

Rules under the Pharmacy Act, 1948

BIHAR

India

Rules under the Pharmacy Act, 1948

Rule RULES-UNDER-THE-PHARMACY-ACT-1948 of 1948

- Published on 7 February 1955
- Commenced on 7 February 1955
- [This is the version of this document from 7 February 1955.]
- [Note: The original publication document is not available and this content could not be verified.]

Rules under the Pharmacy Act, 1948Published vide Notification No. 3423, dated 7th February, 1955Government of Bihar, Health Department, Notification No. 3423. - In exercise of the powers conferred by sub-section (1) and, in particular, by clause (b) of sub-section (2) of Section 46 of the Pharmacy Act, 1948 (VIII of 1948), the Governor is pleased to make the following rules for the election of the members, including the President and the Vice-President, of the Bihar Pharmacy Council and of the members of the Executive Committee of the said Council, namely :-Rules for the election of members including the President and the Vice-President of the Bihar Pharmacy Council and of the members of the Executive Committee of the said Council.

Part I – Interpretation

1.

In these Rules, unless there is anything repugnant in the subject or context,-(a)"the Act" means the Pharmacy Act, 1948.(b)"the Council" means the Bihar Pharmacy Council.(c)"Section" means a section of the Act.(d)"Registrar" means the Registrar of the Bihar Pharmacy Council and in the case of the first election under clause (a) of Section 19 or Section 23 or Section 27, the Registrar of the Registration Tribunal appointed under sub-section (1) of Section 30.(e)"Returning Officer" means, for the purpose of an election under clause (a) of Section 19, the Registrar, and includes any officer deputed for the time being by the said Registrar to perform, or assist him in, his duties under the Act.(f)"Register" means the register of pharmacists prepared under the provisions of the Act.

Part II – Election under Clause (a) of Section 19

2.

(1)The Returning Officer shall publish in the Bihar Gazette and in such other manner as he may think fit, a notification calling upon the pharmacists registered in the several parts of the State Register to elect the requisite number of members to the State Council under clause (a) of Section 19, and shall, by such notification, fix a programme of time for the various stages according to which the election shall be held, specifying in particular the following :-(a)Last date and hour of receiving nomination papers.(b)Date, hour and place for scrutiny of nomination papers.(c)Last date and hour for receiving voting papers, in case there be polling, i.e., if the number of candidates duly nominated exceeds the number of seats for which the election is held.(2)Such notification shall be published fourteen days before the date fixed in the programme of time to be the last date for receiving nomination papers and, except in the case of the first general election under clause (a) of section 19, on a date not less than forty-two days, and not more than seventy-five days before the date on which the term of office of the outgoing members expires.

3.

(1)The Electoral Roll shall consist, where the election is under clause (a) of Section 19, of the register in all its parts as printed and published under Section 40 corrected up to the date immediately preceding the first day of the period fixed for receiving nomination papers:Provided that, in the case of the first election under clause (a) of Section 19, the Electoral Roll shall consist of the first register as prepared and published under Section 30 and as amended under clause (5) of that Section.(2)Copies of the Electoral Roll shall in each case be available to any person who desires to obtain such copies on payment of a fee of rupees three per copy.(3)A person whose name is not borne on the Electoral Roll shall not be entitled to participate in the election.

4.

(1)Nominations of candidates shall be made in Form A annexed to these Rules and there shall be a proposer and a seconder. Every nomination paper shall be filled in fully in all particulars as stated in the said form.(2)The proposer, the seconder and their nominee shall be persons whose names are borne on the Electoral Roll.(3)A proposer or a seconder may propose or second more than one candidate, provided that the number of candidates proposed does not exceed the number of seats for which the election is held and that a separate nomination paper is used for each candidate proposed.

5.

(1)On the date and at the time as fixed for the scrutiny of nominations by the notification under Rule 2, the Returning Officer shall examine all the nomination papers and decide which of them are in order and which are not. Nomination papers which do not comply with the requirements of Rule 4, shall be rejected. If there be any objection by any candidate to the decision of the Returning Officer, it must be made forthwith, and the Returning Officer shall hear and decide such objection. The

decision of the Returning Officer accepting or rejecting a nomination paper shall be final.(2)Every nominee for whom nomination paper has been received and one representative duly authorised by him in writing, or his proposer or seconder, shall be entitled to be present at the time of the scrutiny of nominations.

6.

A person who has been duly nominated may at any time before the scrutiny referred to in Rule 5, or within three days thereafter, withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer and thereupon he shall cease to be a nominee or a candidate for the election, as the case may be.

7.

On the expiry of three days after the completion of the scrutiny of nominations-(a)if the number of duly nominated candidates be equal to or less than the number of seats for which the election is held, the Returning Officer shall declare such candidates as duly elected; and(b)if the number of duly nominated candidates be greater than the number of seats for which the election is held, the Returning Officer shall proceed to obtain the votes of the constituency in the manner laid down in Rule 8.

8.

In the case of an election where votes are to be taken-(1)the names of the duly nominated candidates shall be published by the Returning Officer in the Bihar Gazette and in such other manner as he thinks fit.(2)A voting paper in Form B annexed to these Rules shall be issued to each person whose name is borne on the Electoral Roll referred to in Rule 3, by registered post, according to the address reported up to the date preceding the first day of the period fixed in the notification under Rule 2 for receiving nomination papers. A cover addressed to the Returning Officer and an identification envelope with the particulars specified in Form C annexed to these Rules printed on its back shall be sent along with every voting paper.(3)A person whose name is borne on the Electoral Roll and whose voting paper together with other connected papers has not already been despatched by post, or having been despatched has been returned by the post office undelivered, or whose voting paper or any other connected paper has been lost, or has been inadvertently spoilt in such manner that it cannot be conveniently used as such, may appear personally before the Returning Officer and make a statement to that effect to take his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected papers, as the case may be, and the Returning Officer may, on being satisfied as to the facts of such statement and to his identity and on a receipt given by him, hand over to such person, his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected papers, as the case maybe.(4)No duplicate copy of voting paper, cover or identification envelope shall be issued in any circumstances otherwise than under clause (3) and no election shall be invalidated by reason of the non-receipt by any elector of a voting paper, cover or identification envelope.(5)On receipt of the voting paper, cover and identification envelope sent under clause (2), the elector shall, if he desires

to vote in the election, record his vote on the voting paper in accordance with the instructions printed thereon and fill up the form printed on the back of the identification envelope and shall place the voting paper in the identification envelope, close the identification envelope and enclose it in the cover and either hand the cover over to the Returning Officer personally, or send it by post. Voting papers sent otherwise shall not be accepted.(6)Voting papers received after the hour and date mentioned in the notification referred to in Rule 2, or, as the case may be, after such other subsequent date as may be fixed by the Returning Officer, shall be rejected. Votes recorded in any paper or form other than the voting paper supplied, shall not be accepted.(7)Each elector has as many votes as the number of seats for which the election is held; and he shall record his vote by putting a cross-mark in ink against the name of each of the persons for whom he votes and in the column provided for it in the voting paper (Form B). If he records votes for more persons than the number of seats for which the election is held, his voting paper shall be rejected.Explanation.-An elector may record his votes for a lesser number of candidates than there are seats.(8)A voting paper shall not be signed by the elector; nor shall the elector write or mark anything on a voting paper other than the cross-marks to indicate his votes. A voting paper in which votes have been recorded in contravention of this sub-rule shall be rejected.(9)A voting paper in which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given, or in which the elector has placed any mark whereby he may be afterwards identified, or in which an alteration or erasure occurs indicating a change of vote shall be invalid and shall be rejected.(10)The back of the identification envelope shall be filled up in all particulars mentioned in the form printed therein. Identification envelopes not so filled up and the voting papers contained thereon shall be rejected.(11)The counting of votes shall take place on the date and at the time and place fixed in the notification under Rule 2 or on such other subsequent date as may be fixed in this behalf by the Returning Officer and the Returning Officer shall be present at the time of the counting of votes.(12)Every candidate may be present in person or send one representative duly authorised by him in writing to watch the process of the counting of votes; and may inspect the identification envelopes, whether rejected or accepted, or the voting papers when taken out of the accepted envelopes but shall not see an identification envelope after the voting paper in it has been taken out.(13)The Returning Officer shall decide any objection that may be raised at the time of the counting of votes regarding any identification envelope, or voting paper and endorse the word "rejected" and the ground of rejection on every voting paper or identification envelope containing voting paper declared invalid and rejected by him and shall-(a)count or cause to be counted the valid votes given to each candidate, and(b)seal up in separate packets the counted and rejected voting papers and the rejected identification envelopes containing voting papers, and record on each such packet description of its contents and the date of the election to which it refers.(14)When the counting of votes has been completed, the Returning Officer shall declare the candidate or candidates having the largest number of valid votes as duly elected.(15)When an equality of votes is found between two or more candidates and the addition of a vote will entitle any of these candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

9.

After declaration of the result of the election, the Returning Officer shall-(a)prepare and certify a return in Form D annexed to these Rules setting forth-(i)the names of the candidates for whom valid votes have been given;(ii)the number of valid votes given for each candidate;(iii)the number of votes declared invalid and rejected; and(iv)the name of or names of the person or persons declared duly elected;(b)report the result of the election to the State Government for publication in the Bihar Gazette of the name or names of the person or persons who are duly elected; and(c)upon the completion of the counting 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.

Part III – Election in case of Casual Vacancies [Section 25(4)]

10.

In the case of an election under sub-section (4) of Section 25 to fill a casual vacancy in the seat of a member elected under clause (a) of Section 19 the same rules as laid down for a general election in Part II of these Rules, shall as far as may be, apply except that the notification referred to in sub-rule (1) of Rule 2, shall be published within two months of the occurrence of the vacancy, and that the election shall be only for the seat or seats that may become vacant.

Part IV – Election of Member under clause (c) of Section 19

11.

For the election of a member under clause (c) of Section 19, the Registrar shall, at least two months before the date on which the member is to take office, address the President of the Bihar Council of Medical Registration requesting him to arrange for the election of a member under the abovementioned clause, and the said President shall thereupon hold the election in the same manner as laid down in the Rules, which shall apply mutatis mutandis, for the election of a member of the Bihar Council of Medical Registration.

12.

The name of the member elected under clause (c) of Section 19 shall be forthwith intimated by the President of the Bihar Council of Medical Registration to the State Government for publication in the Bihar Gazette.

13.

In the event of a vacancy occurring in the seat of the member elected in the manner provided in Rule 11 on the happening of any of the contingencies referred to in clause (2) or clause (3) of Section 25, the Registrar shall, within thirty days of the occurrence of the vacancy, inform the President of the Bihar Council of Medical Registration of such vacancy, and the President shall thereupon cause an election to be held in the manner as laid down in the Rule 11 and shall report the result of the election to the State Government.

Part V – Election of President and Vice-President (Section 23)

14.

As soon as may be possible after the completion of election under clauses (a) and (c) of Section 19, and after the appointments under clauses (b), (d) and (e) of that Section have been made and notified in the Bihar Gazette by the State Government, the Registrar shall convene a meeting of the members of the Council for the purpose of electing a President and a Vice-President of the Council.

15.

The members present at the meeting so convened shall elect one amongst them, who is not a candidate for the office of the President or Vice-President, to be the Chairman of the meeting.

16.

The election of the Chairman of the meeting shall be conducted by the Registrar who shall have no vote, by ballot taken in such manner as the Registrar may determine. In the case of equality of votes secured by two or more persons proposed as Chairman, the selection of one of them shall be decided by lot in such manner as the Registrar may determine.

17.

(1)The election of the President shall be held by ballots taken in such manner as the Chairman of the meeting may determine.(2)The Chairman of the meeting shall not ordinarily exercise any vote in the election of the President but shall, in the case of an equality of votes have and exercise a casting vote.

18.

When the President has been elected, he shall, if present at the meeting, conduct the election of the Vice-President. If he is not present at the meeting, the Chairman of the meeting elected under Rule 16 shall conduct also the election of the Vice-President. The procedure for the election of the Vice-President. The procedure for the election of the Vice-President shall be the same mutatis mutandis as laid down in Rule 17.

19.

The proceedings of the meeting shall be signed by the President, if he has been present at the meeting; otherwise, it shall be signed by the Chairman of the meeting elected under Rule 16. A copy of the proceedings together with the names of the elected president and Vice-President shall forthwith be forwarded to the State Government for publication of the names in the Bihar Gazette.

20.

In the case of a casual vacancy occurring in the office of the President or Vice-President a fresh election shall be held in accordance with the provisions of Rules 14 to 19.

Part VI – Election of Members For The Executive Committee (Section 27)

21.

Three members of the Council (other than the President and the Vice-President) shall be elected as members of the Executive Committee under Section 27 by the members of the Council at a meeting of the Council to be presided over by the President of the Council. It may be the same meeting at which the President is elected and is present, or a subsequent meeting, as may be convenient.

22.

The election of the members of the Executive Committee shall be held by ballots taken in such manner as the President may determine, and in the case of an equality of votes obtained by two or more persons proposed, the selection shall be made by lot drawn in such manner as the President may decide.

Part VII – General

23.

If any question arises as to the intention, construction or application of these Rules or the validity of any election, the question shall be referred under Section 24 of the Act to the State Government, whose decision shall be final. A petition questioning the validity of an election to the Council shall be sent to the Council within two months of the date of declaration of the result of the election and the Council shall refer such petition under Section 24 of the Act to the Government within three months of the said date for the decision of the Government.

24.

If any difficulty arises in holding an election and in carrying out the provision of these Rules, it shall be lawful for the Registrar to take such action or pass such orders as it may appear to him necessary or expedient.

25.

The State Government may of its own motion or on objection made within three months from the date of election, declare any election to the Council to be void on account of corrupt practice (e.g., bribery, undue influence, personation, publication of false statements) or any other sufficient cause, and may call on the electorate affected to make a fresh election within a specified date and any decision of the State Government under this Rule shall be final. Appendix Form A Nomination Paper (Vide Rule 4)

1. Name of candidate (in full as registered)...

2. Father's name

3. Age

4. Registration number ... in Part

5. Qualification as registered

6. Address (professional address)

I.....* a registered pharmacist in Bihar with registration number.....in Part.....propose the abovenamed candidate for election as member of the Bihar Pharmacy Council, under clause (a) of Section 19 of the Pharmacy Act, 1948. Name in full as registered Signature (in full) of proposer. Dated the.....200.....I.....,* a registered pharmacist in Bihar with registration number proposal.* Name in full as registered. Signature (in full) of seconder. Dated the.....200.....Declaration by the candidate nominated. I, the abovenamed * hereby declare that I agree to this nomination; that I am a registered pharmacist in Bihar with registration number in Part.....and that my address (professional address) is.....* Name in full as registered. Signature (in full) of the candidate. Dated the.....200.....Form B [Vide Rule 8(2)] Serial no.....(Obverse){||-| Serial number of candidates duly nominated. | Names, registered number and registered qualifications of candidates duly nominated. | Column for the voter's mark X.|-| 1| 2| 3|-| 1|||-| 2|||-| 3|||-| 4|||} Voting Paper A voter may vote for.....candidates, and no more; but he may vote for less, if he so wishes. A cross-mark (X) shall be put in ink in column 3 against the name of each person the voter votes for. No other mark, writing or signature, shall be put on voting paper. The voting paper thus marked with cross-mark shall be put in the identification

envelope, and the envelope with the voting paper in it shall then be returned to the Returning Officer either by post, or by handing it over to him by the voter personally. It should reach the Returning Officer on or before the.....(p.m.).See also extract from Rule 8 of the rules reproduced on the reverse.

Form B(Reverse)[Copy of Rule 8, clauses (3) to (10)]

Rule 8(3).-A person whose name is borne on the Electoral Roll and whose voting paper together with other connected papers has not already been despatched by post, or having been despatched has been returned by the post office undelivered, or whose voting paper or any other connected paper has been lost, or has been inadvertently spoilt in such manner that it cannot be conveniently used as such, may appear personally before the Returning Officer and make a statement to that effect to take his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected papers, as the case may be and the Returning Officer may, on being satisfied as to the facts of such statement and to his identity and on a receipt given by him, hand over to such person his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected papers, as the case may be.

Rule 8(4).-No duplicate copy of voting paper, cover or identification envelope shall be issued in any circumstances otherwise than under clause (3) and no election shall be invalidated by reason of the non-receipt by any elector of a voting paper, cover or identification envelope.

Rule 8(5).-On receipt of the voting paper, cover and identification envelope sent under clause (2) the elector shall, if he desires to vote in the election, record his vote on the voting paper in accordance with the instructions printed thereon and fill up the form printed on the back of the identification envelope and shall place the voting paper in the identification envelope, close the identification envelope and enclose it in the cover and either hand the cover over to the Returning Officer, personally, or send it by post. Voting papers sent otherwise shall not be accepted.

Rule 8(6).-Voting papers received after the hour and date mentioned in the notification referred to in Rule 2, or as the case may be, after such other subsequent date as may be fixed by the Returning Officer shall be rejected. Votes recorded in any paper or form other than the voting paper supplied shall not be accepted.

Rule 8(7).-Each elector has as many votes as the number of seats for which the election is held; and he shall record his vote by putting a cross-mark in ink against the name of each of the persons for whom he votes and in the column provided for it in the voting paper. If he records votes for more persons than the number of seats for which the election is held, his voting paper shall be rejected.

Explanation.-An elector may record his votes for a lesser number of candidates than there are seats.

Rule 8(8).-A voting paper shall not be signed by the elector; nor shall he write or mark anything on a voting paper other than the cross-marks to indicate his votes. A voting paper in which votes have been recorded in contravention of this sub-rule shall be rejected.

Rule 8(9).-A voting paper in which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given, or in which the elector has placed any mark whereby he may be afterwards identified, or in which an alteration or erasure occurs indicating a change of vote, shall be invalid and shall be rejected.

Rule 8(10).-The back of the identification envelope shall be filled up in all particulars mentioned in the form printed thereon. Identification envelopes not so filled up and the voting papers contained therein shall be rejected.

Form C Identification Envelope[Vide Rule 8(2)]

Number*I,.....(name in full), the undersigned, am the person to whom the enclosed voting paper was addressed; that my name is included in Part..... of the register of registered pharmacists in Bihar, with registration number.....and that I have not marked any other voting paper of this electorate for this election.'Same as the serial number stamped on the voting paper.

Signature (in full).Dated the.....200.....N.B.-Before return

of each voting paper with the relative identification envelope the instructions printed on the reverse of the voting paper should be followed completely. For the identification envelope see clauses (5) and (10) of Rule 8 quoted there. Form D[Rule 9(1)(a)] Election To The Bihar Pharmacy Council under clause (a) of Section 19 of The Pharmacy Act, 1948

Name of candidate. Number of valid votes recorded in favour of the candidate.

1

2

(1)(2) Etc. Etc.

Total number of valid votes..... Total number of invalid votes..... I declare

that..... (Name) (Address)..... has been duly elected. (Signature)/Returning Officer. Dated the..... day of..... 200

...No..... Copy forwarded to the-(i) D.H.S., Bihar, (ii) Registrar, Pharmacists' Registration Tribunal, Bihar, (iii) Director of Public Relations [for giving publicity to the contents of the notification]. [] For (iii) only. (iv) Accountant-General, Bihar. Under-Secretary, Government of Bihar, Health Department, Notification, No. 3423, The 7th February 1955. -In exercise of the powers conferred by sub-section (1) and in particular, by clauses (a), (c), (d), (e), (g), (i), (j) and (k) of sub-section (2) of Section 46 of the Pharmacy Act, 1948 (VIII of 1948), the Governor is pleased to make the following Rules, namely :-

Part I – Management of the Property of the State Council, and The Maintenance and Audit of its Accounts

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

2.

(1) An account shall be opened in the Imperial Bank of India, Patna, in the name of the Bihar Pharmacy Council; and all monies received for and on behalf of the State Council shall be deposited to the credit of this account. (2) All cheques on the Bank shall be signed by the Registrar and the President jointly.

3.

(1) A Cash Book and a ledger with appropriate heads shall be maintained and all receipts and expenditure shall be entered therein. (2) The Registrar shall be allowed a permanent advance of Rs. 100 as Imprest Cash for petty expenses, for which a separate book shall be maintained. (3) The expenditure incurred on account of such petty expenses shall be recouped from time to time by drawing from the Bank, and shall be entered in the Cash Book and the Ledger. Bills for such recoupment shall, when passed by the Registrar, require the counter-signature of the President.

4.

(1) No expenditure shall be incurred unless it has been provided for in the Budget approved by the State Council and unless the necessary funds are available. Emergent expenditure necessitated by circumstances not foreseen may be allowed by the President to be incurred in anticipation of the approval of the State Council, provided funds are available to meet the expenditure. (2) A bill for an amount not exceeding Rs. 20 may be passed by the Registrar. A bill for an amount exceeding Rs. 20 shall require the approval of the President before payment.

5.

(1) In the month of September every year, the Registrar shall prepare a statement of receipts and expenditure during the first five months of the financial year and an estimate for the next seven months, and also an estimate for the budget for the year commencing on and from the 1st April next. These shall be placed before the Executive Committee forthwith which shall decide what financial aid from the State Government, if any, should be asked for in order to enable it to carry on the functions of the State Council. (2) The Budget for the year commencing from the 1st April next shall, after it has been accepted by the Executive Committee be placed before the State Council at their meeting in January, for approval by the State Council either in its entirety or with such modification as the Council may consider proper: Provided that if the Budget be contingent on subvention from the State Government, it shall be submitted to the State Government for their approval, with request for provision of funds for which the State Government grant would be necessary to comply with the Budget. (3) When the Budget for the ensuing year is presented to the State Council a statement of actuals of the current year for the first nine months together with estimate of probable expenditure for the remaining three months shall also be presented, and the original Budget for the current year may be revised by the State Council accordingly or as the State Council consider proper.

6. The State 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 State Council; in the same manner as if it were an original annual estimate.

7. The accounts of the State Council shall be audited once every year by auditors appointed by the State Council, and the Audit Report shall be considered by the State Council at its meeting following the submission of the Report.

Part II – Meeting of The State Council

8.

(1) Ordinary meetings. - The ordinary meetings of the State Council shall be held twice in a calendar year, preferably in January and August, on such date and at such place as may be fixed by the President for the purpose. At least 30 days' notice of the date shall be given to every member of the State Council. (2) Special meetings. - The President may, if he thinks necessary, call a special meeting of the State Council for dealing with any emergent matter. In such case, the period of notice may be shorter but not less than five days. (3) Requisition meeting. - The President shall call a requisition meeting of the State Council when there is a requisition made to him in writing and signed by at least 10 members for the consideration of any particular matter. Every such requisition shall state specifically in the form of a resolution their proposal, and the matter shall be such as is within the function of the State Council under the Pharmacy Act, 1948. The President may refuse to call a requisition meeting, if in his opinion, these requirements are not fulfilled, or if he considers that the matter might wait till the next ordinary meeting of the Council. When a requisition meeting is called a notice with at least 15 days' time shall be given to every member, with copy of the requisition received.

9. Agenda of ordinary meetings. - A preliminary agenda so far as possible, shall be annexed with the notice referred to in Rule 8(1). Any member desiring to move any matter may send to the Registrar in writing his proposal which shall be in the form of a motion for a resolution. Such intimation shall reach the Registrar at least 15 days before the meeting. Notices of the items added thus or otherwise to the preliminary agenda, shall be sent to the members as early before the meeting as possible.

10.

(1) Who is to preside at a meeting. - Every meeting of the State 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.

11.

(1) Quorum. - Eight members of the State Council of whom the President may be one, present in person shall form a quorum provided that in the case of a meeting adjourned for want of quorum, no quorum shall be required. (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.

12.

(1) Motion required for determining any matter. - Every matter to be determined by the State Council shall be determined on a motion moved by a member and put to the State Council by the President. (2) A motion shall not be admissible. - (a) if the matter to which it relates is not within the scope of the functions of the State Council; (b) It raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the State Council within one year of the date of the meeting at which it is intended to be moved : provided that such a motion may be admitted at a special meeting of the State Council convened for the purpose on the requisition of not less than two-thirds of the members of the State Council: Provided further that nothing in these Rules shall operate to prohibit the further discussion of any matter referred to the State Council by the State Government in exercise of any of its functions under the Pharmacy Act, 1948; (c) unless it is clearly and precisely expressed and raises substantially one definite issue; (d) if it contains inferences, ironical expressions or defamatory statements. (3) The President shall disallow any motion which in his opinion is inadmissible under sub-rule (2): 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. (4) 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 after amendment.

13.

(1) Decision. - Decision on a motion when the members are divided 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. (2) The President shall determine the methods of taking votes by division. (3) The result of the vote shall be announced by the President and shall not be challenged. (4) In the event of an equality of votes the President shall have a second or a casting vote.

14.

(1) Motion or amendment to be seconded. - Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn. (2) When a motion has been so seconded and not withdrawn it shall be stated from the Chair and any member may move an amendment which shall be relevant to and within the scope of the motion. (3) An amendment may not be moved which has merely the effect of a negative vote. (4) A motion may be amended by - (a) the omission, insertion or addition of words or (b) the substitution of words for any of the original words. (5) The President may refuse to put an amendment which is in his opinion frivolous.

15.

(1) Further about motions and amendments. - When a motion or amendment is under debate, no

proposal with reference thereto shall be made other than-(a) amendment of the motion as the case may be as proposed under rule 14;(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 now be put;(d) a motion that the State Council instead of proceeding to deal with the motion do pass to the next item on the programme of business: 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 to the questions then before the meeting: Provided that no such motion or amendment shall be moved so as to interrupt a speech : Provided further that a motion referred to in clauses (c) and (d) shall be moved without speech.(2) It shall be in the discretion of the President to put or refuse to put to the State Council a proposal of the nature referred to in clause (b) of sub-rule 1.(3) Unless the President is of opinion that 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 that 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.

16.

(1) Procedure of debate. - A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the State Council which shall not be deemed to be granted if any member dissents from the granting of leave.(2) 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.(3) During the meeting, the President may, at any time, make any objection or suggestion, or give information to elucidate any point, or help the members in the discussion.(4) 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 than addressing the State Council: Provided that any member at any stage of the 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.(5) 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.(6) A speech shall be strictly confined to the subject-matter of the motion or amendment on which it is made.(7) 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.(8) A member desiring to make any observations on the matter before the State Council shall speak from his place, shall rise when he speaks, and shall address the President.(9) If at any time the President rises, any member speaking shall immediately resume his seat.(10) No member shall be heard except upon the business before the State Council.

17.

(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 State Council thereon, state or read to the state 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 be more than one amendment to a motion, the President shall decide in what order they shall be taken.(4)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.

18.

(1)Adjournments of meetings. - The President, after stating 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, if possible, 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 the previous day shall, unless the President otherwise directs, take precedence of other matters on the agenda.(5)Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting the President or a member may suggest change in the order of business on the agenda; if the State Council agrees such a change shall take place.(6)No matter which had not been on the agenda of the original meeting shall be discussed in 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 Rule 11(1).

19.

(1)The President shall decide all points of order which may arise and his decision shall be final.(2)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.

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

21. 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.

22.

(1) If any objection regarding the correctness of the minutes is received within 30 days of the despatch of the minutes by the Registrar, such objection together with the minutes as recorded and attested shall be put before the next meeting of the State council for confirmation. At this meeting no question shall be raised except as to the correctness of the records of the last meeting. (2) If no objection regarding a decision taken by the State 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, if expedient, be put into effect before the confirmation of the minutes at the next meeting: Provided that the President may direct that action be taken on a decision of the State Council before the expiry of the period of 30 days mentioned above.

Part III – Powers and Duties of the President and Vice-President

23. The President shall exercise such powers and perform such duties as are laid down in the provisions of the Pharmacy Act, 1948, the Rules and standing orders of the State Council. He shall do such acts as he considers necessary in the furtherance of the objects for which the State Council is established.

24. If the office of the President is vacant or if the President for any reason is unable to exercise the powers to 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 IV – Executive Committee

25. The Executive Committee shall consist of the President and the Vice-President, ex-officio and three other members elected by ballot at the first meeting of the State 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.

26. The Executive Committee shall meet on such date as may be fixed by the President.

27. For a meeting of the Executive Committee three members shall be necessary to constitute a quorum.

28. Should there occur during the recess any vacancy in the Executive Committee, the Committee may fill up such vacancy except in cases where a summons has been issued for a meeting of the State Council when the Council itself shall elect.

29. In the case of the death of the Registrar or of his incapacity from illness or if he is on leave, when the State Council is not in session the Executive Committee shall appoint a person to perform temporarily the duties of the Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the principles laid down in the Civil Services Regulations.

30. The functions of the Executive Committee shall, besides any particular matter that may be referred to it by the State Council or by the President, shall be follows:-

(1)General superintendence of the office of the State Council and in particular, making recommendations to the State Council regarding the staff (Section 26 of the Act) and the preparation of the annual budget.(2)Complying with the requisitions that may be made by the State Government under the Act;(3)Making necessary enquiries and reporting to the State Council in cases of appeal under sub-section (3) of Section 33 of the Act;(4)Dealing with cases of complaint or information requiring consideration whether the name of a registered pharmacist should be removed from the register or other disciplinary action taken (Section 36 of the Act);(5)Examining applications for restoration of name to register (Section 37 of the Act) and report to the State Council;(6)Considering cases requiring prosecution and taking action for lodging complaint when necessary "(Sections 41 and 43 of the Act); and(7)Bringing to the notice of the State Government cases that may require prosecution under sub-section (3) of Section 42 of the Act.(7)Bringing to the notice of the State Government cases that may require prosecution under sub-section (3) of Section 42 of the Act.Explanation.-In this Rule , the expression "the Act" means the Pharmacy Act, 1948.

31. All proceedings of the Executive Committee shall be submitted to the State Council for approval, confirmation, recording or other orders as the nature of the case may need. For this purpose the proceedings shall state briefly the reasons and the circumstances for which the Committee make their recommendation or take a particular view : and copies of the proceedings shall be circulated to the members of the State Council along with the agenda of the meeting of the State Council.

32. The Executive Committee shall have general powers of superintendence and direction in matters relating to the office of the State Council and its working, including the preparation and maintenance of the register of the pharmacists and distributing by sale or otherwise of printed copies of the same.

33.

(1)The Executive Committee may constitute Sub-Committees and may appoint to such Sub-Committees, persons who are not members of the State Council to report upon any matters, which it may deem necessary to refer to them. (2)The members of a Sub-Committee appointed under sub-rule (1) shall not be entitled to any fee for attending any meeting of the Sub-Committee. They shall be entitled to travelling expenses only.

34. The travelling expenses of members shall be paid as follows:-

(1)Officials should draw the travelling allowance which they are entitled to claim according to their grades under the Fundamental Rules, the Civil Service Regulations and the State's Travelling Allowance Rules as the case may be. (2)A non-official member should be allowed 1½ first class tickets, halting allowance at Rs. 5 per day and a road mileage of annas 8 a mile per places which are neither connected with rail nor bus. (3)Employees of the Council shall be entitled to travelling allowance at the same rate as Government servants of the State. The Registrar of the Council shall, however be considered to be of the rank of a Gazetted Officer.

Part V – Registration

35. The Register of pharmacists to be maintained shall be as in Form A appended to these Rules, provided that the first certificate granted under Section 30 of the Act may be in any form approved by the Registration Tribunal constituted under the section.

36. The names shall be entered in the register in the order in which the applications for registration are admitted and sufficient space shall be left for further additions and alterations in the qualifications and address of each entry.

37. Each page of the Register shall be verified under the Registrar's signature, and each entry of renewal shall be attested by his initials.

38.

(1) On the registration of every pharmacist the Registrar shall grant such pharmacist a certificate in Form B appended to these Rules. (2) In the event of a certificate issued under sub-rule (1) being lost or destroyed the holder may, at any time during which such certificate is in force, apply to the Registrar for a duplicate certificate and the Registrar may, if he thinks fit, on satisfactory proof as to the identity of the applicant, issue such certificate on payment of a fee prescribed in Rule 47. Certificate issued under this sub-rule shall be marked "duplicate."

39. Every person entitled to be registered and desiring to have himself registered shall apply to the Registrar in Form C appended to these Rules duly filled in and signed. Every such application shall be accompanied by the fee prescribed therefor in Rule 47.

40.

(1) The registration of every person registered shall hold good till the 31st December of the year following the year in which registration or renewal thereof is made. (2) A person desiring to continue his registration after the date mentioned in sub-rule (1), shall submit to the Registrar an application for renewal together with the fee prescribed in that behalf in Rule 47. Such applications should preferably be made previous to the abovementioned date, but may be made so as to reach the Registrar not later than 31st March following. (3) When the requirements of sub-rule (2) have been complied with and the renewal entered in the Register, the Registrar shall issue to the applicant a renewal slip in Form D (1) appended to these Rules, signed by the Registrar with the seal of the State 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.

41.

(1) An application for restoration of name under the proviso to sub section (2) of Section 34 of the Pharmacy Act, 1948 shall be accompanied by the original registration certificate and the fee prescribed therefor in Rule 47. (2) On fulfilment of the above requirement the Registrar shall restore the name in the register and give the applicant a certificate in Form D (2) appended to these Rules. (3) A statement of the names of the persons so restored to the Register during a month shall be submitted by the Registrar to the Executive Committee at its next meeting for confirmation.

42.

(1) An application for entry of an additional degree or diploma in pharmacy or pharmaceutical chemistry shall be in Form E (1) appended to these Rules and shall be accompanied by the fee prescribed in this behalf in Rule 47 and documents of the degree or diplomas sought to be entered. (2) On entry of additional qualifications in the Register under sub-rule (1) the Registrar shall grant such pharmacist a certificate in Form E (2) appended to these Rules.

43.

(1) Certified copies of entries in the Register may be issued to any one on payment of a fee as per Rule 47. (2) Every application for change of name or surname shall be made to the Registrar by the registered pharmacist himself, and shall be accompanied by the fee prescribed for such application in Rule 47 also by an affidavit sworn by the registered pharmacist before a Magistrate stating that the applicant is the same person whose name is registered with the particular number, and the circumstances for which the change is sought. (3) The Registrar shall, upon compliance with the provisions of sub-rule (2), make the change in the name or surname.

44. The Registrar shall as soon as may be after the 1st day of April each year cause to be printed copies of the Register as it stood on the said date and such copies shall be made available to persons applying, therefor on payment of the prescribed charge. The Registrar shall keep an inter-leaved copy of such printed list, wherein he shall make during the year any entry, alteration or erasure that may be necessary.

45. 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.

46. There shall be made every year and entered in the printed Pharmacy Register an enumeration of-

(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 names restored to the Register, (4) the number of names removed from the Register stating the Section of the Pharmacy Act, 1948 under which the name has been removed, and (5) the number of names removed by death.

47. The following fees are prescribed:-

	Rs.
For the first registration in the Register	.. 5
For every qualification or status subsequently registered	.. 2
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
For annual retention	.. 3
For restoration to the Register under Section 37 of the Pharmacy Act, 1948.	.. 10
For registration of a change of name or surname	.. 3
For every certified copy of an entry in Register	.. 2
For a "Duplicate" certificate under Rule 38 (2)	.. 5

The fees prescribed under this Rule shall be in addition to any fees that may be payable under the Indian Stamp Act, 1899, or any other law for the time being in force relating to the levy of stamp duty. Appendix Form A (Vide Rule 35) Form of Register of Pharmacist

1. Serial number.....
2. Name in full.....
3. Father's name.....
4. Date of birth.....
5. Nationality.....
6. Residential address.....
7. Date of first admission to the Register.....
8. Qualifications for registration.....
9. Professional address.....
10. Employment, if any, and name of the employer.....
11. Date of renewal of registration.....
12. Remarks (renewal, removal or restoration of names with dates).....

Form B [Vide Rule 38(1)] Pharmacy Council of The State of Bihar Certificate of Registration This 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.....
number.....This certificate shall remain in force

till.....Registrar.Dated.....Form C (Vide Rule 39) Application For
Registration Under Section 33 of The Pharmacy Act, 1948 (VIII of 1948) To The Registrar, Pharmacy
Council of The State of Bihar. Sir. I request that my name be entered in the Register of Pharmacists
maintained by the Pharmacy Council of the State of Bihar 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 these are correct, and that I
reside/carry on the business or profession of pharmacy in the State of Bihar, my address
being.....The prescribed fee of Rs. is paid herewith. The undermentioned
diplomas/certificates/documents are enclosed in original, and it is requested that they be returned

to me on the disposal of the caseYours faithfully,(Signature in full)Dated.....at
the.....(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.....
address.....Qualification for
registration.....Professional
address.....Employment, if any, and name of the
employerForm D(1)[Vide Rule 40 (3)]Renewal of Registration Under Section 34 of The Pharmacy
Act, 1948Name of the Pharmacist.....Registration
no.....This is to certify that the abovenamed pharmacist having
complied with the requirements of Section 34 of the Pharmacy Act, 1948, his registration has been
renewed for the period up to(Seal)RegistrarDate.....Form D (2)[Vide Rule 41
(2)]Form of Certificate on Restoration of Name Under The Proviso to Section 34 (2) of The
Pharmacy Act, 1948 (VIII of 1948)This to certify thatwho was registered under
the Pharmacy Act, 1948, under No.but whose name was removed under sub-section (2) of Section
34 of the said Act, has fulfilled the conditions referred to in the proviso to that sub-section and that
his name has accordingly been restored in the register under the same
number.Registrar.Date.....Form E(1)[Vide Rule 42 (1)]Application for Entry of
Additional QualificationsToThe Registrar,Pharmacy Council of The State of Bihar.SirI beg to apply
for 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 the Pharmacy
Act, 1948 and my Registration number is ; The prescribed fee of Rs. is sent herewith.Yours
faithfully,(Signature of the applicant).Dated..... theForm E (2)[Vide Rule 42 (2)]Entry of
Additional Qualifications in the Register(Under Section 35 of the Pharmacy Act, 1948)This is to
certify that the additional Degree/Diploma/Certificate appearing below has been entered in the
Register of Pharmacists maintained by the Pharmacy Council of the State of Bihar, against the name
of Shri

Registration No.

Degree/Diplomas or Certificates already entered.

Degree/Diplomas or Certificates

Date.....

Registrar, Pharmacy Council of or

By order of the Governor, Secreta

No.

Copy forwarded to the-(i)Director of Health Services, Bihar.(ii)Registrar, Pharmacists Registration
Tribunal, Bihar.(iii)Director of Public Relations, Bihar.(iv)Accountant-General, Bihar,[For giving
publicity to the contents of the notification],[] For III only.Patna, theUnder-Secretary.Government
Of Bihar, Health Department, Notification, No. 3423, The 7th February 1955.-In exercise of the
power conferred by sub-section (1) of section 46 of the Pharmacy Act, 1948 (VIII of 1948), the
Governor is pleased to make the following rules providing for the removal of names from the

Register and the restoration of names thereto,namely :-

Part I – Rules for the Procedure for Removal of the Name of a Registered Pharmacist from the Register, Under Section 36

1. Whenever information is received that a registered pharmacist or a person employed by him for the purposes of his business of pharmacy has been convicted of any offence or that the registered pharmacist has been guilty of any infamous conduct in any professional respect, or that a person employed by him for the purposes of his business of pharmacy has been guilty of conduct which prima facie would constitute infamous conduct in any professional respect if such person were a registered pharmacist the Registrar shall make an abstract of such information and of any further information he may have subsequently obtained.

2.

(1)Where the information in question is in the nature of a complaint by a person or body charging the registered pharmacist with infamous conduct in any professional respect such complaint shall be made in writing addressed to the Registrar, stating the grounds, thereof, and shall be accompanied by one or more declarations as to the facts of the case.(2)Every such declaration shall contain 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 shall be accurately and fully stated.

3. The abstract and, where a complaint has been lodged, the complaint and all other documents bearing on the case shall be submitted by the Registrar to the President who shall if he thinks it necessary, instruct the Registrar to ask the registered pharmacist by means of a registered letter for any explanation he may have to offer. The document including any explanation offered by the pharmacist to the Registrar shall then be referred to the Executive Committee which shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and if necessary to obtain legal or other advice. If the Committee is of opinion that a prima facie case has not been made out, the case shall be dropped and the Registrar shall inform the complainant, if any, of the resolution of the Committee. If the Committee is of the opinion that the circumstances suggest that a letter of warning be sent to the pharmacist the Committee is

empowered to send it. If the Committee resolves that the case is one in which an enquiry ought to be held the 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.

4. An enquiry directed under Rule 3 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 hear the case and shall call upon him to answer the charge in writing and to attend before the Executive Committee on such day. The notice shall be ordinarily in Form A appended to these Rules with such variations as circumstances may require and shall be sent at least three weeks before the date of hearing.

The Registrar shall also inform the complainant of the date so appointed when the case is one under sub-rule (1) of Rule 2.

5.

(1) Any answer, evidence or statement forwarded or application made, by the pharmacist between the date of the issue of the notice and the day specified for the hearing of the case shall be dealt with by the President in such manner as he thinks fit. (2) All material documents which are to be laid before the Executive Committee as evidence in regard to the case shall be printed or typed and a copy thereof shall be furnished to each member of the Committee before the hearing of the case.

6.

(1) At the hearing of the case by the Executive Committee the pharmacist and where the case is under sub-rule (1) of Rule 2, also the complainant, may be represented or assisted by a legal practitioner. (2) The Executive Committee may, if it considers necessary, employ a lawyer to advise it in the conduct of the case.

7. Where in a case under sub-rule (1) of Rule 2, the complainant appears personally or by a legal practitioner the following shall be the order of procedure:-

(1) The Registrar shall read to the Executive Committee the notice of the inquiry addressed to the pharmacist. (2) The complainant shall then be invited to state his case by himself or by a legal practitioner and to produce evidence in support of it. (3) The pharmacist shall then be invited to state his case by himself or by a legal practitioner and to produce his evidence in support of it. He may

address the Executive Committee either before or at the conclusion of his evidence but only once.(4)At the conclusion of the pharmacist's case the Executive Committee shall,if the pharmacist has produced evidence, here the complainant in reply on the case generally, but shall allow no further evidence except in any special case in which the Executive Committee may think fit to allow such further evidence. If the pharmacist produces no evidence the complainant shall not be heard in reply except by special leave of the Executive Committee.(5)Where a witness is produced by any party before the Executive Committee he shall be first examined by the party producing him and then cross-examined by the opposite party, and then re-examined if necessary, by the party producing him. The Executive Committee may decline to admit in evidence any declaration, where the declarant is not present or declines to submit to cross examination.(6)The President and the lawyer, where any is employed by the Executive Committee, may put questions to any witness. A member of the Executive Committee may also put questions to any witness, but such questions shall be put through the President.

8. 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 a legal practitioner and to produce his evidence in support of it. He may address the Executive Committee either before or at the conclusion of the evidence he produces, but only once.(3)The lawyer to the Executive Committee, when one is employed may be heard in reply if the Executive Committee so desire.

9. The Executive Committee may, if it thinks it necessary, adjourn the hearing or further hearing of a case to another date, and inform accordingly the pharmacist and the complainant, if any when they are present: and when they are not present or when the date to which the hearing or further hearing is adjourned is not fixed forthwith, the Registrar shall intimate to them such date, by a letter to be sent by registered post at least twenty-eight days before that date.

10.

(1)Upon the conclusion of the hearing, the Executive Committee shall deliberate in private and at the conclusion of the deliberation, the President shall call upon the members of the Committee present to cast their votes on the following questions according to the nature of the charge namely :- (a)whether the pharmacist or a person employed by him for the purposes of his business of pharmacy has been convicted of the offence stated in the charge, (b)whether the pharmacist has been guilty of any infamous conduct in a professional respect and (c)whether the conduct of a person employed by him for the purposes of his business of pharmacy has been such as would constitute

infamous conduct if such persons were a registered pharmacist.(2)If the majority of the members present (including the President who shall have a casting vote in the case of equality of votes) vote in the negative, the pharmacist shall be cleared of the charge.(3)If the majority of the members present vote in the affirmative, the Committee shall proceed to consider the punishment to be imposed. Such punishment may be either removal of the name from the register permanently or for a specified period, or simply issue of a warning or censure to the pharmacist:Provided that when the charge is that the pharmacist has been convicted of an offence, the Committee may, in the consideration of the nature of the offence, refrain from imposing any punishment.(4)When the decision taken under sub-rule 3) is for removal of the name of the pharmacist from the register, the Executive Committee shall order that the name be removed accordingly, after the same has been confirmed by the State Council.

11. The Registrar shall, upon the removal of any name from the Register, forthwith send notice of such removal to the pharmacist by a registered letter addressed to the last known address or to the registered address of the pharmacist. The Registrar shall also send forthwith intimation of any such removal to the Licensing Authority under the Drugs Act, 1940 (XXIII of 1940), and also the Dean or Secretary or other proper officer of any Body or Bodies from which the pharmacist has received his qualification or qualifications.

Part II – Rules for the Restoration of a name to the Register Under Section 37

12. Application for restoration to the register of a name removed under Section 36 of the Pharmacy Act, 1948, shall not be entertained till after the next session of the State Council following that in which the order of removal is confirmed.

13. Any person whose name has been removed from the register but who still possesses a qualification entitling him to be registered under the said Act, may make an application to the Council for the re-entry 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 State 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)one of the following documents :-(i)applicant's diploma; or(ii)his certificate or registration in original if the same has not been already surrendered by him in accordance with the provisions of sub-section (5) of Section 36 of the Pharmacy Act, 1948, or(iii)a

certificate in Form B appended to these Rules from two pharmacists registered under the said Act as to his identity.(3)The statement in the application shall also be verified by certificates in writing to be given by two pharmacists registered under the said Act, who live in the neighbourhood of the place where the applicant had 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 State Council, the Registrar shall notify the same to the 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 State Council intends to consider the same.(5)The State Council shall consider the application and may, if it thinks fit, adjourn the consideration of it to a future date or require further evidence or explanation from the applicant.(6)The application and the certificates referred to in sub-rule (3) shall be in Forms C and D appended to these Rules, with such variations as circumstances may require. Printed Forms shall be kept by the Registrar who shall supply them to intending applicants.