

Pharmacy Act, 1948.

Chapter II - The Pharmacy Council of India

The central Government shall as soon as may be constitute a central council consisting of the following member namely.-

(a) six member among whom there shall be at least one teacher of each of the subjects pharmaceutical chemistry pharmacy pharmacology elected by the soon { Ins. by s.2, ibid.(w.e.f.1-5-1960).} [University Grants commission] from among persons on the teaching staff of an Indian University or a college affiliated thereto which grants a degree or diploma in pharmacy

(b) six members of whom at least { Subs, by Act 70 of 1976,section.3, "authority known as the Inter-University Board" (w.e.f.1-9-1976).} [four] shall be person possessing a degree or diploma in practising 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 attended any meeting a person authorised by him in writing to do so;

{ Ins by Act 24 of 1959,section.4 (w.e.f.1-5-1960)}

(dd) the Drugs controller India, ex officio or if he is unable to attended any meeting a person authorised by him in writing to do so;]

(e) the Director of the central Drugs Laboratory ex officio;

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

(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 { The words "part A" omitted by the Adaptation of Laws (No.3) order 1956.}state elected { Ins by Act 70 of 1976,section.3 (w.e.f.1-9-1976)} [from amongst themselves] by the members of each state Council, who shall be a registered pharmacist;

(h) One member to represent each { The words "part A" omitted by the Adaptation of Laws (No.3) order 1956.} state nominated by { Subs by the Adaptation of Law (No.3) order, 1956 "each such"} [the] state Government who shall be { The words "either a registered medical practitioner or "omitted by Act 70 of 1976,section.3.(w.e.f.1-9-}1976).a registered pharmacist;

{ Substitute by section.3 ibid 'for the former proviso (w.e.f.1-5-1976).}

provided that for five years from the date on which the pharmacy (Amendment) Act 196 (70 of 1976) comes into force the Government of each Union territory shall instead of electing a member under clause (g) nominate one member begin a person eligible registration under section 31, to represent that territory.

{ Explanation omitted by section.3 ibid (w.e.f.1-9-1976).}

Section 4 - In corporation 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 shall by the said name sue and be sued.

Section 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.

{ Proviso omitted by Act 24 of 1959 section.5 (w.e.f.1-5-1960).}

(2).{ Substitute by Act 70 of 1976 section.4 for "An elected president (w.e.f.1-9-1976).} [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 central council but subject to his being a member of the central council he shall be eligible for re-election;

{ Added by section.4 ibid (w.e.f.1-9-1976).}

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.

Section 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.

Section 7 - Term of office and casual vacancies

(1) subject to the provisions of this section a nominated or elected member { The words other than nominated president "omitted ibid., s.5 (w.e.f.1-9-1976).} 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 which ever is longer.

(2) A nominated or elected member may at any time resign his member ship 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.

(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 exercise of any vacancy in or any defect in the constitution of the central council.

(6) Member of the central council shall be eligible for re-nomination or re-election.

{ Substitute by Act 70 of 1976, s.6, for s,8(w.e.f.1-9-1976).}

Section 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 the 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 officer or servants 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.]

Section 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 constitute an 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 begin a member of the central council he shall be eligible for -election.
- (3) In addition to the powers and duties conferred and imposed upon it by this Act the Executive committees shall exercise and discharge such powers and duties as may be prescribed.

{ Ins ,by s.7, ibid. (w.e.f., 1-9-1976).}

Section 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 period not exceeding five years as it may specify and may co-opt for like period person who are not member of the council as member of such committees.
- (2) The remuneration and allowances to be paid to the members of such committees shall be fixed by the central council with the previous sanction of the central Government.
- (3) The business before such committees shall be conducted in accordance with such regulations as may be made under this Act.]

Section 10 - Education Regulation

- (1) Subject to the provisions of this section the central council may subject to the approval of that 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 subject of examination and the standards therein to be attained;

(d) any other conditions of admission to examination.

(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 sub-section (I) 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 amendment thereof as it may think fit.

Section 11 - Application of Education Regulations to state

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.

Section 12 - Approved courses of study and examination

(1) Any authority in state.{ The word " of India" Omitted by the A.O.1950.} 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 think fit to make that the said course of study to be an approved course for the purpose of admission to an approved examination for pharmacists.

(2) Any authority in a state.{ The word " of India" Omitted by the A.O.1950.} which hold an examinations 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 registrations as a pharmacist under this Act.

(3) Every authority in the state.{ The word " of India" Omitted by the A.O.1950.} 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 requirements for such courses of study and examination.

Section 13 - Withdrawal of approval

(1) 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 Educational 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 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.

Section 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 { Subs by the Adaptation of Law (No.3) order, 1956 for "part A states and part C state " which had been Substitute by the A.O.1950, for provinces of India ' } [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 time declare that such qualification shall be deemed { Ins by Act 70 of 1976,s.3 (w.e.f.1-9-1976)} [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 { Subs by the A.O.1950, for "British subject of Indian domicile".} [citizen of India] possessing such qualification shall be deemed to be qualified for registration unless by law and practice of the state or country in which the qualification is granted persons of India origin holding such qualification are permitted to enter and practise the profession of pharmacy.

Section 15 - Mode of declarations

All declaration under section 12 section 13 or section 14 shall be made by resolution passed at a meetings of the central council and shall have effect as soon as they are published in the official Gazette.

{ Ins by Act 70 of 1976 s,9 (w.e.f.1-9-1976).}

Section 15A - The central Register

(1) The central council and shall cause to be maintained in the prescribed manner a register of pharmacists to be known as the central Register of each state contain the names of all persons for the time begin 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 April of each year and the Registered 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 order 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 published 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 central Register and publish it in the Gazette of India.

Section 15B - Registration in the central Register

The Registrar of the central council shall no receipt of the report of registration of a person in the register for the state enter his name in the central Register.]

Section 16 - Inspection

(1) The Executive Committee may appoint such number of Inspector as it may deem requisite for purposes of this Chapter.

(2) An Inspector may-

(a) attend at any approved examination:

(b) inspect any institution which provides an approved course of study:

(c) inspect any institution whose authorities have applied for the approval of its course of study or examination under this Chapter, and attend 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.

Section 17 - Information to be furnished

(1) The Central Council shall furnish copies of its minutes and of the minutes of the Executive Committee and an annual report of its activities { The words "together with an abstract of its accounts " omitted by Act 70 of 1976, s.10 (w.e.f.1-9-1976).} to the Central Government

(2) The Central Government may publish in such manner as it may think fit any report, { Substitute by s.10m, ibid, for "copy or abstract" (w.e.f.1-9-1976).} [or copy], furnished to it under this section or under section 16.

Section 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.]

Section 18 - Power to make regulation

(1) The Central Council may, with the approval of the Central Government {Ins.by Act 4 of 1986, s.2 and the Such.(w.e.f.15-5-1986).} [by notification in the Official Gazette,] make regulations consisting 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-

{Substitute by Act 70 of 1976, s.12, for cl.(a) (w.e.f.1-9-1976).}

(a) the management of the property of the Central Council;

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

(c) the summoning and holdings of meetings of the central council the times and place 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 power and duties of the president and vice-president;

(f) the qualifications the term of office and the power and duties of the Substitute by Act 70 of 1976, s.12, for secretary"(w.e.f.1-9-1976 [Registrar secretary] Inspector and other officers and servant of the central council including the amount and the nature of the {.Substitute by, s.12, ibid., for "Treasurer"(w.e.f.1-9-1976).} [Registrar or any other officer or servant.]

{ Ins ,by s.12, ibid. (w.e.f., 1-9-1976).} [(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 and the number of members necessary to constitute the quorum.]

(3) Until regulation are made by the central council under this section the president may with the previous sanction of the central Government make such regulation under this section including those provided for the manner in which the first election of the central council shall be conducted as may be necessary for carrying in to effect the provisions of this chapter and any regulations so made may be altered or rescinded by the central council in exercise of its power under this section.

{ Ins, by Act 4 of 1986 s.2, Such. (w.e.f., 15-5-1986).}

(4) Every regulation made under this Act shall laid as soon as may be after it is made before each House or parliament ,while it is session

for a total period of thirty days which may be comprised in one session or the successive session 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 regulations.]