

The Pharmacy (Punjab Amendment and Validation) Act, 1981

PUNJAB

India

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Act 2 of 1982

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The Pharmacy (Punjab Amendment and Validation) Act, 1981 Punjab Act No. 2 of 1982 Statement of Objects and Reasons. - The Punjab State Pharmacy council (Reconstitution and Re-organisation) Order, 1971 was issued by the Government of India (Ministry of Home Affairs) on the 17th April, 1971, which came into force on the 1st May, 1971. One of the amendments related to insertion of a new section, namely, 19-A, which inter alia, empowered the State Government to nominate all the members of the Punjab State Pharmacy Council (as also the President and Vice-President) who could continue in office for a maximum period of five years. This period of five years expired on the 30th April, 1976 but prompt action was not taken by the former Registrar of this Council to get it reconstituted under the relevant provision before or immediately after the expiry of the tenure of this Council and the result was that this Council continued to function after the expiry of its tenure. Acts done on behalf of the Council after expiry of its term have to be validated and the Council reconstituted immediately. The State Government has been advised that both these purposes cannot be achieved except by an amendment of the Pharmacy Act, 1948. Hence the Bill. Punjab Gazette Extra dated 24.8.1981, Page 957. An Act to amend the Pharmacy Act, 1948 in its application to the State of Punjab and to validate certain acts of the State Council and other authorities. Be it enacted by the Legislature of the State of Punjab in the Thirty-second Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Pharmacy (Punjab Amendment and Validation) Act, 1981. (2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 2 of Central Act 8 of 1948.

- In the Pharmacy Act, 1948, in its application to the State of Punjab (hereinafter referred to as the principal Act) in section 2, in clause (h), for the words and figures, "or section 19-A", the words and figures "section 19-A or section 19-B" shall be substituted.

3. Insertion of new section 19-B in Central Act 8 of 1948.

- In the principal Act, after section 19-A, the following section shall be inserted, namely :-"19-B. Constitution and composition of the Punjab State Pharmacy Council for a temporary period. - (1) Notwithstanding anything contained in this Act, as from the commencement of the Pharmacy (Punjab Amendment and Validation, Act, 1981, the State Government shall, in the manner specified in section 19, constitute a Council for the State of Punjab to be known as the Punjab State Pharmacy Council:Provided that members referred to in clauses (a) and (c) of section 19 shall be nominated by the State Government from amongst the registered pharmacists of the State and the members of the Punjab Medical Council, instead of being elected in the manner indicated in those clauses.(2)The President and Vice-President of the Punjab State Pharmacy Council shall, notwithstanding anything contained in sub-section (1) of section 23, be nominated by the State Government from amongst its members.(3)Each member of the Punjab State Pharmacy Council including the President and the Vice-President shall, notwithstanding anything contained in section 23 and sub-section (1) section 25, hold office for a period of two years from the date of nomination or until the State Council is duly constituted under section 19, whichever is earlier".

4. Validation.

- Notwithstanding anything contained in this Act -(a)anything done or any action taken or purporting to have been done or taken by the State Council as it existed immediately before the first day of May, 1976, or by the Director, Health and Family Welfare or any other officer authorised by him, during the period commencing on the provisions of the principal Act or the rules made thereunder including the appointment of the Registrar and other staff of the State Council and the registration of persons under the principal Act, shall be deemed to be as valid and effective as it would have been if a duly constituted State Council had been in existence and all such things or actions had been done or taken by that Council during the aforesaid period and accordingly no such thing or action shall be called into question merely on the ground that no duly constituted State Council had been in existence or that any such thing or action was done or taken by the Director, Health and Family Welfare, or any other officer authorised by him during the aforesaid period;(b)any appeal under sub-section (3) of section 33 of the principal Act which could be filed during the period referred to in clause (a) may be filed within a period of thirty days of the constitution of the Punjab State Pharmacy Council under section 19-B :Provided that in counting the period of thirty days the time spent in obtaining a copy of the order appealed against shall be excluded.