

Pharmacy Act, 1948.

Chapter IV - Registration of Pharmacists

- (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.
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Section 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 application 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 registers in accordance with the decision 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.
 - (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.
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Section 31 - Qualifications for entry on first register

{ Substitute by Act 24 of 1959, s.9, for "A person shall be entitled" (w.e.f.1-5-1960).} [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. { The words "the Provinces of" omitted by the A.O.1950. } 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 or medical practitioners for a total period of not less than three years, or

(c) has passed an examination recognised as adequate by the State Government for compounds 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 sub-section (2) of section 30.

Section 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 11, taken effect in the State. { Substitute by Act, 24 of 1959, s.10 for " a person shall on payment of the prescribed fee" (w.e.f.1-5-1960). } [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, 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. { Substitute by s.10, *ibid.*, for "under this sub-section" (w.e.f.1-5-1960). } [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. { Substitute by s.10. *ibid.*, for "twenty-one years" (w.e.f.1-5-1960). } [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. { Ins. by s.10, *ibid.*, (w.e.f.1-5-1960). } [or is a registered pharmacist in another State].

{ Ins. by s.11 *ibid.*, (w.e.f.1-5-1960). }

Section 32A - Special provisions for registration of certain persons

(1) 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 sub-section (2) of section 30;

(e) the names of persons who were qualified to be entered in the register for a States 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 in the register for the latter State only by reason of their not having passed either a matriculation examination or an examination prescribed as being equivalent to a matriculation examination of 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 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 (1) 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 tow 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 (1) by such further period or periods, not exceeding two years in the aggregate, as may be specified in the notification.

Explanation 1.-For the purposes of clause (a) of sub-section (1) "displaced person" means any person who on account of the setting up of the Dominions of India 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 (1), the period referred to in clause (d) of section 31 shall be computed with reference to the date of application.

{ Ins. by Act 70 of 1976, s.17 (w.e.f.1-9-1976). }

Section 32B - Special provisions for registration of displaced persons, repatriates and other persons

(1) Notwithstanding anything contained in section 32 or section 32-A, a State Council may permit to be entered on the register--

(a) the names of persons who possess the qualification 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.

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 Bangla Desh, has, after the 14th day of April, 1957 but before the 25th day of March, 1971, left or has been displaced from, his place or residence in such area and who has since then been residing in India;

(ii) "repatriate" means any person of Indian origin whom, 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 (70 of 1976).]

Section 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,

Upon entry in the register of a name under this section, the Registrar shall issue a certificate of registration in the prescribed form..{ In its application to the State of Andhra Pradesh, s.33-A has been inserted by the Andhra Adaptation of Laws (second Amendment) Order, 1954. In its application to the State of Madras, s.33-A has been ins. by the Adaptation of Laws Order, 1954 and later Substitute by the Madras (Added Territories) Adaptation of Laws Order, 1961. }

Section 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 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 registered on such conditions as may be prescribed.

(3) On payment of the renewal fee, the Registrar shall. { Substitute by Act 24 of 1959, s.12, for "in the prescribed manner endorse the certificate of registration accordingly" (w.e.f.1-5-1960). } [issue a receipt therefor and such receipt shall be proof of renewal of registration].

Section 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 or pharmaceutical chemistry which he may obtain.

Section 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 in the register by error or on account of mis-representation 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 persons employed by him for the purposes of his business of pharmacy. { Ins. by s.13, ibid.(w.e.f.1-5-1960). } [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 he 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 [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 offence is an offence under the. { Substitute. by Act 70 of 1976, s.18, for "Drugs Act, 1940" (w.e.f.1-9-1976). } [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 his [or by persons under his control]

THE PHARMACY (AMENDMENT) ACT, 1959

[Act, No. 24 of 1959]

[27th August, 1959]

PREAMBLE

An Act further to amend the Pharmacy Act, 1948.

BE it enacted by parliament in the Tenth Year of the Republic of India as follows:

1. Short title and commencement.-

(1) This Act may be called the Pharmacy (Amendment) Act, 1959.

(2) Section 19 shall come into force at once; and the remaining provisions shall come into force on such date {1st May, 1960. Vide Notfn.No.S.O.1042, dt.26th April, 1960, see Gazette of India, 1960, Pt.II, Sec.3(ii), p-1354.} as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States or areas thereof.

2. Amendment of section I.

In section 1 of the Pharmacy Act, 1948 (8 of 1948) (hereinafter referred to as the principal Act),

(a) for sub-section (2), the following sub-section shall be substituted, namely:

"(2) It extends to the whole of India except the State of Jammu and Kashmir.";

(b) in sub-section (3), the words "not later than three years from the commencement of this Act," shall be omitted: and the following proviso shall be inserted at the end, namely:

"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."

3. Amendment of section 2.

In section 2 of the principal Act,---

(a) for clause (c), the following clause shall be substituted, namely:-

(c) "Indian University" means a university established or incorporated under any law for the time being in force in the territories to which this Act extends;"

(b) for clause (f), the following clause shall be substituted, namely:-

(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 practising 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 practising 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 practice of veterinary medicine and who possesses qualifications approved by the State Government;'

(c) clause (k) shall be omitted.

4. Amendment of section 3.

In section 3 of the principal Act,-

(a) after clause (d), the following clause shall be inserted, namely:-

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

(b) for the proviso, the following proviso shall be substituted, namely:---

"Provided that for five years from the date on which this Chapter comes into force in the State of Kerala, Mysore or Rajasthan, as the case may be, instead of a member elected under clause (g), the State Government shall nominate one member, being a person eligible for registration as a pharmacist under section 31."

5. Amendment of section 5.

In section 5 of the principal Act, in sub-section (1), the proviso shall be omitted.

6. Amendment of section 8.

In section 8 of the principal Act, sub-section (1), the proviso shall be omitted.

7. Amendment of section 19.

In section 19 of the principal Act, after clause (d), the following clause shall be inserted, namely:---

"(dd) the officer-in-charge of drugs control organisation of the State under the Drugs 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;"

8. Amendment of section 21.

In section 21 of the principal Act, in sub-section (1), after clause (d), the following clause shall be inserted, namely:---

"(dd) the officer-in-charge of drugs control organisation of each participating State under the Drugs 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;"

9. Amendment of section 31.

In section 31 of the principal Act, for the words "A person shall be entitled", the words "A person who has attained the age of eighteen years shall be entitled" shall be substituted.

10. Amendment of section 32.

In section 32 of the principal Act,---

(a) in sub-section (1),---

(i) for the words "a person shall on payment of the prescribed fee", the words "a person who has attained the age of eighteen years shall on payment of the prescribed fee" shall be substituted;

(ii) in the proviso, for the words "under this sub-section", the words, brackets and letters "under clause (a) or clause (c)" shall be substituted;

(b) in sub-section (2), ---

(i) for the words "twenty-one years", the words "eighteen years" shall be substituted ;

(ii) the words "or is a registered pharmacist in another State" shall be inserted at the end.

11. Insertion of new section 32A.

After section 32 of the principal Act, the following section shall be inserted, namely:---

"32A.Special provisions for registration of certain persons.-

(1) 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 sub-section (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 in the register for the latter State only by reason of their not 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, 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 (1) 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:

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 (1) by such further period or periods, not exceeding two years in the aggregate, as may be specified in the notification.

Explanation 1.--- For the purposes of clause (a) of sub-section (1), "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 (1), the period referred to in clause (d) of section 31 shall be computed with reference to the date of application."

12. Amendment of section 34.

In section 34 of the principal Act, in sub-section (3), for the words "in the prescribed manner endorse the certificate of registration accordingly", the words "issue a receipt therefor and such receipt shall be proof of renewal of registration" shall be substituted.

13. Amendment of section 36.

In sub-section (1) of section 36 of the principal act,---

(a) In clause (iii), after the words "for the purposes of his business of pharmacy", the words "or employed to work under him in connection with any business of pharmacy" shall be inserted;

(b) in the proviso,---

(i) in clause (c) , after the words "employed by he registered pharmacist for the purposes of his business of pharmacy", the words "or employed to work under him in connection with any business of pharmacy" shall be inserted;

(ii) in clause (e), after the words "by persons employed by him", the words "or by persons under his control" shall be inserted.

14. Substitution of new section for section 40.

For section 40 of the principal Act, the following section shall be substituted, namely:---

"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, 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 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."

15. Amendment of section 41.

In section 41 of the principal Act,---

(a) in clause (b) of sub-section (2), after the words "or any combination of such words", the words "or of any such word with any other word" shall be inserted;

(b) in sub-section (3), after the words "the State Government or", the words "any officer authorised in this behalf by the State Government or by order of" shall be inserted.

16. Amendment of section 42.

In section 42 of the principal Act,---

(a) in sub-section (1), the words "except under the direct and personal supervision of a registered pharmacist" shall be omitted;

(b) in sub-section (3), for the words "an order of the State Government", the words "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" shall be substituted.

17. Amendment of section 46.

In sub-section (2) of section 46 of the principal Act,---

(a) in clause (j) , the words "and the manner of endorsement of renewals thereof" shall be omitted;

(b) after clause (k), the following clause shall be inserted, namely:---

"(kk) the conduct of pharmacists and their duties in relation to medical practitioners, the public and the profession of pharmacy;"

18. Special provisions for dissolution or reconstitution and reorganisation of State Councils.

(1) Where on account of the territorial changes brought about by the reorganisation of States on the 1st day of November, 1956, a State Council is functioning either in a part of a State or in more than one State, the Central Government may, after consulting the State Government or Governments concerned, by order provide for all or any of the following matters, namely:---

(a) the dissolution of the State Council;

(b) the reconstitution and reorganisation in any manner whatsoever of the State Council, including the constitution, where necessary, of new State Councils;

(c) the extension of the term of office of the members of a State Council for any period or periods not exceeding two years in the aggregate;

(d) the area in respect of which the reconstituted State Council or new State Council shall function and operate;

(e) the transfer, in whole or in part, of the assets, rights and liabilities of the State Council (including the rights and liabilities under any contract made by it) to any other State Councils or State Governments and the terms and conditions of such transfer:

(f) the substitution of any such transferee for the State Council or the addition of any such transferee, as a party to any legal proceeding to which the State Council is a party; and the transfer of any proceedings pending before the State Council to any such transferee;

(g) the transfer or re-employment of any employees of the State Council to, or by, any such transferee and subject to the provisions of section 111 of the States Reorganisation Act, 1956 (37 of 1956.), the terms and conditions of service applicable to such employees after such transfer or re-employment;

(h) such incidental, consequential and supplementary matters as may be necessary to give effect to the purposes of this section.

(2) Where an order is made under this section, transferring the assets, rights and liabilities of any State Council, then, by virtue of that order, such assets, rights and liabilities of the State Council shall vest in, and be the assets, rights and liabilities of, the transferee.

(3) Every order made under this section shall be published in the Official Gazette and shall be laid before each House of Parliament, as soon as may be, after it is made.

19. Validation of certain acts.

Chapters III, IV and V of the principal Act shall be deemed to have taken effect in the territories which immediately before the commencement of the Constitution were either comprised in the Province of Bombay or being administered as if they formed part of that Province, on the earliest date on which any act, proceeding or thing was done or taken in the said territories by the Government or by any officer of Government or by any other authority in the belief or purported belief that the said Chapters had taken effect in the said territories and that such act, proceeding or thing was being done or taken under the said Chapters; and all acts, proceedings and things of the nature referred to above, done or taken in the said territories between the said date and the commencement of this section by the Government or by any officer of Government or by any other authority shall for all purposes be deemed to be, and to have always been, done or taken in accordance with law; and no suit or other proceeding shall be maintained or continued against the Government or any person or authority whatsoever on the ground that any such act, proceeding or thing was not done or taken in accordance with law.

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2. Amendment of section I.

In section 1 of the Pharmacy Act, 1948 (8 of 1948) (hereinafter referred to as the principal Act),

(a) for sub-section (2), the following sub-section shall be substituted, namely:

"(2) It extends to the whole of India except the State of Jammu and Kashmir.";

(b) in sub-section (3), the words "not later than three years from the commencement of this Act," shall be omitted: and the following proviso shall be inserted at the end, namely:

"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."

3. Amendment of section 2.

In section 2 of the principal Act,---

(a) for clause (c), the following clause shall be substituted, namely:-

(c) "Indian University" means a university established or incorporated under any law for the time being in force in the territories to which this Act extends;'

(b) for clause (f), the following clause shall be substituted, namely:-

(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 practising 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 practising 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 practice of veterinary medicine and who possesses qualifications approved by the State Government;'

(c) clause (k) shall be omitted.

4. Amendment of section 3.

In section 3 of the principal Act,-

(a) after clause (d), the following clause shall be inserted, namely:-

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

(b) for the proviso, the following proviso shall be substituted, namely:---

"Provided that for five years from the date on which this Chapter comes into force in the State of Kerala, Mysore or Rajasthan, as the case may be, instead of a member elected under clause (g), the State Government shall nominate one member, being a person eligible for registration as a pharmacist under section 31."

5. Amendment of section 5.

In section 5 of the principal Act, in sub-section (1), the proviso shall be omitted.

6. Amendment of section 8.

In section 8 of the principal Act, sub-section (1), the proviso shall be omitted.

7. Amendment of section 19.

In section 19 of the principal Act, after clause (d), the following clause shall be inserted, namely:---

"(dd) the officer-in-charge of drugs control organisation of the State under the Drugs 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;"

8. Amendment of section 21.

In section 21 of the principal Act, in sub-section (1), after clause (d), the following clause shall be inserted, namely:---

"(dd) the officer-in-charge of drugs control organisation of each participating State under the Drugs 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;"

9. Amendment of section 31.

In section 31 of the principal Act, for the words "A person shall be entitled", the words "A person who has attained the age of eighteen years shall be entitled" shall be substituted.

10. Amendment of section 32.

In section 32 of the principal Act,---

(a) in sub-section (1),---

(i) for the words "a person shall on payment of the prescribed fee", the words "a person who has attained the age of eighteen years shall on payment of the prescribed fee" shall be substituted;

(ii) in the proviso, for the words "under this sub-section", the words, brackets and letters "under clause (a) or clause (c)" shall be substituted;

(b) in sub-section (2), ---

(i) for the words "twenty-one years", the words "eighteen years" shall be substituted ;

(ii) the words "or is a registered pharmacist in another State" shall be inserted at the end.

11. Insertion of new section 32A.

After section 32 of the principal Act, the following section shall be inserted, namely:---

"32A. Special provisions for registration of certain persons.-

(1) 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 sub-section (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 in the register for the latter State only by reason of their not 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, 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 (1) 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:

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 (1) by such further period or periods, not exceeding two years in the aggregate, as may be specified in the notification.

Explanation 1.--- For the purposes of clause (a) of sub-section (1), "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 (1), the period referred to in clause (d) of section 31 shall be computed with reference to the date of application."

12. Amendment of section 34.

In section 34 of the principal Act, in sub-section (3), for the words "in the prescribed manner endorse the certificate of registration accordingly", the words "issue a receipt therefor and such receipt shall be proof of renewal of registration" shall be substituted.

13. Amendment of section 36.

In sub-section (1) of section 36 of the principal act,---

(a) In clause (iii), after the words "for the purposes of his business of pharmacy", the words "or employed to work under him in connection with any business of pharmacy" shall inserted;

(b) in the proviso,---

(i) in clause (c) , after the words "employed by he registered pharmacist for the purposes of his business of pharmacy", the words "or employed to work under him in connection with any business of pharmacy" shall be inserted;

(ii) in clause (e), after the words "by persons employed by him", the words "or by persons under his control" shall be inserted.

14. Substitution of new section for section 40.

For section 40 of the principal Act, the following section shall be substituted, namely:---

"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, the Register 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 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."

15. Amendment of section 41.

In section 41 of the principal Act,---

(a) in clause (b) of sub-section (2), after the words "or any combination of such words", the words "or of any such word with any other word" shall be inserted;

(b) in sub-section (3), after the words "the State Government or", the words "any officer authorised in this behalf by the State Government or by order of" shall be inserted.

16. Amendment of section 42.

In section 42 of the principal Act,---

(a) in sub-section (1), the words "except under the direct and personal supervision of a registered pharmacist" shall be omitted;

(b) in sub-section (3), for the words "an order of the State Government", the words "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" shall be substituted.

17. Amendment of section 46.

In sub-section (2) of section 46 of the principal Act,---

(a) in clause (j) , the words "and the manner of endorsement of renewals thereof" shall be omitted;

(b) after clause (k), the following clause shall be inserted, namely:---

"(kk) the conduct of pharmacists and their duties in relation to medical practitioners, the public and the profession of pharmacy;"

18. Special provisions for dissolution or reconstitution and reorganisation of State Councils.

(1) Where on account of the territorial changes brought about by the reorganisation of States on the 1st day of November, 1956, a State Council is functioning either in a part of a State or in more than one State, the Central Government may, after consulting the State Government or Governments concerned, by order provide for all or any of the following matters, namely:---

(a) the dissolution of the State Council;

(b) the reconstitution and reorganisation in any manner whatsoever of the State Council, including the constitution, where necessary, of new State Councils;

(c) the extension of the term of office of the members of a State Council for any period or periods not exceeding two years in the aggregate;

(d) the area in respect of which the reconstituted State Council or new State Council shall function and operate;

(e) the transfer, in whole or in part, of the assets, rights and liabilities of the State Council (including the rights and liabilities under any contract made by it) to any other State Councils or State Governments and the terms and conditions of such transfer:

(f) the substitution of any such transferee for the State Council or the addition of any such transferee, as a party to any legal proceeding to which the State Council is a party; and the transfer of any proceedings pending before the State Council to any such transferee;

(g) the transfer or re-employment of any employees of the State Council to, or by, any such transferee and subject to the provisions of section 111 of the States Reorganisation Act, 1956 (37 of 1956.), the terms and conditions of service applicable to such employees after such transfer or re-employment;

(h) such incidental, consequential and supplementary matters as may be necessary to give effect to the purposes of this section.

(2) Where an order is made under this section, transferring the assets, rights and liabilities of any State Council, then, by virtue of that order, such assets, rights and liabilities of the State Council shall vest in, and be the assets, rights and liabilities of, the transferee.

(3) Every order made under this section shall be published in the Official Gazette and shall be laid before each House of Parliament, as soon as may be, after it is made.

19. Validation of certain acts.

Chapters III, IV and V of the principal Act shall be deemed to have taken effect in the territories which immediately before the commencement of the Constitution were either comprised in the Province of Bombay or being administered as if they formed part of that Province, on the earliest date on which any act, proceeding or thing was done or taken in the said territories by the Government or by any officer of Government or by any other authority in the belief or purported belief that the said Chapters had taken effect in the said territories and that such act, proceeding or thing was being done or taken under the said Chapters; and all acts, proceedings and things of the nature referred to above, done or taken in the said territories between the said date and the commencement of this section by the Government or by any officer of Government or by any other authority shall for all purposes be deemed to be, and to have always been, done or taken in accordance with law; and no suit or other proceeding shall be maintained or continued against the Government or any person or authority whatsoever on the ground that any such act, proceeding or thing was not done or taken in accordance with law.

THE PHARMACY (AMENDMENT) ACT, 1976

[Act, No.70 of 1976]

[27th May, 1976]

PREAMBLE

An Act further to amend the Pharmacy Act, 1948.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:--

1. Short title and commencement

(1) This Act may be called the Pharmacy (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Section 2

In section 2 of the Pharmacy Act, 1948(8 of 1948) (hereinafter referred to as the principal Act),--

(a) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:--

(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;

(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 or under a Central Act, as the Central Government may, by notification in the Official Gazette, specify in this behalf;'

(b) for clauses (h), (i) and (j), the following clauses shall be substituted, namely:--

(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)'.'

3. Amendment of Section 3

In section 3 of the principal Act,--

(a) in clause (a), for the words "authority known as the Inter-University Board", the words "University Grants Commission" shall be substituted;

(b) in clause (b), for the word "three", the word "four" shall be substituted;

(c) for clause (f), the following clause shall be substituted, namely:--

"(f) a representative of the University Grants Commission and a representative of the All India Council for Technical Education;"

(d) in clause (g), after the word "elected", the words "from amongst themselves" shall be inserted;

(e) in clause (h),--

(i) the words "either a registered medical practitioner or" shall be omitted;

(ii) for the proviso, the following proviso shall be substituted, namely:--

"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.";

(iii) the Explanation appearing at the end shall be omitted.

4. Amendment of Section 5.

In section 5 of the principal Act,--

(a) in sub-section (2), for the words "An elected President", the words "The President" shall be substituted;

(b) to sub-section (2), the following proviso shall be added, namely:--

"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."

5. Amendment of Section 2.

In section 7 of the principal Act, in sub-section (1), the words ", other than a nominated President," shall be omitted.

6. Substitution of new section for section 8.

For section 8 of the principal Act, the following section shall be substituted, namely:--

"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."

7. Insertion of new section 9A.

After section 9 of the principal Act, the following section shall be inserted, namely:--

"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 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."

8. Amendment of Section 14.

In section 14 of the principal Act, after the words "shall be deemed", the words ", subject to such additional conditions, if any, as may be specified by the Central Council," shall be inserted.

9. Insertion of new sections 15A and 15B.

After section 15 of the principal Act, the following sections shall be inserted, namely:--

"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.

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."

10. Amendment of Section 17

In section 17 of the principal Act,--

(a) in sub-section (1), the words "together with an abstract of its accounts" shall be omitted;

(b) in sub-section (3), for the words "copy of abstract", the words "or copy" shall be substituted.

11. Insertion of new section 17A.

After section 17 of the principal Act, the following section shall be inserted, namely:--

"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."

12. Amendment of Section 18.

In section 18 of the principal Act, in sub-section (2),--

(a) for clause (a), the following clause shall be substituted, namely:--

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

(b) in clause (f),--

(i) for the word "Secretary", the words "Registrar, Secretary" shall be substituted;

(ii) for the word "Treasurer", the words "Registrar or any other officer or servant" shall be substituted;

(c) after clause (f), the following clauses shall be inserted, namely:--

"(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."

13. Amendment of Section 19.

In section 19 of the principal Act,--

(a) in clause (b),--

(i) for the word "two", the word "three" shall be substituted;

(ii) for the words "members" of the pharmaceutical profession", the words "registered pharmacists" shall be substituted;

(b) in clauses (dd) and (e), for the words and figures "Drugs Act, 1940", the words and figures "Drugs and Cosmetics Act, 1940" shall be substituted;

(c) in the proviso, for the words "member of the pharmaceutical profession", the words "registered pharmacist" shall be substituted.

14. Amendment of Section 21.

In section 21 of the principal Act,--

- (a) in sub-section (1), in clauses (dd) and (e), for the words and figures "Drugs Act, 1940", the words and figures "Drugs and Cosmetics Act, 1940" shall be substituted;
- (b) in sub-section (3),--
 - (i) for the words "at least half", the words "more than half" shall be substituted;
 - (ii) for the words "members of the pharmaceutical profession", the words "registered pharmacists" shall be substituted.

15. Amendment of Section 23.

In section 23 of the principal Act,--

- (a) in sub-section (2), for the words "An elected President", the words "The President" shall be substituted;
- (b) to sub-section (2), the following proviso shall be added, namely:--

"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."

16. Insertion of new section 26A.

After section 26 of the principal Act, the following section shall be inserted, namely:--

"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 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."

17. Insertion of new section 32 B.

After section 32A of the principal Act, the following section shall be inserted, namely:--

'32B.Special provisions for registration of displaced persons,repatriates and other persons.-

(1) 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 the 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 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.

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 Bangla Desh, 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.'

18. Amendment of section 36.

In section 36 of the principal Act, in sub-section (1), in clause (e) of the proviso, for the words and figures "Drugs Act, 1940", the words and figures "Drugs and Cosmetics Act, 1940" shall be substituted.

19. Amendment of Section 42.

In section 42 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:--

"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 five years from the commencement of the pharmacy (Amendment) Act, 1976."

20. Amendment of Section 46.

In section 46 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:--

"(ff) the qualifications, powers and duties of an Inspector;"

Amending Act III - PHARMACY (AMENDMENT) ACT, 1982

THE PHARMACY (AMENDMENT) ACT, 1982

[Act, No.22 of 1982]

PREAMBLE

An Act further to amend the Pharmacy Act, 1948.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Pharmacy (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 1 st day of September, 198.

2. Amendment of section 42.

In section 42 of the Pharmacy Act, 1948 (8 of 1948), in the second proviso to sub-section (1), for the words, "five years", the words "eight years" shall be substituted.