

Orissa Pharmacy Council Rules, 1970

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Rule ORISSA-PHARMACY-COUNCIL-RULES-1970 of 1970

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Orissa Pharmacy Council Rules, 1970Published vide Notification S.R.O. No. 484/70, dated 26th June, 1970, Orissa Gazette Extraordinary No. 877/23.7.1970Notification S.R.O. No. 484/70, dated 26th June, 1970. - In exercise of the powers conferred by Section 46 of the Pharmacy Act, 1948 (VIII of 1948), and in supersession of the notification of the Government of Orissa in the Health Department No. 606-H., dated the 20th January, 1958, the State Government do hereby make the following rules to carry out the purposes of Chapters III, IV and V of the said Act.Preliminary

1.

(a)These rules may be called the Orissa Pharmacy Council Rules, 1970.(b)They shall come into force once.

2.

In these rules unless there is anything repugnant in the subject or context -(a)the "Act" means the Pharmacy Act, 1948 (VIII of 1948);(b)"Council" means the Orissa Pharmacy Council constituted under Section 19 of the Act;(c)"Executive Committee" means the Executive Committee constituted under Sub-section (1) of Section 27 of the Act;(d)"Registrar" and "Treasurer" respectively mean the Registrar and Treasurer appointed under Clause (a) of Section 26 of the Act;(e)"Ministerial staff" means the clerks and other servants appointed by the Council under Clause (b) of Section 26 of the Act;(f)"Registration Tribunal" means the Registration Tribunal appointed by the State Government under Section 30 of the Pharmacy Act, 1948;(g)all other words and expressions used in these rules and not defined herein shall have the same meanings as are respectively assigned to them in the Act.

3.

The office of the Council shall be situated at Bhubaneswar.Part-I Management of the property of the State Council and the maintenance and audit of its accounts

4.

The Registrar shall be in charge of the management of all properties of the Council.

5.

The Council is authorised to receive for the purpose of its expenses, benefactions and contributions, from private persons and bodies and the proceeds of the sale of reports and other publications.

6.

An account shall be opened in a Government Treasury to be determined by the Council if the name of the President of the Council and all the money of the Council shall be deposited in the said Treasury subject to the reservation mentioned in Rule 7. Deposits and withdrawals from the account shall be regulated in accordance with the provision of Subsidiary Rules 450 to 459 of the Orissa Treasury Code Volume I.

7.

The Registrar, if appointed as Treasurer under Clause (a) of Section 26 of the Act, shall receive all moneys payable to the Council. He shall be entitled to retain in his hand a permanent advance of a sum of Rs. 100 (Rupees one hundred) the balance deposited in the said Treasury to the credit of the Council. The advance shall be utilised for meeting petty expenses of which a record shall be maintained.

8.

The Registrar as Treasurer, shall superintend the details of income and expenditure of the Council and shall at each ordinary meeting of the Executive Committee submit a financial statement showing the transaction of the Council for the month previous to one in which the meeting is held. This statement may, if possible, be sent along with the notice calling the meeting.

9.

The Registrar shall in the month of April every year prepare statement of income and expenditure of the preceding financial year ending 31st March and draw the attention of the Council to such matters as may seem to him to be deserving of notice.

10.

The annual account shall be made up by the Registrar under the direction of the Executive Committee from the details of the Cash Book.

11.

The budget for the next financial year shall be laid before the Council in the month of October preceding.

12.

Such budget shall make provisions for the discharge of the liabilities of the Council and for effectually carrying out its objects. It shall include in its income besides all income ordinarily anticipated and all fees received from registration and other sources the amount expected from the State Government by way of grant.

13.

The Council shall consider the estimate so submitted to it and shall sanction the same either unaltered or subject to such alterations as shall be deemed fit.

14.

The Council may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Council, in the same manner as if it were an original annual estimate. No expenditure shall be incurred by the Council which is not duly provided for in the budget or in a supplementary budget estimate.

15.

A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs. 50 and this bill is in order, he shall pay it. If the claim is for a sum exceeding Rs. 50 and the bill is in order, payment shall be made after it is sanctioned by the President.

16.

The Registrar shall immediately bring into account in the general cash book all moneys received or spent by the Council.

17.

All cheques on the Treasury shall be signed by the President and the Registrar. In the absence of the President the cheques shall be signed by the Registrar and a member of the Council, specially authorised by the President for the purpose.

18.

The Council shall have a cash book maintained by the Treasurer in such form as may be approved by the Examiner of Local Accounts in which all receipts and payments with necessary details shall be entered, as soon as the transactions occur. The cash book shall be closed everyday and at the end of every month a memorandum reconciling the balance shall be recorded and signed by the President. The vouchers and sub-vouchers of the payments, paid out of the imprest, shall be preserved to be produced at the time of audit.

19.

The words "Paid" and "Cancelled" shall be stamped over every voucher and sub-voucher transfer payment.

20.

The Treasurer shall maintain a printed Receipt Book with counterfoil for the purpose of receipt of fees for registration and other fees, donations, etc.

21.

A register of contingent expenditure shall be maintained in form prescribed for the purpose in the Civil Account Code. The headings of the form shall be according to the needs of the Council. The rules of the Civil Account Code shall, mutatis mutandis, be observed in the maintenance of the contingency register.

22.

A stock register of all articles and properties of the council shall be maintained and shall be checked by the Registrar once a year.

23.

All claims shall be discharged either by payment from the imprest at the disposal of the Registrar or by cheques drawn upon the treasury in favour of the actual payees.

24.

The accounts of the Council shall be audited once a year by the Examiner of Local Accounts,
Orissa.Part-II Mode of election

25.

In the case of nominated members, the Returning Officer shall inform the State Government of the vacancy requesting them to fill the same.

26.

(1) In the case of first election under Clause (a) of Section 19 of the Act the Registrar of the Registration Tribunal shall act as the Returning Officer. In all other subsequent elections under the said section, the President or any other person authorised by him in this behalf shall be the Returning Officer. (2) The Returning Officer shall appoint and shall notify in the Orissa Gazette and in such other manner as it thinks fit such suitable date for each of the following, namely : (a) Last date for filing nominations; (b) Date of scrutiny of nomination papers; (c) Last day for receiving ballot papers and the day for the counting of the votes; (d) Sending of ballot papers under Rule 27 (10) : Provided that in the case of subsequent election he shall appoint and notify the same sometime not less than forty-two days or more than sixty days before the day on which the term of office of such members will expire and as soon as conveniently may be after the occurrence of any vacancy arising from death or in any manner set forth in Section 25. (3) Soon after the date of filing nominations is fixed the Returning Officer shall publish in the Orissa Gazette a notice inviting in Form 'A' the submission of nomination.

27.

The following shall be the procedure adopted for filling up vacancies by the electorates : (1) The electoral roll shall be prepared by the Registrar of the Council or the Registration Tribunal in the case of first election from the Registrar and shall contain the name, qualifications and address of every person qualified to vote for the election of a member to fill up the vacancy or vacancies. Any person who is qualified for election to the Council under Clause (a) or Clause (c) of Section 19 of the Act may be nominated as a candidate for election under the said clause of the said section. (2) Candidate qualified for election must be proposed and seconded by persons qualified as electors. The nomination paper shall be filed in Form 'B'. No elector shall propose or second the nomination of more persons than are required to fill up the vacancy or vacancies, as the case may be. If more nominations than are required to fill up the vacancies be subscribed by the same elector, all nominations subscribed by him shall be held to be invalid. (3) The candidate shall sign the nomination paper declaring that he is willing to serve in the Council, if elected, failing which the nomination paper shall be declared invalid. (4) Every candidate shall, along with the proposal for nomination, deposit with the Returning Officer a sum of Rs. 100 in cash and he shall not be deemed to be duly nominated unless the said deposit has been made. The deposit shall be forfeited to the Council if the candidate is not elected and the number of votes recorded in his favour is less than one-eighth of the total number of votes recorded. The said deposit shall be refunded if it is not forfeited under this sub-rule. (5) Every proposal for nomination must be in writing and must be signed by the proposer and the seconder and sent by post or otherwise, so as to reach the Returning Officer on or before the date appointed in this behalf. (6) On the date fixed for scrutiny of nomination paper the Returning Officer shall scrutinise the nomination papers received by him at his office on

that date at 12 o'clock in the noon. Any candidate may be present either in person or by an accredited representative at the time of scrutiny. On completion of the scrutiny of nominations the Returning Officer shall forthwith declare the names of the candidates whose nomination papers are hold valid by him. The Returning Officer either of his own motion or on the objection made, decide all questions which may arise as to the validity of any nomination and his decision on any such question, shall be final.(7)Any candidate may withdraw his candidature by notice in writing signed by him up to 12 o'clock on the fifth day from the date of scrutiny of nomination papers counting that day as the first day. Such notice shall not be valid, unless it is delivered to the Returning Officer, or sent to him by post or otherwise and received by the Returning Officer, before the time and the date appointed by him for such purpose.(8)If in case of any election the number of candidates duly nominated does not exceed the number required to fill up the vacancy or vacancies, the Returning Officer shall forthwith declare such candidate to be elected.(9)If more candidates than are necessary to fill up the vacancy or vacancies be nominated the Returning officer shall forthwith publish their names and address in the Orissa Gazette and otherwise as the Council shall deem fit, and shall further cause their names to be entered in ballot papers in Form 'C'.(10)Twenty-one days before the date as appointed under Sub-rule (2) (c) of Rule 25, the Returning Officer shall send by post to each elector one such voting paper bearing the official mark of the Returning Officer and an identification envelope on which a declaration in Form 'D' is printed and a bigger cover on which are printed on the left top corner the serial alphabetical number and the name and signature column at the lower left corner and the address of the Returning Officer printed as under :ToThe Returning Officer,The Orissa Pharmacy Council Office(11)An elector who has not received his voting paper and other connected papers sent by post of whose papers, before they are despatched back to the Returning Officer have been inadvertently spoiled in such manner that they cannot conveniently use or who has lost his papers may, on transmitting to the Returning Officer a declaration to the effect signed by himself require the Returning Officer to send him duplicate papers in place of those not received. Spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case when any duplicate papers are issued a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the bigger cover, which will bear the same serial and alphabetical number as was originally given to the said elector. The voting papers issued in such cases shall also be marked "Duplicate".(12)Before 12 o'clock in the noon of the date appointed under Sub-rule (2) (c) of Rule 26 every elector, desirous of voting, shall send his voting paper to the Returning Officer who shall keep the same collected in sealed boxes. Voting papers which are not received by the Returning Officer before 12 o'clock in the noon on the date appointed for the counting of votes and other voting papers which do not conform to the rule shall be rejected.(13)The Returning Officer shall nominate as scrutinizes such number of persons not exceeding four as he thinks fit.(14)The Returning Officer shall attend his office at 12 noon on the date fixed under Sub-rule (2)(c) of Rule 26 for the purpose of counting the votes. Any candidate may be present in person during the counting of votes.(15)When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes have been given to be elected and shall forthwith inform the successful candidate by letter of his being elected to the Council. If any candidate declared to be elected has withdrawn from the election, or refuses to act as a member of the Council the candidate who has secured next the largest number of votes shall be declared to have been elected in the place of the withdrawing candidate, and so on for as many of the remaining candidates as there may be vacancies caused in this way.(16)When an

equality of votes is found to exist between any two candidates, and the addition of a single vote will entitle any of such candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer, and in such manner as he may determine.(17)Upon the completion of the counting of votes and after the result has been declared by him the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.(18)The Returning Officer shall inform the State Government or the President in case if he is not the Returning Officer, of the result of the election.(19)If any question arises as to the intention, construction or application of this rule or the validity of any election the Council or the Registrar of the Registration Tribunal in the case of first election shall refer such question under Section 24 of the Act to the State Government whose decision shall be final.(20)If any difficulty arises in holding an election and in carrying out the provisions of this rule it shall be lawful for the Returning Officer to take such action or pass such orders as it may appear to him to be necessary or expedient.

28.

(1)The President and the Vice-President of the Council shall be elected at a meeting of the Council specially convened for the purpose. To elect the President, the members present shall elect a temporary Chairman by a ballot, if necessary, under the supervision of the Registrar. The meeting shall then proceed to elect the President by ballot under the Chairmanship of the Chairman thus elected. It shall be competent for any member to nominate by ballot any other member for the office of the President. The Chairman shall announce the names of the members so nominated and arrange for a ballot. Every vote in a ballot for a person who has not been duly nominated shall be void and ineffectual. If only two persons are nominated the voting in the first ballot shall be final except in case of equality of votes. If more than two persons are nominated the candidate obtaining the lowest number of votes in a ballot shall be eliminated and this process shall continue until only two candidates remain when the ballot shall be final except in the case of equality of votes. If one of such candidates secures more than 50 per cent of the votes Cast he shall be declared elected. In the case of an equality of votes further ballot shall be taken and if that be indecisive the election shall be decided by drawing lots.(2)The President having been elected shall take the Chairman and the members shall then proceed to elect a Vice-President. The procedure laid down in Sub-rule (1) shall be followed in electing the Vice-President except that in the case of equality of votes the President shall have a casting vote.

29.

Election of a member by the Medical Council of the State under Clause (c) of Section 19 of Act shall be conducted at a meeting of such Council in accordance with the regulations of the said Council.

30.

On receipt of official notice of the election of a member the President shall inform the State Government of the same for publication in the Orissa Gazette. The notification of the election of

member shall be read by the President and he shall then be introduced to the meeting by some member of the Council. The above procedure shall be adopted also in the case of nominated members. Part-III Meeting of the Council

31.

(1) Unless the President in the exercise of his discretion shall deem shorter notice expedient in which case such notice shall be sent by telegram or other more expeditious means, in every case the notice shall be sent to each member. (2) The President, whenever it appears to him unnecessary to convene a meeting, may instead of so doing, circulate a written proposition with the reasons for such proposition for the observations and votes of the Council.

32.

The Council shall ordinarily meet once preferably in April in a calendar year on such date and place as may be fixed by the President : Provided that the President - (i) may call a special meeting at any time on fifteen days' notice to deal with any urgent matter requiring the attention of the Council; and (ii) shall call a special meeting on fifteen days' notice, if he receives a requisition in writing signed by not less than members stating the purpose of the meeting other than that mentioned in Rule 37(1)(b) and being a purpose within the scope of the Council's function, for which they desire the meeting to be called.

33.

The meeting of the Council referred to in Rule 32 in any calendar year shall be the annual meeting of the Council for that year.

34.

At the special meeting called by the President in the exercise of his discretion under proviso (1) of Rule 32 subject or subjects for the consideration of which the meeting has been called shall only be discussed, unless the Council by a resolution agree to consider any other business.

35.

Notice of every meeting shall be despatched by the Registrar to each member of the Council thirty days before the date of ordinary meeting and fifteen days before the date of a special meeting called under the proviso to Rule 32 or under the first proviso to Clause (b) of Sub-rule (1) of Rule 37.

36.

(1) The Registrar shall issue with the notice of the meeting a preliminary agenda showing the business to be brought before the meeting, the terms of all motions to be moved for which notice in

writing was previously reached him and the names of the movers.(2)A member, who wishes to move any motion not included in the preliminary agenda or an amendment to any item so included, shall give notice to the Registrar of not less than 25 clear days before the date fixed for the meeting.(3)The Registrar, shall, not less than fifteen clear days before the date fixed for the meeting, that is, in the case of a special meeting with the notice of the meeting, issue a complete agenda paper showing the business to be brought before the meeting.(4)A member who wishes to move an amendment to any item included in the complete agenda paper but not included in the preliminary agenda paper shall give notice to the Registrar of not less than three clear days before the date fixed for the meeting.(5)The Registrar shall, if time permits, cause a list of all amendments of which notice has been given under Sub-rule (4) to be made available for the use of every member; Provided that the President may, if the Council agree, allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit of compliance with this rule; Provided also that nothing in this rule shall prevent the Council to consider any matter at its meeting held immediately or too soon after the meeting of the Executive Committee if the same be recommended by the Executive Committee without giving the required notice.

37.

(1)A motion shall not be admissible-(a)if the matter to which it relates is not within the scope of the Council's functions;(b)if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within one year of the date of the meeting at which it is designed to be moved ; provided that such a motion may be admitted at a special meeting of the Council convened for the purpose on the requisition of not less than two-thirds of the members of the Council; provided further that nothing in these rules shall operate to prohibit the further discussion of any matter referred to the Council by the State Government in exercise of any of its functions under the Act;(c)unless it is clearly and precisely expressed and raises substantially one definite issue;(d)if it contains inference, ironical expressions or defamatory statements.(2)The President shall disallow any motion which in his opinion is inadmissible under Sub-rule (1) ;Provided that if a motion can be rendered admissible by amendment the President may in lieu of disallowing the motion admit it in amended form.(3)When the President disallows or amends a motion, the Registrar shall inform the member who gave notice of the motion of the order of disallowance or, as the case may be, of the form in which the motion has been admitted.

38.

(1)Every meeting of the Council shall be presided over by the President or if he is absent, by the Vice-President or, if both the President and the Vice-President are absent by a Chairman to be elected by the members present from among themselves.(2)All references in this part to the President shall be read as referring to the person for the time being presiding over a meeting.

39.

(1)Eight members of the Council of whom the President may be one present in person shall constitute a quorum; provided that in the case of meeting adjourned for want of quorum, no

quorum shall be required at the subsequent meeting.(2)If, at the time appointed for a meeting a quorum is not present, meeting shall not commence until a quorum is present and if a quorum is not present on the expiration of 20 minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future time and date as the President may appoint.

40.

(1)Every matter to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the President.(2)Votes shall be taken by show of hands or by division or by ballot, as the President may direct :Provided that votes shall be taken by ballot if three members so desire and ask for it :Provided further that if voting has been by show of hands a division shall be taken if a member asks for it.(3)The President shall determine the methods of taking votes by division.(4)The result of the vote shall be announced by the President and shall not be challenged.(5)In the event of equality of votes the President shall have a second or a casting vote.

41.

When motions identical in purpose stand in the names of two or more members the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

42.

(1)Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn.(2)When a motion has been seconded it shall be stated from the Chair.(3)When a motion has been thus stated, it may be discussed as a question to be resolved either in the affirmative or in negative or any member may subject to Rules 43 and 44 move an amendment to the motion:Provided that the President shall not allow an amendment to be moved which if it has been substantive motion would have been inadmissible under these rules.

43.

(1)An amendment must be relevant to and within the scope of the motion to which it is proposed.(2)An amendment may not be moved which has merely the effect of a negative vote.(3)The President may refuse to put an amendment which is in his opinion frivolous.

44.

A motion be amended by-(a)the omission, insertion or addition of words, or(b)the substitution of words for any of the original words.

45.

(1)When a motion or amendment is under debate, no proposal with reference thereto shall be made other than-(a)an amendment of the motion or amendment, as the case may be, as provided in Rules 43 and 44;(b)a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die;(c)a motion for the closure, namely, a motion that the question-be now put;(d)a motion that the Council instead of proceeding to deal with the motion do pass to the next item on the programme of business:Provided that no such motion or amendment shall be moved so as to interrupt a speech :Provided also that no motion of the nature referred to in Clauses (b), (c) and (d) shall be moved or seconded by a member who has already spoken on the question than before the meeting :Provided further that a motion referred to in Clauses (c) and (d) shall be moved without any speech.(2)It shall be in the discretion of the President to put or refuse to put to the Council a proposal of the nature referred to in Clause (b) of Sub-rule (1);(3)Unless the President is of the opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if the motion is carried the substantive motion or amendment under debate shall be put forthwith :Provided that the President may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

46.

A proposal to adjourn the Council to a specified date and hour may be made at any time :Provided that it shall not interrupt a speech but it shall be in the discretion of the President to put or refuse to put such a proposal to the Council.

47.

A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be granted, if any member dissents from the granting of leave.

48.

When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the President may direct :Provided that the seconder of a motion or an amendment may with the permission of the President confine himself to seconding the motion or amendment, as the case may be, and speak thereon at any subsequent stage of the debate.

49.

During the meeting, the President may, at any time, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.

50.

(1)The mover of an original motion and if permitted by the President, the mover of any amendment shall be entitled to a right of final reply; no other member shall speak more than once to any debate except, with the permission of the President for the purposes of making a personal explanation or of putting a question to the member then addressing the Council :Provided that any member at any stage of debate may rise to a point of order, but no speech shall be allowed on that point :Provided also that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.(2)No member shall, save with the permission of the President speak for more than five minutes :Provided that the mover of the motion when moving the same may speak for ten minutes.(3)A speech shall be strictly confined to the subject-matter of the motion or amendment on which it is made.(4)Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it may be brought forward by another member with the permission of the President.

51.

(1)A member desiring to make any observation on the matter before the Council shall speak from his place, shall rise when he speaks and shall address the President.(2)If at any time the President rises, any member speaking shall immediately resume his seat.

52.

No member shall be heard except upon the business before the Council.

53.

(1)When an amendment to any motion is moved and seconded (or when two or more amendments are moved and seconded) the President shall, before taking the sense of the Council thereon state or read to the Council the terms of the original motion and of the amendment or amendments proposed.(2)An amendment to a motion shall be put to the vote first.(3)If there is more than one amendment to a motion the President shall decide in what order they shall be taken up.

54.

When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion, and put each or any point separately to the vote as he may think fit.

55.

(1)The President, after stating his reasons, may, at any time, adjourn any meeting to any future day or to any hour of the same day.(2)Whenever a meeting is adjourned to a future day the Registrar shall, send notice of the adjournment to every member who was not present at the meeting.(3)When

a meeting has been adjourned to a future day the President may change such day to any other day and the Registrar shall send written notice of the change to each member.(4)At a meeting adjourned to a future day any motion standing over from which previous day shall unless the President otherwise directs take precedence over that matter on the agenda.(5)The President or a member may either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting suggest a change in the order of business on the agenda if the Council agrees that such a change shall take place.(6)No matter which had not been on the agenda of the original meeting shall be discussed at an adjourned meeting.(7)The same quorum shall be necessary for an adjourned meeting as for an ordinary meeting except in cases provided for in Sub-rule (1) of Rule 39.

56.

The President shall decide all points of order which may arise and his decision shall be final. If any question arises with reference to procedure in respect of a matter for which these rules make no provision, the President shall decide the same and his decision shall be final.

57.

A register shall be kept, containing the names of the members of the Council, the electorates they represent the date of appointment of each member, the term for which he was appointed and the date of the death or retirement of each member, and such register shall be regularly kept up so as to show the period at which each of the bodies that has power to appoint should proceed to a new appointment, and the same particulars shall be observed with regard to members appointed by the State Government.

58.

The Registrar shall sixty days before the expiration of the term of any existing appointment draw the attention of the President and of the appointing authority to the vacancy that will arise in order that such new appointment may be made to take effect from the day on which the corresponding old appointment will expire.

59.

The Registrar shall on the resignation, death, insolvency or on the expiration of the term of appointment of any member of the Council under the provisions of Section 25 of the Act draw the attention of the President and of the appointment authority to the vacancy thus caused in order that the same may be filled up.

60.

The proceedings of the meetings of the Council shall be preserved in the form of printed minutes which shall be authenticated, after confirmation, by the signature of the President.

61.

A copy of the minutes of each meeting shall be submitted to the President within 15 days of the meeting and attested by him and they shall then be sent to each member within 30 days of the meeting.

62.

The minutes of the meeting shall contain such motions and amendments as have been moved and adopted or negatived with the names of the mover and the seconder, but without any record of observations made by any member at the meeting.

63.

If any objection regarding the correctness of the minutes is received within thirty days of the despatch of the minutes by the Registrar, such objections together with the minutes as recorded and attested shall be put before the Council for confirmation. At this meeting no question shall be raised except &s to the correctness of the records of the meeting :Provided that if no objection regarding a decision taken by the Council at a meeting is received within 30 days of the despatch by the Registrar of the minutes of that particular meeting such decision may, it expedient be put into effect before the confirmation of the minutes at the next meeting:Provided further that the President may direct that action be taken on a decision of the Council before the expiry of the said period of 30 days.

64.

The minutes of the Council shall as soon as is practicable after their confirmation be made up in sheets and consecutively paged for insertion in the book maintained for the purpose which shall be permanently preserved. A copy of each such book shall on requisition be supplied free of cost to each member of the Council.

65.

A report shall be kept of the observations and of the discussion at the meeting of the Council in as accurate a manner as possible for the use of the members of the Council. The detailed proceedings of the meetings which shall be treated as 'Confidential' shall be kept in the office and shall be open to members for inspection. A copy of the proceedings in whole or in part shall be supplied to any, member who may apply for it. Such copy shall be marked 'Confidential' and be supplied on payment

of a sum fixed by the President which sum shall not exceed the actual cost of preparing a copy. No copy of proceeding held in camera shall be supplied, but such proceedings can be inspected by the members. Part-IV Tenure of office and powers and duties of the President and Vice-President

66.

The President shall exercise such powers and perform such duties as are contained in the provisions of the Act, the rules made, thereunder and standing orders of the Council. He shall do such acts as he considers necessary in furtherance of the objects for which the Council is established.

67.

If the office of the President is vacant or if the President for any reason is unable to exercise the powers or perform the duties of his office, the Vice-President shall act in his place and shall exercise the powers and perform the duties of the President. Part-V Executive Committee

68.

The Executive Committee shall consist of the President and the Vice-President ex officio and three members elected by ballot at the first meeting of the Council. Of the three members so elected there shall be at least two registered Pharmacists. The Executive Committee so elected shall hold office till the election of the new Executive Committee.

69.

The Executive Committee shall meet as and when necessary as may be fixed by the President.

70.

For a meeting of the Executive Committee three members including the President or/and the Vice-President shall be a quorum.

71.

If during the recess any vacancy occurs in the Executive Committee, shall have powers to fill up such vacancies except in cases where a summon has been issued for a meeting of the Council when the Council itself shall elect. If any member of the Executive Committee be absent from two consecutive meetings without leave of the Committee he shall ipso facto cease to be a member of the Committee. If total period of absence with the said leave exceeds one year a vacancy is deemed to be created.

72.

During the absence of the Registrar for any cause whatsoever for a period exceeding fifteen days the Executive Committee shall appoint a person to perform temporarily the duties of Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the principles laid down in the Orissa Service Code.

73.

Rules 61 to 66 in Part III shall mutatis mutandis apply to the minutes of the proceedings of the Executive Committee.

74.

The Executive Committee shall superintend the publication of the Register of Pharmacists which shall be prepared in accordance with the provisions of Chapter IV of the Act and shall be printed every year. The Register shall contain the annual distribution list approved by the Executive Committee according to which copies of the Register shall be distributed to different Government Officers of the State (as may be determined by the State Government) and the Pharmacy Council of India and other corporations, bodies or persons.

75.

The Executive Committee shall order each year such number of the Pharmacy Register to be printed as may seem to it to be necessary on a revision of the annual distribution list.

76.

The Executive Committee shall consider and prepare reports upon any subject that may seem it to require the attention of the Council and such reports shall be printed and circulated among the members of the Council and such reports shall be printed and circulated among the members of the Council ten days at least before the meeting of the Council.

77.

The Executive Committee shall before each meeting of the Council prepare the business for the consideration of the Council.

78.

The printing of the books of minutes shall be under the direction of Executive Committee.

79.

All petitions presented to the Council shall be referred to the Executive Committee to be examined and reported upon before being considered by the Council.

80.

Subject to the provisions of the preceding rules, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid upon the table.

81.

The Executive Committee shall prepare reports on such subjects as may be indicated to it by the Council at its sittings or by the President at other times. The reports when finally approved by the Committee shall be presented to the Council.

82.

(1) The Council may constitute sub-committee and may appoint to such sub-committee, persons who are not members of the Council to report upon any matter, which it may deem necessary to refer to them. (2) The members of a sub-committee shall not be entitled to any fee for attending any meeting of the sub-committee. They shall be entitled to travelling allowance only. Part-VI Registrar, clerks and office hours

83.

(1) The qualification and the scale of pay for the post of the Registrar shall be fixed by the Council with the previous approval of the State Government. In respect of grant of leave and travelling and other allowances to the Registrar the Council shall generally be guided by the principles laid down in the rules governing the grant of leave travelling allowances and other allowances of Government servants under the rule-making control of the State Government. (2) The posts of the Registrar and his staff are non-pensionable but will carry Contributory Provident Fund according to the rules framed by the Council.

84.

The post of the Registrar shall be a permanent one. In the case of a new appointment to the posts there shall be a probationary period of one year. The Registrar shall be a full-time or part-time officer of the Council.

85.

The Registrar shall keep the registers in accordance with the provisions of the Act and the rules and Regulations of the Council.

86.

The Registrar shall be present at every meeting of the Council and of the Executive Committee and shall take minutes of the proceedings at such meetings.

87.

The Registrar as Secretary shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required under these rules.

88.

The Registrar shall fulfil all the duties that may be required of him by the rules and Regulations for the time being of the Council.

89.

The office of the Registrar shall be kept open during the days when Government Secretariat Offices are kept open. The Registrar shall not absent himself from duties without the permission of the President. The President shall grant leave to the Registrar in accordance with the principles laid down in the Orissa Leave Rules, applicable to Government servants of similar status under the control of the State Government.

90.

The Registrar shall be authorised to obtain whatever temporary additional assistance that may be required subject to the sanction of the President.

91.

The Registrar shall have the general control of the management of the office authority over the clerks and servants and superintendents of the building.

92.

The Registrar, whenever he deems it necessary may appoint additional hands on temporary basis to assist him after obtaining previous sanction of the President. The duties of the clerks shall be assigned to them by the Registrar under the direction of the Executive Committee.

93.

The clerks shall attend office on all the days when Government Secretariat Offices are kept open and at other times when necessary and they shall not be absent from duties without obtaining previous permission from the Registrar.

94.

Leave to clerks and peons shall be granted by the Registrar in accordance with the principles laid down in the Orissa Leave Rules applicable to Government servants under the control of the State Government. Part-VII Common seal

95.

The common seal shall be kept in a box having two different locks and the key of one of these locks shall be in the custody of the President and the key of the other lock in custody of the Registrar.

96.

The seal shall be affixed only by order of the Council or, when the Council is not sitting, by order of the Executive Committee but its use by such Committee shall be limited to such acts as may be necessary to carry into effect the powers delegated to it by the Council.

97.

Any order for affixing the seal shall state the object of its use, and shall be entered in the Minutes of the Council, or of the Executive Committee, as the case may be. Part-VIII The Registration

98.

The Register of Pharmacists shall be maintained as required by Sub-section (3) of the Section 29 of the Act, in Form 'E'.

99.

The names shall be entered in the register in the order in which the applications for the registration are admitted. Sufficient space shall be left for future additions and alterations in the qualifications and address of such applicant admitted.

100.

Each page of the Register shall be verified by the Registrar's signature.

101.

(1) On the registration of every Pharmacist under the Act the Registrar shall grant such Pharmacists a certificate in Form 'F'. (2) In the event of a certificate issued under Sub-rule (1) of Rule 101 being lost or accidentally destroyed the holder for may at any time during which such certificate is in force, apply to the Registrar under Section 39 of the Act for a fresh certificate and the Registrar may, if he thinks fit on satisfactory proof as to the identity of the applicant, grant such certificate on payment of a fee of Rs. 5. Certificate issued under this sub-rule shall be marked 'Duplicate'.

102.

Every person entitled to be registered under Section 32 of the Act and desiring to have himself registered shall apply to the Registrar in Form 'G'. Every such application shall be accompanied by the fee prescribed in Rule 112.

103.

(1) The name of every person registered under the Act shall subject to the provisions contained in Section 36 of the Act remain entered therein and the registration of such person shall hold good till the 31st day of December of the year in which registration is made. (2) Any person desiring to continue his registration shall submit to the Registrar an application previous to 1st day of April of the year to which it relates and shall forward with such application the fee prescribed in that behalf in Rule 112. (3) The Registrar may send to any Pharmacist who has not paid his renewal fees on the 1st day of January in the year in respect of which such fee is payable, a demand for payment thereof, by a letter sent by post under certificate of posting Addressed to the Pharmacist at his address in the Register. (4) When a renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the Register; Provided that a name so removed may be resorted to the Registrar under Section 37 of the Act on payment of fee and penalty as prescribed in Rule 112. (5) When the renewal fee is paid before the due date and the renewal entered the Register, the Registrar shall issue to the applicant a renewal slip in Form 'H', signed by the Registrar with the seal of the Council with direction to the applicant to affix it on the original registration certificate. Every such renewal shall be entered in the Register and attested by the Registrar with his signature.

104.

(1) An application for registration of an additional qualification under Section 35 of the Act shall be in Form 'I' and shall be accompanied by the fee prescribed in this behalf in Rule 112. (2) On registration of additional qualification under Rule 104 (1), the Registrar shall grant such Pharmacist a certificate in Form 'J'.

105.

Any appeal to the Council against the refusal of the registrar to register in the case of first registration or alter any entry in the Register shall state the grounds on which registration is claimed and furnish all the academical qualifications attained with the dates on which they were received. On receipt of such an appeal the Executive Committee shall conduct an enquiry and submit a report to the Council.

106.

Certificate copies of entries in the Register in Form 'K' may be issued to any one on payment of a fee prescribed in Rule 112.

107.

An application for registration of a change of name in the Register of Pharmacist shall be made to the Registrar along with an affidavit to the effect and a fee as prescribed in Rule 112.

108.

The Council may remove from the Register the name of any person -(1)(a)who has applied that his name be removed from the Register in which case such person may be required to file a declaration that no disciplinary or criminal proceedings are being or likely to be taken against him; or(b)who was failed within a period to be determined by the Council to furnish to the Registrar such information as the Council may require; or(c)whose name before or after the commencement of the Act has been removed from the roll, Register or record of any University, Hospital, Society or other body for which that person received the degree, diploma or certificate and in respect of which his name was registered and any registration certificate issued to such person shall be deemed to be cancelled as from the date of such removal.(2)The Registrar shall bring such application before the next meeting of the Council of Executive Committee which shall consider the application and any objections thereto, and the President may put from the Chair the question : "Whether the Registrar shall remove the applicant's name from the Pharmacy Register".

109.

The Registrar shall as soon as may be after the 1st day of April each year cause to be printed copies of the Registers as they stood on the said date and such copies shall be made available to persons applying thereof on payment of the prescribed fee and shall be evidence that on the said date the persons whose names are entered therein were registered Pharmacists. The Registrar shall keep an interleaved copy of such printed list wherein he shall make during the year any entry, alteration or removal that may be necessary.

110.

(1)It shall be the duty of every registered person who changes his address to intimate the fact to the Registrar within one month after such change.(2)Every District Registrar of deaths who receives a death notice showing that the deceased belonged to profession or calling the members of which are registrable under the Act shall forthwith notify the Registrar of such death.

111.

A statement showing the following particulars shall be prepared every year and printed in the published Register of Pharmacists, namely-(1)the total number of persons in the published Register;(2)the number of persons added by registration during the year;(3)the number of persons restored to the Register;(4)the number of persons removed from the Register, stating section of the Act under which the name has been removed; and(5)the number of persons removed by death.

112.

(1)The following fees are prescribed by the Council.

	Rs.	As.	Ps
For the first registration in the Register	5	0	0
For every qualification or status subsequently registered	2	0	0
For restoration to the Register after removal for non-payment of annual retention fee in addition to retention fee for the year or years during which the name remained removed	3	0	0
For annual retention of the name in the Register	3	0	0
For restoration of the name in the Register under Section 37 of the Act	10	0	0
For registration of a change of name	3	0	0
For every certified copy of an entry in the Register	3	0	0
For a 'Duplicate' certificate under Sub-rule (2) of Rule 101	5	0	0

(2)Stamp duty if any leviable under the Indian Stamp Act, 1899 (11 of 1899) or any other law for the time being in force relating to the levy of the stamp duty shall be payable along with the fee prescribed in Sub-rule (1).

113.

The following shall be the conditions on which leave may be granted to members of the Council to inspect the documents of the Council when not required for use by its legal advisers : (1)Three clear days' notice in writing shall be given to the Registrar, except when the Council is in session when special leave may be granted; and (2)The subject of the documents needed for inspection shall be stated.

114.

The Registrar shall be held responsible for the safe custody of all documents.

115.

The Registrar shall arrange the documents in chronological order or otherwise so as to facilitate their inspection during office hours.

116.

The documents under Inspection shall not be removed therefrom the premises of the Council.

117.

All such documents and the information derived therefrom shall be regarded as strictly confidential. Part-XI Fees for attending meetings of the Council and other expenses

118.

The members including the President and Chairman of the Council, the Executive Committee or any Sub-Committee for attending the meetings of the Council or any such Committee shall be entitled to the travelling allowance and daily allowance in the following scale : (1) Members who are Government servants or ex-officio members shall draw such travelling allowance and daily allowance to which they are entitled according to their grades under Orissa Travelling Allowance Rules. (2) Non-official members shall be entitled to draw travelling allowance and daily allowance at the same rate and subject to the same restrictions as laid down in Government Resolution No. 2748-F., dated the 16th February, 1954. These rates are as follows : (i) Railway fare - Single fare for the highest class available in the particular train by which a member actually travelled plus one-half first class fare as incidental expenses each way for the journey to and from. (ii) Road mileage - Eight annas a mile for journey by road and four annas for journey by the public bus service. (iii) Halting allowances - Daily allowance at the rate Rs. 10 for days of halt. Note. - (a) The halting allowance shall be admissible for any day for which a member is required to halt on business of the Council or the Committee or any sub-Committee at a place which is not the place where his permanent residence is situated. (b) In the event of a member actually travelling throughout the 24 hours between midnight and midnight halting allowance shall not be admissible. On the other hand if he is required to halt for less than 24 hours for a meeting he would be entitled to it.

119.

Employees of the Council shall be entitled to travelling allowance and daily allowance at the same rate as are admissible to Government servants of the similar status. Part-XII Penal removals from the Register of Pharmacists

120.

Every person who has been registered under the Act if found after inquiry by the Executive Committee to have been guilty of improper conduct shall be liable to one of the following penalties-(a)warning or reprimand or a reprimand and warning; or(b)suspension for a specified period from practising or performing acts to pharmacy; or(c)removal of name from the Register.

121.

If at any time it is made to appear by affidavit that a person registered under the Act has become mentally or physically disable to the extent that the continued practice of such person is contrary to the public welfare, the Executive Committee may hold inquiry into facts submitted and may order the suspension of such person for such period as it may deem fit from carrying on his profession or practice of pharmacy.

122.

Whenever information reaches the office of the Council that a Pharmacist has been convicted of a cognizable offence or has been under the seizure of any judicial or other competent authority in relation to his professional character or has been guilty of conduct which prima facie constitutes infamous conduct in respect of his profession the Registrar shall make an abstract of information and shall submit the same to the President.

123.

Where the information in question is in the nature of a complaint by a person or body charging the Pharmacist with infamous conduct in respect of his profession such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case.

124.

Every declaration must state the description and true place of abode of the declarant and where a fact stated in a declaration is not within the personal knowledge of the declarant the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated. Declarations and parts of declarations which are made in contravention of this rule will not be accepted as evidence.

125.

The abstract and where a complaint has been lodged, the complaint and all other documents bearing on the case shall be substituted by the Registrar to the President who shall if he thinks fit instruct the Registrar to ask the Pharmacist by means of a registered letter for any explanation he may have

to offer. The documents including any explanation forwarded by the Pharmacist to the Registrar shall then be referred to the Executive Committee who shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to refer if necessary to a legal adviser for his advice and assistance and to instruct to take the opinion of the Council and otherwise to obtain such advice and assistance as it shall think fit. If the Committee is of opinion that a prima facie case is not made out, the case shall not proceed further and the Registrar shall inform the complaint of the resolution of the Committee. If the Committee is of the opinion that the circumstances suggest that a letter of warning be sent, the Committee shall be empowered to send it. If the Committee resolves that the case is one in which an enquiry ought to be held President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Executive Committee.

126.

An enquiry with a view to the removal of a name from the Register under Section 36 of the Act shall be instituted by the issue of a notice in writing on behalf of the Executive Committee by the Registrar addressed to the Pharmacist. Such notice shall specify the nature and particulars of the charge and shall inform him of the day on which the Executive Committee intends to deal with the case and shall call upon the Pharmacist to answer the charge in writing and to attend before the Executive Committee on such day. The notice shall be in Form 'L' with such variations as circumstances may require and shall be sent three weeks before the date of inquiry.

127.

In every case in which the Executive Committee resolved that an enquiry shall be instituted and a notice for an enquiry is issued accordingly either party shall for the purpose of his defence or reply, as the case may be and upon request in writing for that purpose signed by himself or his legal advisers be entitled to be supplied by the Registrar with a copy of any declaration, explanation or answer or other document given or sent to the Executive Committee by or on behalf of the other party which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of enquiry and every notice of inquiry shall draw the particular attention of the Pharmacist to this rule.

128.

Any answer, evidence or statement forwarded or application made by the Pharmacist between the date of the issue of the notice and the day named for the hearing of the charges shall be dealt with by the President in such manner as he may deem fit. The President may take legal advice in the matter if he thinks it necessary.

129.

All material documents which are to be laid before the Executive Committee as evidence in regard to

the case shall be written or printed and a copy shall be furnished to each of the Council if engaged before the hearing of the case.

130.

At the hearing of the case by the Executive Committee its legal adviser may be present to advise as to the conduct of the case and a Counsel employed it may act as Judicial Assessor. The complainant and also the Pharmacist may be represented or assisted by a legal adviser with or without a Counsel.

131.

Where a complainant appears personally or by a Counsel or legal adviser the following shall be the order of procedure : (i) The Registrar shall read to the Executive Committee notice of the inquiry addressed to the Pharmacist. (ii) The complainant shall then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proof his case may be closed. (iii) The Pharmacist shall then be invited to state his case by himself or by his legal representative and adduce proofs in support of it. He may address the Executive Committee either before or after the conclusion of adduction of his proofs but only once. (iv) At the conclusion of the Pharmacist's case the Executive Committee shall if the Pharmacist has produced evidence hear the complainant in reply on the case generally but shall not allow any further evidence to be adduced except in very special circumstances of which circumstances the Executive Committee shall be the sole Judge. If the Pharmacist produces no evidence the complainant shall not be heard in reply except by special leave of the Executive Committee. (v) Where a witness is produced by any party before the Executive Committee he will be first examined by the party producing him and then cross-examined by the opposite party and then re-examined by the party producing him. The Executive committee may in its discretion decline to admit in evidence any declaration where the declarant is not present or declines to submit to cross-examination. (vi) The President and his Judicial Assessor when present and any member of the Executive Committee through the President may put questions to any witness.

132.

Where there is no complaint or no complainant appears the following shall be the order of procedure : (1) The Registrar shall read to the Executive Committee the notice of inquiry addressed to the Pharmacist and shall state the facts of the case and produce before the Executive Committee the evidence by which it is supported. (2) The Pharmacist shall then be invited to, state his case by himself or by his legal representatives and to produce his proof in support of it. He may address the Executive Committee either before or after the conclusion of adduction of his proofs but only once. (3) The legal adviser to the Executive Committee may be heard in reply if the Executive Committee so desires.

133.

Upon the conclusion of the case the Executive Committee shall deliberate thereon in private and at the conclusion of the deliberation the President shall for the purpose of summing up the result of the deliberations call upon the Executive Committee to vote on such of the following resolutions to be put from the Chair as may be applicable to the circumstances of the case : (i) In the case of a Pharmacist who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 (V of 1898), alleged against him the notice of Inquiry : "That has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 (V of 1898), alleged against him in the notice of inquiry". (ii) In the case of Pharmacist charged with infamous conduct in respect of his profession : (a) "that the Executive Committee do now proceed to decide the facts alleged against..... in the notice of inquiry which have been proved or have not been proved". If the Resolution is not carried further hearing of the case shall stand adjourned till the next or some other future session of the Executive Committee as the Executive committee shall direct and the hearing thereof shall be taken at such next future session as an adjourned case. If the Resolution is carried, the Executive Committee shall be called upon by the President to vote on the following resolution as put from the Chair. (b) "That the fact of the following facts (specifying them) alleged against..... in the notice of inquiry have been proved to the satisfaction of the Executive Committee." If the Resolution is carried the Executive Committee may either proceed to judge whether on the fact or proved the accused Pharmacist has been guilty of infamous conduct in respect of his profession and whether the Registrar shall be directed to remove his name from the Register of Pharmacists or may postpone its judgement and adjourn the case until the next or some other future session. (iii) In the case of a Pharmacist convicted of a criminal offence or charged with infamous conduct in respect of his profession for the purpose of deciding whether or not the decision of the Executive Committee on the conviction or other facts proved against him shall be postponed and the Executive Committee shall be called upon by the President to vote on the following resolution to be put from the Chair : (c) "That the Executive Committee do now proceed to pronounce their decision on the conviction or other fact proved against" If the resolution is not carried the judgement of the Executive Committee will stand postponed till the next or some other future session of the Executive Committee as Executive Committee shall direct and the case shall be taken up at such next or other future session as a case in which judgement has been postponed. If the resolution is carried, the Executive Committee shall proceed at once to pronounce its decision on the case and shall be called upon by the President to vote upon the following resolution to be put from the Chair. In the case of conviction. (d) "That having been proved to have been convicted of a criminal offence alleged against him in the notice of inquiry the Registrar be directed to remove his name from the Register of Pharmacists". (iv) In the case of a Pharmacist charged with infamous conduct in respect of his profession- (e) "That the Executive Committee do now judge..... to have been guilty of infamous conduct in respect of his profession and directs the Registrar to remove the name of the said..... from the Register of Pharmacists, if the Resolution (d) or (e), as the case may be is not carried the President may announce the decision of the Executive Committee in the following form : "That the Executive Committee do not see fit to direct the Registrar to remove the name of from the Register of Pharmacists."

134.

In the event of an adjournment of the hearing or a postponement of judgement to another session, the Executive Committee on the case coming up again for consideration may hear the Pharmacist and the complainant and (if any) on the day fixed for further consideration and shall request the attendance of the Pharmacist on that day before the Executive Committee, and the complainant and the Pharmacist shall each be requested to furnish to the Registrar in writing not less than fifteen days before the day so fixed, a statement in writing of any further facts or evidence which he may desire to be laid before the Executive Committee. The notice shall be given so as to allow at least twenty-eight days between the day on which the notice is given and the day appointed for further consideration. No further facts or evidence presented by a party to the inquiry shall be received or considered by the Executive Committee unless a statement thereof has been previously furnished to the Registrar in compliance with this rule.

135.

On the case coming before the Executive Committee for further consideration, the legal adviser if present, or the Registrar, when the legal adviser is not present, shall, if necessary state the facts and explain the position of the case to the Executive Committee. The Pharmacist shall then be invited to address the Executive Committee either personally or by his legal representative of which he may have duly given notice, to the Registrar and the complainant (if any) shall then be invited to address the Executive Committee either personally or by his legal representative and lay before the Executive Committee any further evidence of which he shall have duly given notice. At the conclusion of the further hearing, the Executive Committee shall deliberate on the case in private and at the conclusion of the deliberation President shall call upon the Executive committee to vote in an adjourned case on the same resolution as at the original hearing and in a case in which judgement was postponed on Resolution (3) (c) and (d) and (e) in Rule 133, as the case may be.

136.

If under the direction of the Executive Committee all the qualifications of any Pharmacist have been removed from the Register of Pharmacists then the Executive Committee shall if it thinks fit, by a formal resolution put by the President from the Chairman direct the Registrar to remove the name of such Pharmacist from the Register of Pharmacists.

137.

An order by the Executive Committee to remove the name of a registered Pharmacist under the provisions of Sub-section (1), of Section 36 of the Act shall be subject to confirmation by the Council under Subsection (3) or Section 36 thereof and shall not take effect until the expiry of three months from the date of such confirmation.

138.

The Registrar shall upon the removal of any name from that Register pursuant to the provisions of Rule 137 or of Section 36 of the Act forthwith send notice of such removal to the Pharmacist and such notice shall be sent by registered letter addressed to the last known address or to the registered address of the Pharmacists. The Registrar shall also send forthwith intimation of any such removal to the authority empowered to issue licences for the import of drugs prescribed by rules made under Clause (a), Sub-section (2) of Section 12 of the Drugs Act, 1940 (XXIII of 1940), and also to the Dean or Secretary or other proper authority of any Body of Bodies from which the Pharmacist has received his qualification or qualifications. A person whose name has been removed from the register under the provisions of these rules shall forthwith surrender his certificate of registration to the Registrar and the name so removed shall be published in the Orissa Gazette.

139.

The Registrar shall within one month after any name has been removed from the register under Section 36 of the Act send to the Body or Bodies concerned a list of all such names and shall call the attentions of each Body or Bodies to the following rule of the Executive Committee. "The Executive Committee recommends that no person whose name has been once removed from and has not been restored to the Register of Pharmacists prepared and maintained by the Orissa Pharmacy Council constituted under Section 19 of the Pharmacy Act, 1948 (VIII of 1948), shall, without previous reference to the Executive Committee constituted under Sub-section (1) of Section 27 of the said Act, be admitted to examination for any new qualification which is registrable in the said register".Part-XIII Restoration of name to the Register of Pharmacist

140.

Application for restoration to the Register of Pharmacists of a name removed under Section 36 of the Act, shall be entertained only at the session following the session of the Council in which the order for removal of such name was passed.

141.

The Executive Committee may if it thinks fit on application received from a person whose name has been removed from the register under Section 34 of the Act direct the Registrar to restore the name in the register.

142.

No application for restoration of a name removed from the register under Section 34 of the Act shall be entertained unless it is made in Form 'M' and is accompanied by the following documents-(a)applicant's diploma;(b)applicant's certificate of registration in original.

143.

Any person whose name has been removed from the register by the discretion of the Council under Section 36 but who still possesses a qualification entitling him to be registered under the Act, may take an application to the Council for restoration of his name in the register and the following procedure shall be followed in the case of every such application: (1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made. (2) The application shall be accompanied by- (a) a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered, and (b) by one of the following documents- (i) applicant's diploma; (ii) applicant's certificate of registration in original if the same has not already been returned by him in accordance with the provisions of Sub-section (5) of Section 36 of the Act; (iii) certificates in Form 'N' from two Pharmacists registered under the Act as to the applicant's identity. (3) The statement in the application shall also be verified by certificates in writing to be given by two Pharmacists registered under the Act who are residents in the neighbourhood of the place where the applicant has been residing since the removal of his name and they shall testify to his present good character. (4) Before the application is considered by the Council the Registrar shall notify the same to the Licensing Bodies whose qualifications were held by the applicant at the time his name was removed and shall further by letter addressed to the person or body (if any) on whose complaint the applicant's name was removed, give notice of the application and of the time when the Council instead is to consider the same. (5) The Council shall consider the application and may if it thinks fit, adjourn its consideration to a future date or require further evidence or explanation from the applicant. (6) The application and the certificate referred in Sub-rule (3) shall be Forms 'O' and 'P' in the Appendix with such variations as circumstances may require. Printed Forms shall be kept by the Registrar who shall supply them to intending applicant.

Appendix Form 'A' [See Rule 26] Notice of election Election of a member or members to the Pharmacy Council In pursuance of Rule 26 of the Orissa Pharmacy Council Rules, 1970, notice is hereby given that the election of..... members for the Orissa Pharmacy Council to serve during the period expiring..... day of..... is about to be held. Nomination of eligible persons to fill the vacancy are invited. Each candidate shall be nominated by a separate nomination paper, but any person entitled to vote at the election may sign the nomination paper of any number of candidates not exceeding the number to be elected and for which he is entitled to vote. Every nomination paper shall be in Form giving all the details required therein. The nomination paper shall reach the undersigned not later than..... day of..... from whom Forms of nomination papers may be obtained on application. Nomination papers in respect of which provisions of Part I of the Orissa Pharmacy Council Rules, 1970 have not been compiled with, or which are not received by the Returning Officer by the aforesaid date shall be invalid. Returning Officer Address..... Date..... Form 'B' [See Rule 27 (2)] Form of Nomination Paper Election of member or members to the Orissa Pharmacy Council I, the undersigned being a registered Pharmacist hereby nominate* registered as a Pharmacist his registered number being** as a candidate for election as a member to the Orissa Pharmacy Council at the forthcoming election. Signature..... Address..... Registration No..... Date..... I, the undersigned second the proposal of Shri..... Signature..... Address..... Registration

No.....Date.....I, the undersigned hereby consent to accept nomination as a candidate for election to the Orissa Pharmacy

Council. Signature.....Address.....Registration

No.....Date.....*. State name and full address.**. State Registration

No Form 'C'[See Rule 27 (9)]Form of Voting Paper Election of member or members to the Orissa Pharmacy Council

Official mark of the Returning Officer Election of.....*. Member

Column for Voters' mark (X) Name of candidate** Address Registration No.

Instructions (1) Each elector has.....votes. (2) He shall vote by placing the mark X opposite the names of the candidates whom he prefers. (3) The voting paper shall be invalid if the mark X is placed opposite the names of more than..... candidates or if the marks are so placed as to render it doubtful to which candidates they are intended to apply. (4) The elector shall enclose the voting paper in the identification cover and then enclose that cover in a bigger cover in the left hand lower corner of which the elector shall write his full name and signature if the elector fails to write his full name and signature the voting paper shall be invalid. (5) A voting paper shall be invalidated if the voter returns the voting paper otherwise than in the "Identification Envelope" with the declaration thereon duly completed. (6) Every elector shall send his voting paper in a separate cover direct to the Returning Officer. (7) If the Returning Officer receives more than one voting paper from any elector, all such voting papers shall be invalid. (8) If more than one mark is placed before the name of any candidate the whole voting paper shall be disqualified. (9) This paper shall be folded "Face Inwards" and placed in the accompanying "Identification Envelope" which shall be securely closed and then placed in a covering envelop. *. State number of candidate to be elected. **. Names to be printed in alphabetical order. Form 'D'[See Rule 37 (10)]Form of Declaration of Identification Envelope, Orissa Pharmacy Council *I.....of..... hereby declare that I am the person to whom the enclosed voting paper was addressed, that I am registered Pharmacist, **and that I have not returned any other voting paper in this election. Signature.....Address.....Date.....Signed in presence of *** (1)..... and.....(2).....

1. Signature.....

2. Signature.....

* Insert full name. ** Insert Register No. ***. There must be two witnesses. Form 'E'[See Rule 98]Form of Register of Pharmacists

1. Serial No.....

2. Name in Full.....
3. Father's name.....
4. Nationality.....
5. Date of birth.....
6. Qualifications for registration and dates thereof.....
7. Name of employer.....
8. Professional address.....
9. Residential Address.....
10. Date of renewal of registration.....
11. Date of restoration under Section 36.....
12. Date of restoration under Section 37.....
13. Previous registration No., date and State.....
14. Date of application.....
15. Date of first admission to the register.....
16. Remarks.....

Form 'F'[See Rule 101 (1)]Pharmacy Council of OrissaSealCertificate of RegistrationThis is to certify that the person named below has been registered as a Pharmacist under Section 33 of the Pharmacy Act, 1948 (VIII of 1948)-Name.....Qualification.....Registered No.....This certificate shall remain in force till.....Dater.....RegistrarForm 'G'[See Rule 102]Application for registration under Section 33 of the Pharmacy Act, 1948(VIII of 1948)ToThe Registrar, Orissa Pharmacy CouncilDear Sir,I request that my name be entered in the Register of Pharmacists maintained by the Orissa Pharmacy Council under Section 33 of the Pharmacy Act, 1948 (VIII of 1948) and that on such entry I may be furnished with a certificate of registration.I have given the particulars required on the reverse and I declare that the same are correct and that I reside/carry on the business or profession of pharmacy in Orissa, my address being.....A sum of Rs. 6 towards registration fee and cost of adhesive stamp is sent herewith/being remitted by a Postal Money

Order. The under mentioned diplomas/certificates/documents are enclosed in original and it is requested that they be returned to me on the disposal of the case. Dated the..... Yours faithfully
Signature in full (Reverse)
Particulars to be furnished by the applicant
Name (in block letters)
Year of passing the matriculation examination or its recognised equivalent, with the name of the University or other Examining Body from which passed.....
Father's name.....
Date of birth.....
Nationality.....
Residential address.....
Qualification for registration.....
Professional address.....
Employment, if any, and name of the employer.....
Instructions
(1) All particulars of this application must be filled in by the applicant in neat legible hand.
(2) The name and particulars entered in this application must exactly correspond with the name and particulars of the applicant entered at the University or other examination.
(3) Registration fee of Rs. 5 should be sent to the Registrar by money order or handed in person. Registration fee is not refundable whether the application for registration is accepted or rejected.
(4) Under the Pharmacy Act, 1948, as it stands at present only persons who have passed the Matriculation or its equivalent examinations are eligible for registration.
(5) Sections 31, 32 and 41 of the Pharmacy Act are attached with this application for the information of the applicant.
(6) A copy of Rule 193 (1) and (2) regarding renewal of registration is attached for information.
Application

1. Name in full.....

2. Father's name.....

3. Place and date of birth (proof of age to be attached).....

4. Nationality.....

5. Permanent residential address.....

6. Address of the hospital, dispensary or place in which employed at present.....

7. Year of passing the Matriculation Examination or an examination prescribed as being equivalent to Matriculation Examination (Kindly attach original certificate with a copy).....

8. Description of qualification as a Pharmacist (Kindly attach original certificate with a copy).....

9. Name of Examining Body.....

10. Name of the Institution under which training undergone.....

11. Year of passing the examination.....

Date.....Signature

Note. - All persons with an aforesaid qualification under Section 31 (b) and (d) of the Pharmacy Act should submit a declaration that they have been engaged in a place in which drugs have been regularly, dispensed on prescriptions of medical practitioners for five years before the 3rd of October, 1949 together with two certificates signed by registered medical practitioners to this effect.

Annexure-I

The Pharmacy Act, 1948

Section 31. - Qualifications for entry of first register. - A person 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 pharmaceuticals 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 Provinces of 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 of other place in which drugs are regularly, dispensed on prescriptions or medical practitioner for a total period of not less than three years; or(c)has passed an examination recognised as adequate by than Provincial Government for compounders 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 in prescription of medical practitioner 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 Province, a person shall on payment of the prescribed fee be entitled to have his name entered in the register if he resides or carried on the business or profession of pharmacy in the Province 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 Province; or(c)possesses a qualification approved under Section 14 provided that no person shall be entitled under this Sub-section 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 Province, 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 twenty-one years, if he resides, or carried on the business or profession of pharmacy, in the Province and if he has passed an approved examination or possesses a qualification approved under Section 14.

Section 41. - Penalty for falsely claiming to be registered. - (1) If any person whose name is not for the time being entered in the register of the Province falsely pretends that if it is so entered or uses in connection with his name or title any words or letters, reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five hundred rupees and/or any subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both :Provided that it shall be a defence to show that the name of the accused is entered in the register of another Province and that at the time of alleged offence under this section an application for registration in the Province had been made.(2)For the purpose of this

section -(a)it shall be immaterial whether or not any person is deceived by such pretence or use as aforesaid ;(b)the use of the description 'Pharmacist', 'Chemist', 'Druggist'. 'Pharmaceutist dispenser', 'dispensing Chemist', or any combination of such words shall be deemed to be reasonably calculated to suggest that the person using such description is a person whose name is for the time being entered in the register of the State;(c)the onus of proving that the name of a person is for the time being entered in the register of a Province shall be on him who asserts it.(3)Cognizance of an offence punishable under this section shall not be taken except upon complaint made by order of the State Government or the Executive Committee of the State Council.

Form 'H'[See Rule 103 (5)]Renewal of registration under Section 34 of the Pharmacy Act, 1948(VIII of 1948)Name of the Pharmacist.....Registration No.....This is to certify that the above-mentioned pharmacist having complied with the requirements of Section 34 of the Pharmacy Act, 1948 (VII of 1948), his registration has been renewed for the period up to.....Dated.....RegistrarForm 'T'[See Rule 104 (1)]Application for registration of additional qualificationsToThe Registrar, Orissa Pharmacy CouncilSir,I beg to apply for the registration of the additional qualifications of.....which I have obtained from.....in..... The diploma or certificates of the qualifications are enclosed herewith. These may be returned as soon as done with.I am already registered under Pharmacy Act, 1948 and my Registration No. is.....The prescribed fee of Rs..... is sent herewith, dated..... the.....Yours faithfully(Signature of the applicant)Form 'J'[See Rule 104 (2)]Registration of additional qualification under Section 36 of the Pharmacy Act, 1948 (VIII of 1948)The additional diploma/certificate appearing below has/have been inserted in the Register of Pharmacists for Orissa against the name of Shri/Shrimati.....Registration No.....

Diplomas or Certificates already registered Diplomas or certificates now registered

.....

.....

Dated.....RegistrarForm 'K'[See Rule 106]Certified copy of entries in the registerOffice of the Orissa Pharmacy CouncilNo.....Certified that the following is a true copy of the entry in the Pharmacy Register :

Name Address Date of Registration Qualification

RegistrarN.B. - This certified copy remains evidence of registration only until the publication of the printed Pharmacist Register for 20.... It is not nor must be used as evidence of the Identify of the holder's name therein.

Form 'L'[See Rule 126]Notice to a Pharmacist to attend proceedings for removal of his name from the Register of Pharmacist under Section 36 of the Pharmacy Act, 1948 (VIII of 1948)Sir,On behalf of the Executive Committee of the Orissa Pharmacy Council, I give you notice that information and evidence have been laid before the Executive Committee by which the complainants make the following charge against you..... (here set out the circumstances briefly) and that in relation thereto you have been guilty of infamous conduct in respect of your profession as a Pharmacist;Or that you were on the..... day of..... convicted of the following offence at viz., (set out particulars of the conviction);And I am directed further to give you notice that on the..... day of..... 20.....a meeting of the Executive Committee will be held at at.....o' clock in the.....to consider the above-mentioned charges against you and decide whether or not they should direct your name to be removed from the register of Pharmacist pursuant to Section 36

of the Pharmacy Act, 1948 (VIII of 1948). You are hereby invited and required to answer in writing the above charges and to attend in person or through your legal representative before the Executive Committee at the above-mentioned place and time to establish any details or defence that you may have to the above-mentioned charges and you are hereby informed that if you do not attend as required the Executive Committee may proceed to hear and decide the said charges in your absence. Any answer or other communication or application which you may desire to make respecting the said charges or your defence thereto must be addressed to the Registrar of the Council and transmitted so as to reach him not less than days before the day appointed for the hearing of the case.

Registrar Form 'M' [See Rule 142] Application for restoration of a name removed from the Register of Pharmacists under Sub-section (2) of Section 34 of the Pharmacy Act, 1948 (VIII of 1948) To The State Pharmacy Council, Orissa

Sir, I, the undersigned [.....] [Insert full name.] holding the qualification of [.....] [Insert qualifications.] do hereby solemnly and sincerely declare as follows : In the year [.....] [Insert date of Registration.] my name was duly registered in the Register of Pharmacists in respect of the following qualification viz. [.....] [Insert qualifications.] and on the date of removal of my name I was registered, in respect of the following additional qualifications; viz. [.....] [Insert additional qualifications.] The Registrar had removed my name from the Registrar on [.....] [Insert date of removal.] for default in payment of renewal fee. Since the removal of my name from the said register I have been residing at [.....] [State address.] and my occupation has been [.....] [Give particulars.] It is my intention that in the event of my name being restored to the said register, I shall engage myself in [.....] [Insert particulars as to proposed future profession.] Declared at.....on..... Yours faithfully

Signature Witness [.....] [Should be a registered Pharmacist.] Signature..... Address..... Registration No.....

Form 'N' [See Rule 143 (2) (iii)] Certificate in support of application I hereby certify that the aforesaid applicant is the above specified whose name formerly stood in the Register of Pharmacists under the Pharmacy Act, 1948 (VIII of 1948), with the following address and qualification

: Name..... Address..... Qualification..... Date..... Signature of the person Certifying Registration No.

Form 'O' [See Rule 143 (6)] Application for restoration of name removed from the Register of Pharmacists under Section 36 of the Pharmacy Act, 1948 (VIII of 1948) To The State Pharmacy Council, Orissa

(1) I, the undersigned [.....] [Insert full name.] now holding the qualification of [.....] [Insert qualification, if any.] do solemnly and sincerely declare that the following are the facts of my case and contain the grounds of which I seek restoration of my name in the Pharmacists Register.

(2) In the year of [.....] [Insert date.] my name was duly registered in respect of following qualifications namely [.....] [Insert original qualification.] and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications [.....] [To be added to if necessary.] and also in respect of the following additional qualifications, namely :..... (3) At an enquiry held on the [.....] [Insert date of Inquiry.] day of the Council directed my name to be removed from the said register on a complaint made to the Council by [.....] [Insert name and address of the complainant.] of..... and the offence for which the Council directed the removal of my name was [.....] [Insert charge on which name was removed.] (4) Since the removal of my name from the said register I have, been residing at [.....] [The blanks in these paragraphs must be filled in accordance with circumstances.] and my occupation has been..... (5) It is my intention that in the event of my name being restored to the register I shall engage myself in [.....] [Insert particulars as to

proposed future professional occupation.](6)The grounds of application are [.....] [All facts and grounds on which the application is made should be clearly and concisely stated.]SignedDeclared at.....on.....before me.District Magistrate or Commissioner of Oaths or Justice of the PeaceForm 'P'[See Rule 143 (6)]Certificate in support of applicationI of..... certify as follows :(i)My Registration No. is.....(ii)I have read paragraphs (4) and (5) of the application of..... and say that I have been and am well acquainted with the said..... both before and since his name was removed from the Register of Pharmacists and that I believe him to be now a person of good character and that the statements in the said paragraphs are to the best my knowledge, information and belief, true.Address :