who shall act as the Secretary to that Council and who may also,

if deemed expedient by that Council, act as the Treasurer thereof;

(b) appoint such other officers and servants as that Council deems necessary to enable

it to carry out its functions under this Act;

(c) require and take from the Registrar, or any other officer or servant, such security

for the due performance of his duties as that Council may consider necessary; and

(d) with the previous sanction of the Central Government, fix

(i) the remuneration and allowances to be paid to the President, Vice-President,

and other members of that Council,

(ii) the pay and allowances and other conditions of service of officers and servants

of that Council.]

9. The Executive Committee.-(1) The Central Council shall, as soon as may be, constitute an Executive

Committee consisting of the President (who shall be Chairman of the Executive Committee) and Vice-

President, ex officio, and five other members elected by the Central Council from amongst its members.

(2) A member of the Executive Committee shall hold office as such until the expiry of his term of office as

member of the Central Council, but, subject to his being a member of the Central Council, he shall be eligible

for re-election.

(3) In addition to the powers and duties conferred and imposed it by this Act the Executive Committee

shall exercise and discharge such powers and duties as may be prescribed.

COMMENTS

The Executive Committee constituted by the Pharmacy Council of India consists of the President, who

shall be Chairman of the Executive Committee, and Vice President ex officio, and five other members

elected by the Pharmacy Council of India from amongst its members.

2[9A. Other Committees.-(1) The Central Council may constitute from among its members other

committees for such general or special purposes as that Council may deem necessary and for such periods

not exceeding five years as it may specify, and may co-opt for a like period persons, who are not members of

the Central Council, as members of such committees.

(2) The Central Council with the previous sanction of the Central Government shall fix the remuneration

and allowances to be paid to the members of such committees.

1. Subs. by Act 70 of 1976, sec. 6, for sec. 8 (w.e.f. 1-9-1976).

2. Ins. by Act 70 of 1976, sec. 7 (w.e.f 1-9-1976).

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(3) The business before such committees shall be conducted in accordance with such regulations as may

be made under this Act.

COMMENTS

The Pharmacy Council of India is empowered to constitute from among its members other committees

and can also co-opt persons who are not members of the Pharmacy Council of India.

10. Education Regulations.-(1) Subject to the provisions of this section, the Central Council may, subject to

the approval of the Central Government, make regulations, to be called the Education Regulations,

prescribing the minimum standard of education required for qualification as a pharmacist.

(2) In particular and without prejudice to the generality of the foregoing power, the Education Regulations

may prescribe

(a) the nature and period of study and of practical training to be undertaken before admission to an

examination;

(b) the equipment and facilities to be provided for students undergoing approved courses of study;

(c) the subjects of examination and the standards therein to be attained;

(d) any other conditions of admission to examinations.

(3) Copies of the draft of the Education Regulations and of all subsequent amendments thereof shall be

furnished by the Central Council to all State Governments, and the Central Council shall before submitting

the Education Regulations or any amendment thereof, as the case may be, to the Central Government for

approval under subsection (1) take into consideration the comments of any State Government received within

three months from the furnishing of the copies as aforesaid.

(4) The Education Regulations shall be published in the Official Gazette and in such other manner as the

Central Council may direct.

(5) The Executive Committee shall from time to time report to the Central Council on the efficacy of the

Education Regulations and may recommend to the Central Council such amendments thereof as it may think

fit.

COMMENTS

The Pharmacy Council of India is empowered to make Education Regulations prescribing the minimum

standard of education required for qualification as a pharmacist. Education Regulations prescribe--

(i) The nature and period of study and a practical training to be undertaken before admission to an

examination.

(ii) The equipment and facilities to be provided for students undergoing approved courses of study,

(iii) The subjects of examination and standards therein to be attained,

(iv) any other conditions of admission to examinations.

11. Application of Education Regulations to States.-At any time after the constitution of the State Council

under Chapter III and after consultation with the State Council, the State Government may, by notification in

the Official Gazette, declare that the Education Regulations shall take effect in the State:

Provided that where no such declaration has been made, the Education Regulations shall take effect in

the State on the expiry of three years from the date of the constitution of the State Council.

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12. Approved courses of study and examinations.- (I) Any authority in a State 1[***] which conducts a

course of study for pharmacists may apply to the Central Council for approval of the course, and the Central

Council, if satisfied, after such enquiry as it thinks fit to make, that the said course of study is in conformity

with the Education Regulations, shall declare the said course of study to be an approved course of study for

the purpose of admission to an approved examination for pharmacists.

(2) Any authority in a State 1[***] which holds an examination in pharmacy may apply to the Central

Council for approval of the examination, and the Central Council, if satisfied, after such enquiry as it thinks fit

to make, that the said examination is in conformity with the Education Regulations, shall declare the said

examination to be an approved examination for the purpose of qualifying for registration as a pharmacist

under this Act.

(3) Every authority in the States 1[***] which conducts an approved course of study or holds an approved

examination shall furnish such information as the Central Council may, from time to time, require as to the

courses of study and training and examination to be undergone, as to the ages at which such courses of

study and examination are required to be undergone and generally as to the requisites for such courses of

study and examination.

13. Withdrawal of approved.-(I) Where the Executive Committee reports to the Central Council that an

approved course of study or an approved examination does not continue to be in conformity with the

Education Regulations, the Central Council shall give notice to the authority concerned of its intention to take

into consideration the question of withdrawing the declaration of approval accorded to the course of study or

examination, as the case may be, and the said authority shall within three months from the receipt of such

notice forward to the Central Council through the State Government such representation in the matter as it

may wish to make.

(2) After considering any representation which may be received from the authority concerned and any

observations thereon which the State Government may think fit to make, the Council may declare that the

course of study or the examination shall be deemed to be approved only when completed or passed, as the

case may be, before a specified date.

14. Qualifications granted outside the territories to which this Act extends. The Central Council, if it is

satisfied that any qualification in pharmacy granted by an authority outside the territories to which this Act

extends] affords a sufficient guarantee of the requisite skill and knowledge, may declare such qualification to

be an approved qualification for the purpose of qualifying for registration under this Act, and may for reasons

appearing to it sufficient at any time declare that such qualification shall be deemed 3[subject to such

additional conditions, if any, as may be specified by the Central Council,] to be approved only when granted

before or after a specified date:

Provided that no person other than a 4[citizen of India] possessing such qualification shall be deemed to

be qualified for registration unless by the law and practice of the State or country in which the qualification is

granted, persons of Indian origin holding such qualification are permitted to enter and practise the profession

of pharmacy.

]. The words "of India" omitted by the A.O. 1950.

2. Subs. by the Adaptation of Laws (No.3) Order. 1956. for "Part A States and Part C States" which had

been subs. by the A.O. 1950. for "Provinces of India".

3. Ins. by Act 70 of 1976. sec. 8 (w.e.f. 1-9-1976).

4. Subs. by the AO. 1950. for "British subject of Indian domicile".

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15. Mode of declarations.-All declarations under section 12, section 13 or section 14 shall be made by

resolution passed at a meeting of the Central Council, and shall have effect as soon as they are published in

the Official Gazette.

1[15A. The Central Register.-(1) The Central Council shall cause to be maintained in the prescribed

manner a register of pharmacists to be known as the Central Register, which shall contain the names of all

persons for the time being entered in the register for a State.

(2) Each State Council shall supply to the Central Council five copies of the register for the State as soon

as may be after the first day of April of each year, and the Registrar of each State Council, shall inform the

Central Council, without delay, all additions to, and other amendments in, the register for the State made from

time to time.

(3) It shall be the duty of the Registrar of the Central Council to keep the Central Register in accordance

with the orders made by the Central Council, and from time to time to revise the Central Register and publish

it in the Gazette of India.

(4) The Central Register shall be deemed to be public document within the meaning of the Indian

Evidence Act, 1872 (1 of 1872) and may be proved by the production of a copy of the Register as published in

the Gazette of India.

COMMENTS

The Pharmacy Council of India is to maintain a Central Register of pharmacists containing the names of

all persons entered in the register for a State. Each State Pharmacy Council has to supply five copies of the

register for the State to the Pharmacy Council of India after 1st April of each year. The Registrar of the

Pharmacy Council of India is duty bound to keep the Central Register in accordance with the orders of the

Pharmacy Council of India, and from time to time revise the Central Register and publish it in the Gazette of

India. The Central Register maintained by the Pharmacy Council of India is a public document.

15B. Registration in the Central Register.- The Registrar of the Central Council shall, on receipt of the

report of registration of a person in the register for a State, enter his name in the Central Register.]

16. Inspection.-(1) The Executive Committee may appoint such number of Inspectors as it may deem

requisite for the purposes of this Chapter.

(2) An Inspector may

(a) inspect any institution which provides an approved course of study;

(b) attend at any approved examination;

(c) inspect any institution whose authorities have applied for the approval of its course of study or examination

under this Chapter, and attend as it may deem requisite for the purposes of this Chapter at any

examination of such institution.

(3) An Inspector attending at any examination under sub-section (2) shall not interfere with the conduct of

the examination, but he shall report to the Executive Committee on the sufficiency of every examination he

attends and on any other matter in regard to which the Executive Committee may require him to report.

(4) The Executive Committee shall forward a copy of every such report to the authority or institution

concerned, and shall also forward a copy together with any comments thereon which the said authority or

institution may have made, to the Central Government and to the Government of the State in which the

authority or institution is situated.

I. Ins. by Act 70 of 1976. sec. 9 (w.e.f. 1-9-1976).

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17. Information to be furnished. --(I) The Central Council shall furnish copies of its minutes and of the

minutes of the Executive Committee and annual report of its activities [***] to the Central Government.

(2) The Central Government may publish in such manner as it may think fit any report; 2[or copy],

furnished to it under this section or under section 16.

3[17A. Accounts and audit.-(1) The Central Council shall maintain proper accounts and other relevant

records and prepare an annual statement of accounts, in accordance with such general directions as may be

issued and in such form as may be specified by the Central Government in consultation with the Comptroller

and Auditor-General of India.

(2) The accounts of the Central Council shall be audited annually by the Comptroller and Auditor-General

of India or any person authorised by him in this behalf and any expenditure incurred by him or any person so

authorised in connection with such audit shall be payable by the Central Council to the Comptroller and

Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person authorised by him in connection with

the audit of the accounts of the Central Council shall have the same rights and privileges and authority in

connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of

Government accounts, and in particular, shall have the right to demand the production of books of accounts,

connected vouchers and other documents and papers.

(4) The accounts of the Central Council as certified by the Comptroller and Auditor-

General of India or any person authorised by him in this behalf together with the audit report thereon shall be

forwarded annually to the Central Council which shall forward the same with its comments to the Central

Government]

18. Power to make regulations.-(1) The Central Council may, with the approval, of the Central Government

4[by notification in the Official Gazette,] make regulations consistent with this Act to carry out the purpose of

this Chapter. ..",

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide

for

5[(a) the management of the property of the Council;].

(b) the manner in which elections under this Chapter shall be conducted;

(c) the summoning and holding of meeting of the Central Council, the times and places at which such

meetings shall be held, the conduct of business thereat and the number of members necessary to constitute a

quorum;

(d) the functions of the Executive Committee, the summoning and holding meetings thereof, the times and

places at which such meetings shall be held, and the number of members necessary to constitute a

quorum;

(e) the powers and duties of the President and Vice-President;

(f) the qualifications, the term of office and the powers and duties of the 6[Registrar,

1. The words "together with an abstract of its accounts" omitted by Act 70 of 1976, sec. 10 (w.e.f. 1-9-1976).

2. Subs. by Act 70 of 1976, sec. 10, for "copy or abstract" (w.e.f. 1-9-1976).

3. Ins. by Act 70 of 1976, sec. 11, (w.e.f. 1-9-1976).

4. Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).

5. Subs. by Act 70 of 1976, sec. 12, for clause (a) (w.e.f. 1-9-1976).

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6. Subs. by Act 70 of 1976. sec. 12 for "Secretary" (w.e.f. 1 -9-1976).

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Secretary], Inspectors and other officers and servants of the Central Council, including the amount and nature

of the security to be furnished by the 1[Registrar or any other officer or servant].

2[(g) the manner in which the Central Register shall be maintained; and- given publicity;

(h) constitution and functions of the committees other than Executive Committee, the summoning and holding

of meetings thereof, the time and place- at which such meetings shall be held, the number of members

necessary to constitute the quorum.]

(3) Until regulations are made by the Central Council under this section, the President may, with the

previous sanction of the Central Government, make such regulations under this section, including those to

provide for the manner in which the first elections to the Central Council shall be conducted, as may be

necessary for carrying into effect the provisions of this Chapter, and any regulations so made may be altered

or rescinded by the Central Council in exercise of its powers under this section.

3[(4) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each

House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session immediately following

the session or the successive sessions aforesaid, both Houses agree in making any modification in the

regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have

effect only in such modified form or be of no effect, as the case may be; so, however, that any such

modification or annulment shall be without prejudice to the validity of anything previously done under that

regulation.]

CHAPTER III

STATE PHARMACY COUNCILS

19. Constitution and Composition of State Councils.-Except where a Joint State Council is constituted in

accordance with an agreement made under section 20, the State Government shall constitute a State Council

consisting of the following members. namely:--

(a) six members, elected from amongst themselves by registered pharmacists of the State;

(b) five members, of whom at least 4[three] shall be persons possessing a prescribed degree or diploma in

pharmacy or pharmaceutical chemistry or 5[registered pharmacists], nominated by the State Government;

(c) one member elected from amongst themselves by the members of each Medical Council or the Council of

Medical Registration of the State, as the case may be:

(d) the chief administrative medical officer of the State ex officio or if he is unable to attend any meeting, a

person authorised by him in writing to do so;

6[(dd) the officer-in-charge of drugs control organisation of the State under the 7[Drugs

1.Subs. by Act 70 of 1976, sec. 12, for "Treasurer" (w.e.f. 1-9-1976).

2. Ins. by Act 70 of 1976. sec. 12, (w.e.f. 1-9-1976)

3. Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).

4. Subs. by Act 70 of 1976, sec.13, for "two" (w.e.f. 1-9-1976).

5. Subs. Act 70 of 1976, sec. 13. for "members of the pharmaceutical profession" (w.e.f. 1-9-1976).

6. Ins. by Act 24 of 1959, sec. 7 (w.e.f.1-5-1960).

7. Subs. by Act 70 of 1976, sec. 13, for "Drugs Act, 1940" (w.e.f.1-9-1976)

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and Cosmetics Act, 1940 (23 of 1940)], ex officio or if he is unable to attend any meeting, a person

authorised by him in writing to do so;]

(e) the Government Analyst under the I [Drugs and Cosmetics Act, 1940 (23 of 1940)], ex officio, or where

there is more than one, such one as the State Government may appoint in this behalf:

Provided that where an agreement is made under .clause (b) of sub-section (I) of section 20, the

agreement may provide that the State Council to serve the needs of the other participating States also shall

be augmented by not more than two members, of whom at least one shall at all times be a person possessing

a prescribed degree or diploma in pharmacy or pharmaceutical chemistry or a 2[registered pharmacist], nominated

by the Government of each of the said other participating States, and where the agreement so

provides, the composition of the State Council shall be deemed to be augmented accordingly.

COMMENTS

The State Pharmacy Council consist s of the following:-

(i) Six members, elected from amongst themselves by registered pharmacists,

(ii) Five members, of whom three are persons possessing a prescribed degree or diploma in pharmacy or

pharmaceutical chemistry or registered pharmacist, nominated by State Government.

(iii) one member, elected from amongst themselves by the members of each Medical Council or the Council

of Medical Registration of the State,

(iv) the chief administrative medical officer of the State or his authorised person,

(v) the officer-in-charge of drugs control organisation of the State or his authorised person,

(vi) the Government Analyst.

20. Inter-State agreements. -(1) Two or more State Government may enter into an agreement to be in force

for such period and to be subject to renewal for such further periods, if any, as may be specified in the

agreement, to provide

(a) For the constitution of a Joint State Council for all the participating States, or

(b) that the State Council of one State shall serve the needs of the other participating States.

(2) In addition to such matters as are in this Act specified, an agreement under this section may--

(a) Provide for the apportionment between the participating States of the expenditure in connection with the

State Council or Joint State Council;

(b) Determine which of the participating State Governments shall exercise the several functions of the State

Government under this Act, and the references in this Act to the State Government shall be construed

accordingly;

(c) Provide for consultation between the participating State Governments either generally or with reference to

particular matters arising under this Act;

(d) Make such incidental and ancillary provisions, not inconsistent with this Act, as may be deemed necessary

or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published in the Official Gazettes of the participating States.

1. Subs. by Act 70 of 1976, sec. 13, for "Drugs Act, 1940" (w.e.f. 1-9-1976).

2. Subs. by Act 70 of 1976. see 13, for "member of the pharmaceutical profession" (w.e.f. 1-9-1976)

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COMMENTS

Two or more State Governments can agree to constitute a Joint State Council for all the participating

States or can agree that the State Council of one State is to serve the needs of the participating States.

21. Composition of Joint State Councils.-(1) A Joint State Council shall consist of the following members,

namely:

(a) such number of members, being not less than three and not more than five as the agreement shall provide

elected from amongst themselves by the registered pharmacists of each of the participating States;

(b) such number of members, being not less than two and not more than four as the agreement shall provide,

nominated by each participating State Government;

(c) one member elected from amongst themselves by the members of each Medical Council or the Council of

Medical Registration of each participating State as the case may be; .

(d) the chief administrative medical officer of each participating State, ex officio, or if he is unable to attend

any meeting, a person authorized by him in writing to do so:

I [(dd) the officer-in-charge of drugs control organisation of each participating State under the 2[Drugs and

Cosmetics Act, 1940], ex officio, or if he is unable to attend any meeting, a person authorised by him in writing

to do so;]

(e) the Government Analyst under the 2 [Drugs and Cosmetics Act, 1940 (23 of 1940)], of each participating

State, ex officio, or where there is more than one in any such State, such one as the State Government may

appoint in this behalf.

(2) The agreement may provide that within the limits specified in clauses (a) and (b) of sub-section (1),

the number of members to be elected or nominated under those clauses may or may not be the same in

respect of each participating State.

(3) Of the members, nominated by each State Government under clause (b) of subsection (1), 3[more

than shall be persons possessing a prescribed degree or diploma in pharmacy or pharmaceutical chemistry or

4 [registered pharmacists].

COMMENTS

A Joint State Council consists of the following:

(i) not less than three and not more than five members elected amongst themselves by the registered

pharmacists of each of the participating States,

(ii) not less than three but not more than four members nominated by each participating State Government

(iii) one member elected from amongst themselves by the members of each Medical Council or the Council of

Medical Registration of each participating State,

(iv) the chief administrative medical officer of each participating State or his authorised person,

(v) the officer in-charge of drugs control organisation of each participating State or his authorised person.

(vi) the Government Analyst of each participating State.

1. Ins. by Act 24 of 1959, sec. 8 (w.e.f 1-5-1960).

2. Subs. by Act 70 of 1976, sec. 14, for "Drugs Act, 1940" (w.e.f 1-9-1976).

3. Subs by Act 70 of 1976, sec. 14, for "at least half" (w.e.f 1-9-1976).

4. Subs. by Act 70 of 1976, sec. 14. for "members of the pharmaceutical profession" (w.e.f. 1-9-1976).

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22. Incorporation of State Councils.-Every State Council shall be a body corporate by such name as may

be notified by the State Government in the Official Gazette or, in the case of a Joint State Council, as may be

determined in the agreement, having perpetual succession and a common seal, with power to acquire or hold

property both movable and immovable and shall by the said name sue and be sued.

COMMENTS

Every State Pharmacy Council or a Joint State Pharmacy Council is a body corporate having perpetual

succession and common seal, with power to acquire or hold property and is empowered to sue or be sued.

23. President and Vice-President of State Council.-(1) The President and Vice-President of the State

Council be elected by the members from amongst themselves:

Provided that for five years from the first constitution of the State Council the President shall be a person

nominated by the State Government who shall hold office at the pleasure of the State Government and where

he is not already a member, shall be a member of the State Council in addition to the members referred to in

section 19 or section 21, as the case may be.

(2) 1[The President] or Vice-President shall hold office as such for a term not exceeding five years and

not extending beyond the expiry of his term as a member of the State Council, but subject to his being a

member of the State Council, he shall be eligible for re-election:

2[Provided that if his term of office as a member of the State Council expires before the expiry of the full

term for which he is elected as President or Vice-President, he shall, if he is re-elected. or re-nominated as a

member of the State Council, continue to hold office for the full term for which he is elected as President or

Vice-President]

24. Mode of elections.-Elections under this Chapter shall be conducted in the prescribed manner, and where

any dispute arises regarding any such election, it shall be referred to the State Government whose decision

shall be final.

25. Term of office and casual vacancies.-(1) Subject to the provisions of this section, a nominated or elected

member, other than nominated President, shall hold office for a term of five years from the date of his

nomination or election or until his successor has been duly nominated or elected, whichever is longer.

(2) A nominated or elected member may at any time resign his membership by writing under his hand

addressed to the President, and the seat of such member shall thereupon become vacant

(3) A nominated or elected member shall be deemed to have vacated his seat if he is absent without

excuse sufficient in the opinion of the State Council from three consecutive meetings of the State Council, or if

he is elected under clause (a) or (c) of section 19 or 21, if he ceases to be a registered pharmacist or causes

to be a member of the Medical Council or Council of Medical Registration of the State, as the case may be.

(4) A casual vacancy in the State Council shall be filled by fresh nomination or election, as the case may

be, and the person nominated or elected to fill the vacancy

I. Subs. by Act 70 of 1976, sec. 15, for "An elected President" (w.e.f. 1-9-1976).

2. Added by Act 70 of 1976, sec. 15, (w.e.f. 1-9-1976).

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shall hold office only for the remainder of the term for which the member whose place he takes was

nominated or elected.

(5) No act done by the State Council shall be called in question on the ground merely of the existence of

any vacancy in, or any defect in the constitution of, the State Council.

(6) Members of the State Council shall be eligible for re-nomination or re-election.

26. Staff, remuneration and allowances.- The State Council may, with the previous sanction of the State

Government,

(a) appoint a Registrar who shall also act as Secretary and, if so decided by the State Council, Treasurer, of

the State Council;

(b) appoint such other officers and servants as may be required to enable the State Council to carry out its

functions under this Act;

(c) fix the salaries and allowances and other conditions of service of the Secretary and other officers and

servants of the State Council;

(d) fix the rates of allowances payable to members of the State Council:

Provided that for the first four years from the first constitution of the State Council, the Registrar shall be a

person appointed by the State Government, who shall hold office during the pleasure of the State

Government.

1'[26A. Inspection. -(l) A State Council may, with the previous sanction of the State Government, appoint

Inspectors having the prescribed qualifications for the purposes of Chapters III, IV and V of this Act.

(2) An Inspector may

(a) Inspect any premises where drugs are compounded or dispensed and submit a

Written report to the Registrar;

(b) enquire whether a person who is engaged in compounding or dispensing of drugs

is a registered pharmacist;

(c) investigate any complaint made in writing in respect of any contravention of this Act

and report to the Registrar;

(d) institute prosecution under the order of the Executive Committee of the State Council;

(e) exercise such other powers as may be necessary for carrying out the purposes of Chapters III, IV

and V of this Act or any rules made there under.

(3) Any person willfully obstructing an Inspector in the exercise of the powers conferred on him by or under

this Act or any rules made there under shall be punishable with imprisonment for a term which may extend to

six months, or with fine not exceeding one thousand rupees, or with both.

(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian

Penal Code 45 of 1860

27. The Executive Committee.-(1) The State Council shall, as soon as may be, constitute an Executive

Committee consisting of the President (who shall be Chairman of the Executive Committee) and Vice-

President, ex officio and such number of other members elected by the State Council from amongst

themselves as may be prescribed.

1. Ins. by Act 70 of 1976. sec. 16 (w.e.f. 1-9-1976).

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(2) A member of the Executive Committee shall hold office as such until the expiry of his term of office as

member of the State Council, but, subject to his being a member of the State Council, he shall be eligible for

re-election.

(3) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee

shall exercise and discharge such powers and duties as may be prescribed.

28. Information to be furnished. -(1) The State Council shall furnish such reports, copies of its minutes and

of the minutes of the Executive Committee, and abstracts of its accounts to the State Government as the

State Government may from time to time require and copies thereof shall be sent to the Central Council.

(2) The State Government may publish, in such manner as it may think fit, any report, copy, abstract or other

information furnished to it under this section.

CHAPTER IV

REGISTRATION OF PHARMACISTS

29. Preparation and maintenance of register.-(1) As soon as may be after this chapter has taken effect in

any State, the State Government shall cause to be prepared in the manner hereinafter provided a register of

pharmacists for the State.

(2) The State Council shall as soon as possible after it is constituted assume the duty

of maintaining the register in accordance with the provisions of this Act.

(3) The register shall include the following particulars, namely:

(a) the full name and residential address of the registered person;

(b) the date of his first admission to the register;

(c) his qualifications for registration;

(d) his professional address, and if he is employed by any person, the name of such person;

(e) such further particulars as may be prescribed.

30. Preparation of first register.-(1) For the purpose of preparing the first register, the State Government

shall by notification in the Official Gazette constitute a Registration Tribunal consisting of three persons, and

shall also appoint a Registrar who shall act as Secretary of the Registration Tribunal.

(2) The State Government shall, by the same or a like notification, appoint a date on or before which

applications for registration, which shall be accompanied by the prescribed fee, shall be made to the

Registration Tribunal.

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and if

it is satisfied that the applicant is qualified for registration under section 31, shall direct the entry of the name

of the applicant on the register.

(4) The first register so prepared shall thereafter be published in such manner as the State Government may

direct, and any person aggrieved by a decision of the Registration Tribunal expressed or implied in the

register as so published may, within sixty days from the date of such publication, appeal to an authority

appointed by the State Government in this behalf by notification in the Official Gazette.

(5) The Registrar shall amend the register in accordance with the decisions of the authority appointed under

sub-section (4) and shall thereupon issue to every person whose name is entered in the register a certificate

of registration in the prescribed form.

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(6) Upon the constitution of the State Council, the register shall be given into its custody, and the State

Government may direct that all or any specified part of the application fees for registration in the first register

shall be paid to the credit of the State Council.

31. Qualifications for entry on first register.-1[A person who has attained the age of eighteen years shall

be entitled] on payment of the prescribed fee to have his name entered in the first register if he resides. or

carries on the business or profession of pharmacy, in the State and if he

(a) holds a degree or diploma in pharmacy or pharmaceutical chemistry or a chemist and druggist

diploma of an Indian University or a State Government as the case may be. or a prescribed

qualification granted by an authority outside 2[***] India, or

(b) holds a degree of an Indian University other than a degree in pharmacy or pharmaceutical

chemistry. and has been engaged in the. compounding of drugs in a hospital or dispensary or

other place in which drugs are regularly dispensed on prescriptions of medical practitioners for a

total period of not less than three years, or

(c) has passed an. examination recognized as adequate by the State Government for commoners or

dispensers, or

(d) has been engaged in the compounding of drugs in a hospital or dispensary or other place in which

drugs are regularly dispensed on prescriptions of medical practitioners for a total period of not less

than five years prior to the date notified under subsection (2) of section 30.

COMMENTS

Any person who is eighteen years old and resides or carries on the business or profession of pharmacy

in the State is entitled to get his name entered in the Register if he

(i) holds a degree or diploma in pharmacy or pharmaceutical chemistry or a chemist and druggist

diploma,or

(ii) holds any other degree than a degree in pharmacy or pharmaceutical chemistry, and has been

engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are

regularly dispensed' on prescriptions of medical practitioners for three years, or

(iii) has passed an examination recognized as adequate for compounders or dispensers, or TV has

been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs

are regularly dispensed on prescription of medical practitioners for not less than five years.

32. Qualifications for subsequent registration. -(1) After the date appointed under sub-section (2) of section

30 and before the Education Regulations have, by or under section II, taken effect in the State, 3[a person

who has attained the age of eighteen years shall on payment of the prescribed fee] be entitled to have his

name entered in the register if he resides or carries on the business or profession of pharmacy in the State

and if he—

(a) satisfies the conditions prescribed with the prior approval of the Central Council,

I. Subs. by Act 24 of 1959. sec. 9, for "A person shall be entitled" (w.e.f. 1-5-1960).

2. The words "the Provinces at" omitted by the A.O.. 1950.

3. Subs. by Act 24 of 1959, sec. 10, for "a person shall on payment of the prescribed fee" (w.e.f 1-5-1960).

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or where no conditions have been prescribed, the conditions entitling a person to have his name entered on

the first register as set out in section 31, or

(b) is a registered pharmacist in another State, or

(c) possesses a qualification approved under section 14:

Provided that no person shall be entitled '[under clause (a) or clause (c)] to have his name entered on

the register unless he has passed a matriculation examination or an examination prescribed as being

equivalent to a matriculation examination.

(2) After the Education Regulations have by or under section 11 taken effect in the State, a person

shall on payment of the prescribed fee be entitled to have his name entered on the register if he has attained

the age of 2[eighteen years], if he resides, or carries on the business or profession of pharmacy, in the State

and if he has passed an approved examination or possesses a qualification approved under section 14 '[or is

a registered pharmacist in another State.]

4[32A. Special provisions for , "registration of certain persons.-(l) Notwithstanding anything contained in

section 32, a State Council may also permit to be entered on the register-

(a) the names of displaced persons who have been carrying on the business or profession of pharmacy

as their principal means of livelihood from a date prior to the 4th day of March. 1948, and who satisfy

the conditions for registration as set out in section 31:

(b) the names of citizens of India who have been carrying on the business or profession of pharmacy in

any country outside India and who satisfy the conditions for registration as set out in section 31:

(c) the names of persons who resided in an area which has subsequently become a territory of India and

who satisfy the conditions for registration as set out in section 31:

(d) the names of persons Who carry on the business or profession of pharmacy in the State. And

(i) would have satisfied the conditions for registration as set out in section 31, on the date

appointed under sub-section (2) of section 30, had they applied for registration on or before

that date; or

(ii) have been engaged in the compounding of drugs in a hospital or dispensary or other place in

which drugs are regularly dispensed on prescriptions of medical practitioners as defined in

sub-clause (iii) of clause (f) of section 2 for a total period of not less than five years prior to

the date appointed under subsection (2) of section 30;

(e) the names of persons who were qualified to be entered in the register for a State as it existed

immediately before the 1st day of November, 1956, but who, by reason of the area in which they

resided or carried on their business or profession of pharmacy having become part of a State as

formed on that date, are not qualified to be entered having in the register for the latter State only by

reason of their not

1. Subs. by Act 24 of 1959, sec. 10, for "under this sub-section" (w.e.f. 1-5-1960).

2. Subs. by Act of 24 of 1959, sec. 10, for "twenty-one years" (w.e.f. 1-5-1960).

3. Ins. by Act 24 of 1959, sec. 10 (w.e.f. 1-5-1960).

4. Ins. by Act 24 of 1959, sec. II (w.e.f. 1-5-1960).

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having passed either a matriculation examination or an examination prescribed as being equivalent to a

matriculation examination or an approved examination or of their not possessing a qualification approved

under section 14:

(f) the names of persons

(i) who were included in the register for a State as it existed immediately before the 1st day of November,

1956; and

(ii) who, by reason of the area in which they resided or carried on their business or profession of pharmacy

having become part of a State as formed on that date, reside or carry on such business or profession in the

latter State;

(g) the names of persons who reside or carry on their business or profession of pharmacy in an area in which

this Chapter takes effect after the commencement of the Pharmacy (Amendment) Act, 1959 (24 of 1959), and

who satisfy the conditions for registration as set out in section 31.

(2) Any person who desires his name to be entered in the register in pursuance of sub-section (I) shall

make an application in that behalf to the State Council, and such application shall be accompanied by the

prescribed fee.

(3) The provisions of this section shall remain in operation for a period of two years from the

commencement of the Pharmacy (Amendment) Act, 1959 (24 of 1959).

Provided that the State Government may, by notification in the Official Gazette, extend the period of

operation of clause (a), clause (b) or clause (c) of sub-section (I) by such further period or periods, not

exceeding two years in the aggregate, as may be specified in the notification.

Explanation I.-For the purposes of clause (a) of sub-section (I), "displaced person" means any person

who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or

the fear of such disturbances in any area now forming part of Pakistan, has, on or after the 1st day of March,

1947, left or been displaced from his place of residence in such area and who has since then been residing in

India.

Explanation 2.-For the purposes of clauses (b), (c) and (g) of sub -
section (i), the period referred to in

clause (d) of section 3 I shall be computed with reference to the date
of application.]

1[32B. Special provisions for registration of displaced persons,
repatriates and other persons.-(I)

Notwithstanding anything contained in section 32 or section 32A, a
State Council may permit to be entered on

the register

(a) the names of persons who possess the qualifications specified in
clause (a) or clause (c) of section

31 and who were eligible for registration between the closing of the
First Register and the date when

the Education Regulations came into effect.

(b) the names of persons approved as "qualified persons" before the
31st December, 1969 for

compounding or dispensing of medicines under the Drugs and
Cosmetics Act, 1940 (23 of 1940)and

the rules made there under;

(c) the names of displaced persons or repatriates who were carrying
on business or profession of

pharmacy as their principal means of livelihood in any country
outside India for a total period of not

less than five years from a date prior to the date of application for
registration.

1. Ins. by Act 70 of 1976, sec. 17 (w.e.f.: 1-9-1976).

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Explanation.-In this sub-section,--

(i) "displaced person" means any person who, on account of civil
disturbances or the fear of such

disturbances in any area now forming part of Bangladesh, has after the 14th day of April, 1957 but

before the 25th day of March, 1971, left. or has been displaced from, his place of residence in such

area and who has since then been residing in India;

(ii) "repatriate" means any person of Indian origin who, on account of civil disturbances or the fear of

such disturbances in any area now forming part of Burma, Sri Lanka or Uganda, or any other

country has after the 14th day of April, 1957, left or has been displaced from, his place of

residence in such area and who has since then been residing in India.

(2) The provisions of clauses (a) and (b) of sub-section (1) shall remain in operation for a period of two

years from the commencement of the Pharmacy (Amendment) Act, 1976.]

33. Scrutiny of applications for registration.-(1) After the date appointed under sub-section (2) of section

30, applications for registration shall be addressed to the Registrar of the State Council and shall be

accompanied by the prescribed fee.

(2) If upon such application the Registrar is of opinion that the applicant is entitled to have his name

entered in the register under the provisions of this Act for the time being applicable, he shall enter the name of

the applicant in the register:

Provided that no person whose name has under the provisions of this Act been removed from the register

of any State shall be entitled to have his name entered in the register except with the approval of the State

Council recorded at a meeting.

(3) Any person whose application for registration is rejected by the Registrar, may within three months

from the date of such rejection appeal to the State Council, and the decision of the State Council thereon shall

be final.

(4) Upon entry in the register of a name under this section, the Registrar shall issue a certificate of

registration in the prescribed form.

34. Renewal fees.-(1) The State Government may, by notification in the Official Gazette, direct that for the

retention of a name on the register after the 31st day of December of the year following the year in which the

name is first entered on the register, there shall be paid annually to the State Council such renewal fee as

may be prescribed, and where such direction has been made, such renewal fee shall be due to be paid

before the first day of April of the year to which it relates.

(2) Where a renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter

from the register:

Provided that a name so removed may be restored to the register on such conditions

as may be prescribed.

(3) On payment of the renewal fee, the Registrar shall 2[issue a receipt therefor and such receipt shall be

proof of renewal of registration.]

I. In its application to the State of Andhra Pradesh, section 33A has been inserted by the Andhra Adaptation

of Laws (Second Amendment) Order. 1954.

In its application to the State of Madras. section 33A has been inserted by the Adaptation of Laws Order.1954

and later subs. by the Madras (Added Territories) Adaptation of Laws Order, 1961.

2. Subs. by Act 24 of 1959, sec. 12, for "in the prescribed manner endorse the certificate of registration

accordingly" (w.e.f. 1-5-1960).

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35. Entry of additional qualifications.-A registered pharmacist shall on payment of the prescribed fee be

entitled to have entered in the register any further degrees or diplomas in pharmacy on pharmaceutical

chemistry which he may obtain.

36. Removal from register.-(1) Subject to the provisions of this section, the Executive Committee may order

that the name of a registered pharmacist shall be removed from the register, where it is satisfied, after giving

him a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make,--

(i) that his name has been entered into the register by error or on account of misrepresentation or

suppression of a material fact, or

(ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any

professional respect which in the opinion of the Executive Committee, renders him unfit to be kept in

the register, or

(iii) that a person employed by him for the purposes of his business of pharmacy 1[or employed to work

under him in connection with any business of pharmacy] has been convicted of any such offence or

has been guilty of any such infamous conduct as would, if such person were a registered

pharmacist, render him liable to have his name removed from the register under clause (ii):

Provided that no such order shall be made under clause (iii) unless the Executive Committee is satisfied

(a) that the offence or infamous conduct was instigated or connived at by the registered Pharmacist, or

(b) that the registered pharmacist has at any time during the period of twelve months immediately

preceding the date on which the offence or infamous conduct took place committed a similar offence

or been guilty of similar infamous conduct, or

(c) that any person employed by the registered pharmacist for the purposes of his business of

pharmacy 1[or employed to work under him in connection with any business of pharmacy] has at any

time during the period of twelve months immediately preceding the date on which the offence or

infamous conduct took place, committed a similar offence or been guilty of similar infamous conduct,

and that the registered pharmacist had, or reasonably ought to have had, knowledge of such

previous offence or infamous conduct, or

(d) that where the offence or infamous conduct continued over a period, the registered pharmacist had,

or reasonably ought to have had, knowledge of the continuing offence or infamous conduct, or

(e) that where the offence is an offence under the 2[Drugs and Cosmetics Act, 1940 (23 of 1940)], the

registered pharmacist has not used due diligence in enforcing compliance with the provisions of that

Act in his place of business and by persons employed by him 1[or by persons under his control].

(2) An order under sub-section (1) may direct that the person whose name is ordered to be removed from

the register shall be ineligible for registration in the State under this Act either permanently or for such period

as may be specified.

I. Ins. by Act 24 of 1959, sec. 13 (w.e.f.I-5-1960).

2. Subs. by Act 70 of 1976. sec. 18, for "Drugs Act. 1940". (w.e.f. 1- 9- 1976).

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(3) An order under sub-section (1) shall be subject to confirmation by the State Council and shall not take

effect until the expiry of three months from the date of such confirmation.

(4) A person aggrieved by an order under sub-section (1) which has been confirmed by the State Council

may, within thirty days from the communication to him of such confirmation, appeal to the State Government,

and the order of the State Government upon such appeal shall be final.

(5) A person whose name has been removed from the register under this section or under sub-section (2)

of section 34 shall forthwith surrender his certificate or registration to the Registrar, and the name so removed

shall be published in the Official Gazette.

COMMENTS

The name of the registered pharmacist can be removed from the register by the Executive Committee, if it is

found that

(i) his name has been entered by error or on account of misrepresentation or suppression of material

fact, or

(ii) he has been convicted of any offence or has been guilty of any infamous conduct in any professional

respect; or

(iii) a person employed by him for the purposes of his business of pharmacy or employed to work under

him in connection with any business of pharmacy has been convicted of any such offence or has

been guilty of any such infamous conduct as would, if such person were a registered pharmacist,

render him liable to have his name removed from the register.

37. Restoration to register.-The State Council may at any time for reasons appearing to it sufficient order

that upon payment of the prescribed fee the name of a person removed from the register shall be restored

thereto:

Provided that where an appeal against such removal has been rejected by the State Government, an

order under this section shall not take effect until it has been confirmed by the State Government.

38. Bar of other jurisdiction.-No order refusing to enter a name on the register or removing a name from the

register shall be called in question in any Court.

39. Issue of duplicate certificates of registration. -Where it is shown to the satisfaction of the Registrar that

a certificate of registration has been lost or destroyed, the Registrar may, on payment of the prescribed fee,

issue a duplicate certificate in the prescribed form.

1[40. Printing of register and evidentiary value of entries therein.-(1) As soon as may be after the 1st

day of April subsequent to the commencement of the Pharmacy (Amendment) Act, 1959 (24 of 1959), the

Registrar shall cause to be printed copies of the register as it stood on the said date.

(2) The Registrar shall thereafter cause to be printed as soon as may be after the 1st day of April in each

year copies of the annual supplement to the register referred to in sub-section (1), showing all additions to

and other amendments in, the said register.

(3) (a) the register shall be brought up-to-date three months before ordinary.

I. Subs. by Act 24 of 1959, sec. 14, for section 40 (w.e.f. 1-5-1060).

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elections to the State Council are held and copies of this register shall be printed.

(b) The provisions of sub-section (2) shall apply to the register as so printed

as they apply to the register referred to in sub-section (1).

(4) The copies referred to in sub-section (1) or sub-section (2) or sub-section (3) shall be made available to

persons applying therefor on payment of the prescribed charge and shall be evidence that on the date

referred to in the register or annual supplement, as the case may be, the persons whose names are entered

therein were registered pharmacists.]

CHAPTER V

MISCELLANEOUS

41. Penalty for falsely claiming to be registered.-(1) If any person whose name is not for the time being

entered into the register of the State falsely pretends that it is so entered or uses in connection with his name

or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be

punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent

conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with

both:

Provided that it shall be a defence to show that the name of the accused is entered in the register of

another State and that at the time of the alleged offence under this section an application for registration in

the State had been made.

(2) For the purposes of this section

(a) it shall be immaterial whether or not any person is deceived by such pretence or use as aforesaid;

(b) the use of the description "pharmacist", "chemist", "druggist" "Pharmaceuticst", "dispenser", "dispensing

chemist", or any combination of such words I [or of any such word with any other word] shall be deemed to be

reasonably calculated to suggest that the person using such description is a person whose name is for the

time being entered in the register of the State;

(c) the onus of proving that the name of a person is for the time being entered in the register of a State shall

be on him who asserts it.

(3) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by

order of the State Government or I [any officer authorized in this behalf by the State Government or by order

of] the Executive Committee of the State Council.

COMMENTS

A person who falsely pretends that his name is entered in the register shall be punishable on first

conviction with fine upto five hundred rupees or on any subsequent conviction with imprisonment upto six

months or with fine upto one thousand rupees or with both.

42. Dispensing by unregistered persons. -(I) 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 2[***];

I. Ins. by Act 24 of 1959, sec.15 (w.e.f.1-5-1960).

2. The words "except under the direct and personal supervision of a registered pharmacist" omitted by Act 24

of 1959, sec. 16 (w.e.f. 1-5-1960)

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Provided that this sub-section shall not apply to the dispensing by a medical practitioner of medicine for

his own patients, or with the general or special sanction of the State Government, for the patients of another

medical practitioner.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a

term which may extend to six months, or with fine not exceeding one thousand rupees or with both. .

(3) Cognizance of an offence punishable under this section shall not be taken except upon complaint

made by 1[order of the State Government or any officer authorised in this behalf by the State Government or

by order of the Executive Committee of the State Council]:

2[Provided further that where no such date is appointed by the Government of a State, this sub-section

shall take effect in that State on the expiry of a period of '[eight years] from the commencement of the

pharmacy (Amendment) Act, 1976.]

COMMENTS

Only registered pharmacist persons can compound, prepare, mix, or dispense any medicine on the

prescription of a medical practitioner. Whoever contravene this provision is punishable with imprisonment

upto six months or with fine upto one thousand rupees or with both.

43. Failure to surrender certificate of registration.-(1) If any person whose name has been removed from

the register fails without sufficient cause forthwith to surrender his certificate of registration he shall be

punishable with fine which may extend to fifty rupees.

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint

made by an order of the Executive Committee.

44. Payment of part of fees to Central Council.- The State Council shall before the end of June in each

year pay to the Central Council a sum equivalent to one-fourth of the total fees realised by the State Council

under this Act during the period of twelve months ending on the 31st day of March of that year.

45. Appointment of Commission of Enquiry.-(1) Whenever it appears to the Central Government that the

Central Council is not complying with any of the provisions of this Act, the Central Government may appoint a

Commission of Enquiry consisting of three persons, two of whom shall be appointed by the Central

Government, one being the Judge of a High Court, and, one by the Council; and refer to it the matters on

which the enquiry is to be made.

(2) The Commission shall proceed to enquire in such manner as it may deem fit and report to the Central

Government on the matters referred to it together with such remedies, if any, as the Commission may like to

recommend.

(3) The Central Government may accept the report or remit the same to the Commission for modification

or reconsideration.

(4) After the report is finally accepted, the Central Government may order the Central Council to adopt the

remedies so recommended within such time as may be specified in the order and if the Council fails to comply

within the time so specified, the Central Government may pass such order or take such action as may be

necessary to give effect to the recommendations of the Commission.

1. Subs. by Act 24 of 1959, sec. 16, for "an order of the State Government" (w.e.f. 1-5-1960). 2. Added by Act

70 of 1976, sec. 19 (w.e.f. 1-9-1976).

3. Subs. by Act 22 of 1982, sec. 2 (w.e.f. 1-9-1981).

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(5) Whenever it appears to the State Government that the State Council is not complying with any of the

provisions of this Act, the State Government may likewise appoint a similar Commission of Enquiry and pass

such order or take such action as specified in sub-sections (3) and (4).

46. Power to make rules.-(1) The State Government may, by notification in the Official Gazette, make rules to

carry out the purposes of Chapters III, IV and V

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for

(a) the management of the property of the State Council, and the maintenance and audit of its

accounts;

(b) the manner in which elections under Chapter III shall be conducted:

(c) the summoning and holding of meetings of the State Council, the times and places at which

such meetings shall be held, the conduct of business thereat and the number of members

necessary to form a quorum;

(d) the powers and duties of the President and Vice-President of the State Council;

(e) the constitution and functions of the Executive Committee, the summoning and holding of

meetings thereof, the times and places at which such meetings shall be held, and number of

members necessary to constitute a quorum:

(f) the qualifications, the term of office and the powers and duties of the Registrar and other officers

and servants of the State Council including the amount and nature of the security to be given by

the Treasurer; 1[(ff) the qualifications, powers and duties of an Inspector;]

(g) the particulars to be stated, and the proof of qualifications to be given, in application for

registration under Chapter IV;

(h) the conditions for registration under sub-section (1) of section 32;

(i) fees payable under Chapter IV and the charge for supplying copies of the register; (j) the form of

certificates of registration 2[***];

(k) the maintenance of a register;

3[(kk) the conduct of pharmacists and their duties in relation to medical practitioners the public and

the profession of pharmacy;]

(1) any other matter which is to be or may be prescribed under Chapters III, IV and V except subsections

(1), (2), (3) and (4) of section 45.

4[(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Ins. by Act 70 of 1976, sec. 20 (w.e.f. 1-9-1976).

2. The words "and the manner of endorsement of renewals thereof omitted by Act 24 of 1959, sec.

17 (w.e.f. 1-5-1960).

3. Ins. by Act 24 of 1959, sec. 17 (w.e.f. 1-5-1960).

4. Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).