

Pharmacy Act, 1948.

Chapter III - State Pharmacy Council

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 member elected from amongst themselves by registered pharmacists of the state.
- (b) five member of whom at least { Substitute by Act 70 of 1976, s.13, for two"(w.e.f.1-9-1976).} [three] shall be person possessing a prescribed degree or diploma in pharmaceutical chemistry or.{ Substitute by s.13, ibid., for member of the pharmaceutical profession""(w.e.f.1-9-1976).} [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 Registrations of the state as the case may be;
- (d) the chief administrative medical officer of the state ex officio or if he is unable attend any meeting a person authorized by him in writing to do so.
{.Ins ,by Act 24 of 1959 s,7, (w.e.f., 1-5-1960).}
- (dd) the officer- in-charge of drugs control organisation of the state under the.{ Substitute by Act 70 of 1976, s.13, for Drugs Act 1940"(w.e.f.1-9-1976).} [Drugs 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.{ Substitute by Act 70 of 1976, s.13, for Drugs Act 1940"(w.e.f.1-9-1976).} [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 the agreement may provided 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.{ Substitute by s.13, ibid., for" member of the pharmaceutical profession""(w.e.f.1-9-1976).} [registered pharmacist] nominated by the Government of each of the said other participating states and where the agreement so provides the compositions of the state council shall be deemed to be augmented accordingly.

Section 20 - Inter-state agreements

(1) Two or more state Governments may either into agreement to be in force for such period and to be subject to renewal for such further period any as may be specified in the agreement to provided.

- (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 need of the other participating states.

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

- (a) provide for the appointment between the participating states of the expenditure in connection with the state council or join state council.

(b) determine which of the participating state Government 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) provided for consultation between the particular state government 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.

Section 21 - Composition of Joint state council

(1) A joint state council shall consist of the following members namely.

(a) such number provided elected from amongst themselves by the registered pharmacists of each of the participating states.

(b) such member of members being not less than two and not more than four as the agreement shall provided nominated by each participating state government;

(c) One member elected from amongst themselves by the members of each Medical 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

{ Ins. by Act 24 of 1959, s.8 (w.e.f.1-5-1960).} [(dd) the officer- in charge of drugs control organisation of each participating state under the.{ Substitute by Act 70 of 1976, s.14, for "Drugs Act, 1940" (w.e.f.1-9-1976).} [Drugs and cosmetics Act 1940 (23 of 1940) ex officio or if he is unable to attend any meeting a person authorized by him in writing to do so;]

(e) the Government Analyst under the.{ Substitute by Act 70 of 1976, s.14, for "Drugs Act, 1940" (w.e.f.1-9-1976).} [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.

(2) The agreement may provide that within the limits specified in clauses (a) (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 sub-section (1),.{ Substitute by s.14, ibid., for " at least half" (w.e.f.1-9-1976).}[more than half] shall be persons possessing a prescribed degree or diploma in pharmacy or pharmaceutical chemistry or.{ Substitute by s.14, ibid., for "members of the pharmaceutical profession" (w.e.f.1-9-1976).} registered pharmacists].

Section 22 - Incorporation 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.

Section 23 - President and vice-president of state council

(1) The president and vice-president the state council shall be elected the member from amongst themselves;

Provided that for five year from 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 member referred to in section 19 or section 21 as the case maybe.

(2).{ Substitute by s.15, ibid., 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 this term as a member of the state council but subject to his begin a member of the state council he shall be eligible for re-election;

{ Added by s.15, ibid., (w.e.f.1-9-1976).}

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 term for which he is elected as President or Vice-President]

Section 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.

Section 25 - Term of office and casual vacancies

(1) Subject to the provisions of this section nominated or elected member, other than a nominated President, shall hold office for a term 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 20, if he ceases to be a registered pharmacist or ceases to be a member of the Medical Council or Council or 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 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.

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Section 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.

{ Ins by Act 70 of 1976, s.16 (w.e.f.1-9-1976).}

Section 26A - Inspection

(1) A State Council may, with the previous sanction of the State Government, appoint Inspectors having the prescribed qualifications for the purposes of the Chapters III, IV and V of this Act.

(2) An Inspectors may--

(a) inspect any previous 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).]

Section 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.

(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.

Section 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.