

Punjab State Pharmacy Council (Reconstitution and Reorganisation) Order, 1971

PUNJAB

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Rule

PUNJAB-STATE-PHARMACY-COUNCIL-RECONSTITUTION-AND-REORGANISATION-ORDER-1971

- Published on 21 April 1971
- Commenced on 21 April 1971
- [This is the version of this document from 21 April 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

Punjab State Pharmacy Council (Reconstitution and Reorganisation) Order, 1971Published vide Gazette of India Part 2, dated 21.4.1971.Ministry of Home AffairsNew Delhi the 17th April, 1971S.O. 1739. - In exercising of the powers conferred by section 4 of the Inter State Corporations Act, 1957 (38 of 1957), and sub-section (2) of section 38 of the State of Himachal Pradesh Act, 1970 (53 of 1970), the Central Government after consulting the Governments of the States of Punjab, Haryana and Himachal Pradesh and the Administrator of the Union Territory of Chandigarh, hereby approves with certain modifications, the scheme forwarded by the Government of Punjab relating to the reconstitution and reorganisation of the Punjab State Pharmacy Council, being a corporation constituted under the Pharmacy Act 1948 (8 of 1948) and functioning in the States of Punjab, Haryana and Himachal Pradesh in the territories transferred to the former Union Territory of Himachal Pradesh under Section 5 of the Punjab Reorganisation Act, 1966, (31 of 1966) and the Union Territory of Chandigarh and for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following order, namely :-

1. Short title and Commencement.

(1)This order may be called the Punjab State Pharmacy Council (Reconstitution and Reorganisation) Order, 1971.(2)It shall come into force on the first day of May, 1971.

2. Definitions.

(1) In this order, unless the context otherwise requires - (a) "Act" means the Pharmacy Act, 1948 (8 of 1948); (b) "appointed day" means the date of commencement of this Order; (c) "Existing Council" means the Punjab State Pharmacy Council, constituted under the Act and functioning and operating immediately before the appointed day in the State of Punjab as it existed immediately before the 1st day of Nov., 1966; (d) "Haryana Council" means the Haryana State Pharmacy Council constituted under the Act as from the appointed day for the State of Haryana; (e) "Punjab Council" means the Punjab State Pharmacy Council constituted under the Act as from the appointed day, for the State of Punjab; (f) "Successor Council" in relation to the existing Council means the Punjab Council, the Haryana Council or the Government of Himachal Pradesh functioning as the Council in relation to the transferred Territory, and the Administrator of the Union territory of Chandigarh functioning as the Council under the Act in relation to that Union territory; (g) "transferred territory" means the territory forming part of the State of Himachal Pradesh by virtue of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), read with s. 3 of the State of Himachal Pradesh Act, 1970 (53 of 1970); (2) All other words and expressions used herein but not defined in this Order shall have the meanings assigned to them in the Act.

3. Dissolution of the existing Council and Constitution of Separate Pharmacy Councils for the States of Punjab and Haryana.

- As from the appointed day - (a) the existing Council shall stand dissolved and the members thereof shall vacate their offices : Provided that any person elected by the existing Council under clause (g) of section 3 of the Act, as a member representing the State of Punjab, as it existed immediately before the 1st day of November, 1966, on the Central Council, shall continue to hold the membership of the Central Council until the expiry of the term of his office or until the election of another person in his place by the Punjab Council, whichever is later; (b) the Government of Punjab shall constitute a Pharmacy Council for the State of Punjab in the manner specified in sub-section (2) of section 19A of the Act; (c) the Government of Haryana shall constitute a Pharmacy Council for the State of Haryana in the manner specified in sub-section (3) of Section 19A of the Act : (d) the members of the Pharmacy Council constituted under clause (b) or clause (c) shall, notwithstanding anything contained in section 25 of the Act, hold office for a period of five years from the appointed day or until such time as the said Council is duly constituted under section 19 of the Act, whichever is earlier; and (e) the President and Vice-President of each of the Pharmacy Councils constituted under clauses (b) and (c) shall, notwithstanding anything contained in sub-section (1) of section 23 of the Act, be nominated from amongst the members of the Pharmacy Council by the Government of the State for which the said Council has been constituted.

4. Powers of Pharmacy Council in the transferred territory and the Union Territory of Chandigarh to be exercised by the Government of Himachal Pradesh and the Administration of Chandigarh respectively.

- Until such time as a Pharmacy Council is duly constituted under section 19 of the Act for the transferred territory and the Union territory of Chandigarh the Government of Himachal Pradesh and the Administrator of the Union territory of Chandigarh shall, in the transferred territory and the Union territory, respectively exercise the powers and perform the functions of the said Council under the Act.

5. Appointment of Registrars.

(1)The Registrar of the existing Council holding Office immediately before the appointed day shall as from that day be deemed to have been appointed as the Registrar of the Punjab Council and the terms and conditions of service applicable to the Registrar shall be the same as were applicable to him immediately before that day, until they are varied by a competent authority under the Act.(2)Until a Registrar is duly appointed by the Haryana Council under Section 26 of the Act, the Government of Haryana shall appoint a Registrar for the said Council on such terms and conditions as it deems fit.

6. Provision Regarding Register.

- The register duly maintained under the Act and in force immediately before the appointed day, shall be deemed to be the register for each of the State of Punjab and Haryana, for the transferred territory and for the Union Territory of Chandigarh and accordingly, the names of pharmacists on such register shall, without further fee or charge, be continued person subject to the provisions of section 36 of the Act for a period of six months from the appointed day and thereafter on the register of any of the said State or territory in which the registered person concerned express his desire to continue his registration by a letter addressed to the Registrar of the successor Council concerned within that period.

7. Recovery of outstanding fees and other dues.

- All fees and other dues payable to the existing Council under the Act upto the appointed day shall,-(a)if the dues are payable by a person ordinarily residing in the area of any successor Council, be recovered by that Council; and(b)in any other case, be recovered by the Punjab Council.

8. Division of cash balance of the existing council.

- The cash balance held by the existing Council immediately before the appointed day, shall, after deduction of all the liabilities of that Council upto that day, be apportioned among the successor Councils in proportion to the number of registered pharmacists ordinarily residing in the area of each successor Council.

9. Residuary Provision.

- Any other assets or liabilities of the existing Council immediately before the appointed day, not expressly hereinbefore provided for, shall be appointed in the manner indicated in paragraph 3.

10. Legal Proceedings.

- Where immediately before the appointed day, the existing Council is a party to any legal proceedings instituted in any Court or against any registered pharmacist or other person, the successor Council within whose area such registered pharmacist or other person is ordinarily reacting shall be deemed to be substituted for the existing Council as a Party to those proceedings, and the proceedings may continue accordingly.

11. Contracts.

- Where immediately before the appointed day, the existing Council has made any contract which on that date is subsisting, such contract shall be deemed to have been made -(a)if the purpose of the contract are, as from the appointed day, exclusively relatable to the area of any successor Council, by that Council;(b)in any other case, by the Punjab Council and all rights or liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been the right or liabilities of the existing Council, be the rights or liabilities of the appropriate successor Council.

12. Transfer or certain proceedings pending before the existing Council.

- Any proceedings relating to any registered pharmacist or other person which are being immediately before the appointed day before the existing Council, on that day stand transferred to that successor Council within whose area registered pharmacist or other person is ordinarily residing, for disposal according to law.

13. Saving.

- All rules and regulations framed in respect of or by the existing Council, shall, until other provision is made under the Act in respect of relevant successor Council, be deemed to be the rules and regulations framing in respect of or by that Council and shall continue to apply to them mutatis mutandis

14. Adaptations and Modifications in the Act.

- As from the appointed day, that shall until altered replaced or amended by the competent Legislature effect in the States of Punjab and Haryana, the transferred territory and Union territory of Chandigarh subject to the adaptations and modifications in the Schedule annexed hereto. The Schedule (See paragraph 14) The Pharmacy Act, 1948 (Central Act 8 of 1948)

1. In clause (h) of section 2, after the word and figure "section 19", the words and figure "or section 19A" shall be inserted.

2. After Section 19, the following section shall be inserted, namely :-

"19A. Temporary provisions in respect of State Councils. - Notwithstanding anything contained in this Act,(1)The Punjab State Pharmacy Council constituted under section 19 and functioning and operating in the States of Punjab and Haryana the transferred territory and the Union Territory of Chandigarh immediately before the appointed day as defined in the Punjab State Pharmacy Council (Reconstitution and Reorganisation) Order, 1971, issued under section 4 of the Inter State Corporations Act 1957(38 of 1957)shall, as from that date, stand dissolved & the members thereof shall, notwithstanding anything contained in Section 25 vacate their office;(2)as from the date referred to in clause (1), the Government of Punjab shall constitute a Council for the State of Punjab in the matter specified in section 19, to be known as the Punjab State Pharmacy Council;Provided that, the six members to be elected by registered pharmacists under clause (a) of section 19 and the member to be elected by the Medical Council of the State under clause (c) of that section, shall also be nominated by the Government of Punjab;(3)as from the date referred to in clause (1), the Government of Haryana shall constitute a council for the State of Haryana in the manner specified in section 19, to be known as the Haryana State Pharmacy Council:Provided that, the six members to be elected by registered pharmacist under clause (a) of section 19 and the member to be elected by the Medical Council of the State under Clause (c) of the section shall also be nominated by the Government of Haryana;(4)in respect of the transferred territory, the Government of Himachal Pradesh shall, until a Council is duly constituted for the said territory under section 19 exercise the powers, perform the finding and discharge the duties of the Council under this Act;(5)in respect of the Union Territory of Chandigarh, the Administrator of the Union Territory shall, until a council is duly constituted for the said territory under section 19, exercise the powers, perform the functions and discharge the duties of the Council under this Act;(6)the members of the Punjab State Pharmacy Council and the Haryana State Pharmacy Council constituted under this section shall notwithstanding anything contained in section 25, hold office for a period of five years from the date referred to in clause (1) or until such time as a Council is duly constituted under section 19, whichever is earlier;(7)the President and Vice-President of each of the Councils constituted under clauses (2) and (3) shall, notwithstanding anything constituted in sub-section (1) of section 23, be nominated from amongst the members of the State Council by the Government of the State for which the Council has been constituted."

3. After Section 29, the following section shall be inserted, namely :-

"29A. Temporary provision in respect of registers. - All pharmacists immediately before the appointed day as defined in the Punjab State Pharmacy Council (Reconstitution and Reorganisation) Order, 1971 issued under section 4 of the Inter-State Corporation Act, 1957 (38 of 1957), were on the resister mentioned under this Act, shall, on and from that day, without further or charge continue subject to the provisions of section 25 on the register of the States of Punjab and Haryana the transferred territory and the Union territory of Chandigarh of six months from the

appointed day and thereafter on the register of any of the said State or territory in which the registered person concerned expresses his desire to continue his registration by a letter addressed to the Registrar of the successor Council concerned within that period."