NEPAL PHARMACY COUNCIL ACT, 2057 (2000)

AN ACT MADE TO CONSTITUTE AND MANAGE THE NEPAL PHARMACY COUNCIL

Preamble : Whereas, it is expedient to manage the Nepal Pharmacy Council to make effective the

Pharmacy Profession through systematic and scientific operation;

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Now, therefore, the Parliament in the 29 year of the region of His Majesty's King Birendra Bir

Bikram Shah Dev, has made this Act.

**Chapter - 1**

Preliminary

**section 1:**

Short Title and Commencement : (1) This Act may be called "Nepal Pharmacy Council Act,

2057 (2000)".

subsection (2): This Act shall come into force from such date as His Majesty's Government may, by

a notification in the Nepal Gazette, appoint.

**section 2:**

Definition : Unless the subject or context otherwise requires, in this Act,-

(a) "Council" means the Nepal Pharmacy Council established pursuant to

Section 3.

(b) "Chairman" means Chairman of the Council.

(c) "Member" means member of the Council and this term also include

Chairman of the Council.

(d) "Drug" means drug in accordance with the Drugs Act, 2035 (1978).

(e) "Pharmacist" means a person who has obtained minimum bachelor's degree

or the qualification equivalent to that from the recognized educational

institution on the pharmacy subject.

(f) "Pharmacy assistant " means a person who has obtained minimum

certificate or the qualifications equivalent to that from the recognized

educational institution on the Pharmacy subject.

(g) "Pharmacy Profession" means profession which certifies the manufacture of

drugs, quality conservation inspection and recommendation of drug

factories, selection of technology of storage and supply of manufactured

drugs, supervision of supply, registration of drugs and usefulness,

qualitative, effective and safe to use drugs and this term also includes

Hospital Pharmacy.

(h) "Registered Pharmacist" means pharmacist whose name has been registered

in the Registration Book.

(i) "Registered Pharmacy assistant" means Pharmacy assistant whose name has

been registered in the Registration Book.

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(j) "Registration Book" means the Registration Book prepared pursuant to

Section 15.

(k) "Registrar" means the person appointed or designated pursuant to Section

26.

(l) "Subject Committee" means the Subject Committee Constituted pursuant to

Section 32.

(m) "Prescribed" or "as prescribed" means prescribed or as prescribed under the

rules framed there under this Act.

**Chapter - 2**

Establishment of the Council, Constitution, Functions, Duties and Powers

**section 3:**

Establishment of the Nepal Pharmacy Council : The Nepal Pharmacy Council has been

established to make effectiveness to the Pharmacy Profession through systematic and scientific

operation and also for the management of name registration of the Pharmacist and Pharmacy

assistant as per their qualification.

**section 4:**

The Council to be autonomous : (1) The Council shall be an autonomous and corporate body

having right of perpetual succession.

subsection (2): The Council shall have a separate seal of its own for its whole functions.

subsection (3): The Council may acquire, keep, use movable and immovable properties, dispose or

arrange through other any means.

subsection (4): The Council may, as an individual, sue or be sued.

**section 5:**

Constitution of the Council : (1) The Council constituted pursuant to Section 3 shall have the

members as follows :

(a) Nominated by His Majesty's Government from among the

Pharmacists who has minimum experience of ten years and

obtained minimum of bachelor's degree on the subject of

Pharmacy - Chairman

(b) One Pharmacist nominated by His Majesty's Government

from among the senior pharmacist teachers of the

educational institution where there will be study on the

subject of Pharmacy - Member

(c) Chairman, Nepal Pharmasuitical Association - Member

(d) Two persons nominated by His Majesty's Government

from among the renown pharmacists engaged in the act of

manufacturing, sale and distribution of drugs - Member

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(e) One person nominated by His Majesty's Government from

among the Chief of professional institution of the

Pharmacists registered according to the prevailing law - Member

(f) Two senior Pharmacists along with a female pharmacist

nominated by His Majesty's Government on the

recommendation of the Council - Member

(g) Drug Manager under the Drugs Act, 2035 (1978) - Member

(h) Registrar - Member-Secretary

subsection (2): The Council may, if it considers necessary, invite any expert so related in the sector

of pharmacy to take part in its meeting.

**section 6:**

Terms of Office of Member : The terms of office of nominated members of the Council shall be

of four years. The member whose one terms of office has been terminated may be re-nominated

subject to the other provision as mentioned this Act.

subsection (2): If the position of any member falls vacant before termination of terms of office, the

position so vacant shall be fulfilled for the remaining period through the process pursuant to Sub-

section (1) of the Section 5.

**section 7:**

Disqualification for Member : Any of the following persons shall be deemed to be disqualified to

be nominated in the post of member of the Council :

(a) Non-Nepalese Citizen,

(b) Whose name has been removed from the Registration Book,

(c) Who has become insolvent failing to pay the loan of creditor,

(d) Who has been convicted and sentenced by the Court in a criminal case

involving moral turpitude, and

(e) Mentally disorder.

**section 8:**

Condition of Termination of Membership : The membership of the Council shall be deemed to

have been terminated in the following circumstances :

(a) If disqualified pursuant to Section 7,

(b) If the member tendered resignation before Chairman of the Council and the

Chairman tendered resignation before His Majesty's Government,

(c) If he is continuously absent three times in the meeting of the Council

without informing the Council of a reasonable cause thereof,

(d) In case of death, and

(e) If the member nominated by His Majesty's Government has been removed

by His Majesty's Government before termination of their terms of office.

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**section 9:**

Functions, Duties and Powers of the Council : The functions, duties and powers of the Council

shall be as follows :

(a) To prepare policy, plan and programme for the scientific management and

operation of pharmacy profession and implement them.

(b) To give recognition to the educational institution which provides study in

pharmacy profession and the certificate and degree awarded by such

institution.

(c) To determine the standards of curricula, conditions for admission and

examination system of the educational institution providing study of

pharmacy profession, and ask the details as required whether standard so

determined are maintained or not, and abrogate the certificate and degree

awarded by the educational institution which do not comply with standard

so determined after completing the procedures as prescribed.

(d) To determine the qualification as required to carry out Pharmacy Profession

and register the name of Pharmacist and Pharmacy assistant as prescribed in

the Registration Book of the Council who has completed the qualification so

determined.

(e) To remove the name of Pharmacist and Pharmacy assistant from the

Registration Book after the completion of the procedures as prescribed in

case such registered Pharmacist and Pharmacy assistant violated or not

observed the professional code of conduct as prescribed.

**section 10:**

Meeting and Decision of the Council : (1) Generally, the meeting of the Council shall be held

thrice a year and if the Chairman may, if he considers it necessary, call the meeting more time

than the time as set forth above.

subsection (2): The meeting of the Council shall be held on the date, time and venue prescribed by

Chairman.

subsection (3): The presence of more that fifty percent of the total number of members of the

Council shall be deemed to have been constituted the quorum of the meeting.

subsection (4): The Chairman shall preside the meeting of the Council and in his absence, a member

selected by from among the member so present in the meeting shall preside the meeting.

subsection (5): The opinion of majority vote shall be valid in the meeting of the Council and in the

event of tie, the Chairman of the meeting shall give decisive vote.

subsection (6): The agenda discussed in the meeting of the Council and the decision made as regards

to such agenda shall have to record in the Minute Book and endorse the signature of the members

so present in the meeting by the Secretary.

subsection (7): Other procedures relating to the meeting of the Council shall be as determined by the

Council itself.

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**Chapter - 3**

Provision Relating to Name Registration

**section 11:**

No Pharmacy Profession to be Carried out Without Name Registration : No one shall carry out

the Pharmacy Profession without registration of name in the Council after one year from the date

of commencement of this Act.

**section 12:**

Application Required for Name Registration : (1) Any Pharmacist and Pharmacy assistant

desiring to register name in the Council shall be required to submit an application before the

Council in the format as prescribed.

subsection (2): Any Pharmacist and Pharmacy assistant who has been operating Pharmacy

profession at the time of commencement of this Act shall be required to submit an application

pursuant to Sub-section (1) for the registration of name in the Council within six months from

the date of commencement of this Act.

subsection (3): Any Pharmacist and Pharmacy assistant submitting application to register name

pursuant to Sub-section (1) or (2) shall be required to enclose therewith the application, degree,

certificate including other documents obtained from the educational institution along with the fee

as prescribed.

**section 13:**

Scrutinization of Application : The Registrar having scrutinize as required into the application

submitted pursuant to Section 12 shall be required to submit in the concerned Subject

Committee.

**section 14:**

Investigation of the Application and Recommendation : (1) The Subject Committee shall carry

out investigation as required against the application submitted pursuant to Section 13.

subsection (2): While making investigation pursuant to Sub-section (1), if any matter has been found

unclear, the Subject Committee may ask concerned applicant for necessary evidence and

documents in order to make clear the said matters.

subsection (3): It shall be the duty of the person so concerned to submit the evidence and document

so asked to the Subject Committee pursuant to Sub-section (2).

subsection (4): While making investigation pursuant to Sub-section (1), (2) and (3), if it has been

found that the name of the applicant is qualified to register in the Council, the Subject Committee

shall recommend before the Council.

**section 15:**

Name to be Registered : If the name of the applicant whose name has been recommended for

registration in the Council after the investigation as required by the Subject Committee pursuant

to Section 14 has been found appropriate, the Council shall decide to register the name of such

applicant in the Registration Book of the Council in the format as prescribed.

**section 16:**

Issuance of Name Registration Certificate : (1) The Registrar shall register in the Registration

Book the name of the applicant whose name has to be registered as per the decision of the name

registration of the Council pursuant to Section 15 and issue the name registration certificate to

the applicant in the format as prescribed.

subsection (2): While maintaining Registration Book pursuant to Sub-section (1), separate

Registration Book shall be required to be prepared for Pharmacist and Pharmacy assistant.

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**section 17:**

Notification of the Decision Not to Register the Name to Be Given : If the decision has been

made by the Council not to register the name of any applicant who has submitted an application

for name registration in the Council owing to any reason, the Registrar shall be required to give

notice thereof to the concerned applicant.

**section 18:**

To Remove Name from the Registration Book : (1) No name of Pharmacist and Pharmacy

assistant shall be removed from the Registration Book except in the circumstances as follows :-

(a) Mentally disordered.

(b) Who has become insolvent failing to pay loan of the creditor.

(c) If a proposal brought before the meeting of the Council has been passed by

two third majority vote for removal of the name of such Pharmacist and

Pharmacy assistant from the Registration Book on the charge of violation of

professional conduct as prescribed.

(d) If convicted and sentenced by the Court in a Criminal Case involving moral

turpitude,

(e) If the name of unqualified person has been registered owing to fraud or

mistake.

subsection (2): Prior to bringing a proposal before the Council for removal of name of any registered

Pharmacist and Pharmacy assistant from the Registration Book on the charge pursuant to Clause

(c) and (e) of Sub-section (1), the Council shall constitute a Inquiry Committee to submit a report

having investigation as required as regards to the charge so made against such person.

subsection (3): The procedure to be followed by the Inquiry Committee so constituted during the

investigation pursuant to Sub-section (2) shall be as prescribed.

**section 19:**

Canciliation of Certificate be made : If the Council has decided to remove the name of any

Pharmacist and Pharmacy assistant from the Registration Book Pursuant to Section 18, the

Registrar by removing the name of such person from the Registration Book and canceling the

certificate so issued pursuant to Section 16, a notice thereof shall be required to be given to the

concered person.

**section 20:**

Re-registration of Name: If the name of any registered Pharmacist and Pharmacy assistant has

been removed from the Registration Book on the charge pursuant to Clauses (a), (b) and (c) of

Sub-section (1) of Section 18, the concerned person may submit an application pursuant to

Section 12 for re-registration of name showing reasonable ground to the Council at least of one

year from the date so removed.

subsection (2): If an application has been made for re-registration of name pursuant to Sub-section

subsection (1): and if the application so made has been found resonable, the Council may decide to re-

registrar the name of such person.

subsection (3): If the Council has decided to re-register the name of the applicant pursuant to Sub-

section (2), the Registrar after having registered the name of such applicant in the Registration

Book shall be required to issue the certificate of re-registrantion of name in the format as

prescribed.

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**Chapter - 4**

Recognization of Educational Degree and Certificate

**section 21:**

Recognization of Educational Degree and Certificate: The Council shall give recognization to the

educational degree and certificate awarded by any educational institution related on the subject of

Pharmacy Profession.

**section 22:**

Details May be Asked: (1) The Council, during the process of granting recognization to any

educational degrees and certificate pursuant to Section 21, may ask with the concerned

educational institution, for the curricula prescribed for such educational degrees and certificates

and for the conditions prescribed for admission and other details so related.

subsection (2): It shall be the duty of concerned educational institution to provide the details as

required by the Council pursuant to Sub-section (1).

**section 23:**

Inspection of Examination: (1) Any official of the Council or any officer assigned by the Council

may inspect the Examination system conducted by any educational institution recognized by the

Council for the purpose of granting recognization of any educational degree and certificate

pursuant to Sub-section 21.

subsection (2): The Inspector assigned pursuant to Sub-section (1) shall not be allowed to make

intervention in the examination conducted by such educational institution during the process of

examination.

subsection (3): The Inspector so assigned to inspect the examination pursuant to Sub-section (1)

shall be required to prepare mentioning thereof the details of the matters found by him during the

process of inspection of the examination system and submit it to the Council.

**section 24:**

Abrogation of Recognition: (1) While considering over the details obtained from the concerned

educational institution pursuant to Section 22 as regards to any educational degree and certificate

recognized pursuant to Section 21 or the report so obtained pursuant to Sub-section (3) of

Section 23, the curricula so prescribed by such educational institution, conditions for admission

and the process of conducting examination has not been found adequate, the Council may submit

its report as regards to thereof to His Majesty's Government.

subsection (2): His Majesty's Government may seek clarification with the concerned institution as

regards to thereof after obtaining the report of the Council pursuant to Sub-section (1).

subsection (3): His Majesty's Government having considered over the clarification obtained as

sought with the educational institution pursuant to Sub-section (2) conduct the inquiry as

required if any other inquiry to be made thereof and also on the basis of said inquiry, His

Majesty's Government may give directive to the Council, to abrogate any educational degree and

certificate recognized after specific date by such institutions.

subsection (4): The Council shall decide as required, on the basis of the directives made by His

Majesty's Government pursuant to Sub-section (3).

subsection (5): If the decision has been made to abrogate recognization of any educational degree

and certificate pursuant to Sub-section (4), the notice thereof shall be published in the Nepal

Gazette.

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**Chapter - 5**

Provision Relating to Functions, Duties and Powers of Chairman and Registrar

**section 25:**

Functions, Duties and Powers of Chairman : In addition to the functions, duties and powers

otherwise mentioned in this Act, the Chairman shall have the functions, duties and powers as

follows:-

(a) To determine priority of the agenda to be discussed in the meeting of the

Council,

(b) To monitor and evaluate or cause to monitor or evaluate the plan and

programmes operated by the Council and give directives as required

thereon.

(c) To operate the functions and proceedings of the Council systematically,

effectively and smoothly,

(d) To carry out other functions as prescribed.

**section 26:**

Registrar : (1) His Majesty's Government may, appoint to any Pharmacist as Registrar of the

Council or designate to any Pharmacist who is rendering service to His Majesty's Government as

Registrar of the Council in order to carry out daily functions and proceedings of the Council.

subsection (2): In addition to the functions, duties and powers otherwise mentioned in this Act, the

Registrar shall have the functions, duties and powers as follows:-

(a) To carry out the General Administration and managerial function of the

Council,

(b) To manage or cause to manage supervision, control the fund of the Council,

manage and maintain its assets.

(c) To frame the annual programme and plan of the Council and submit it to the

Council,

(d) To prepare the details of annual income and expenditure of the Council,

(e) To implement the budget, plan and programme approved by the Council,

(f) To arrange the internal and final auditing of the Council,

(g) To carry out the function as liaison officer between the Council, Pharmacist

and Pharmacy assistant,

(h) To carry out or cause to carry out other functions as directed by the

Council,

(i) To carry out other functions as prescribed.

subsection (3): The remuneration and facilities of the Registrar shall be as prescribed.

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**Chapter - 6**

Fund of the Council

**section 27:**

Fund of the Council : (1) The Council shall have its own separate fund.

subsection (2): The following amount shall be deposited in the fund pursuant to Sub-section (1):-

(a) An amount obtained from His Majesty's Government,

(b) An amount obtained as loan, donation, assistance, grant, or gift from any

native or foreign person, institution or government,

(c) An amount obtained from the name registration and updating name

registration in the Council,

(d) An amount obtained for the service made available on behalf of the Council,

(e) An amount obtained from other any sources.

subsection (3): The Council shall be required to take pre-approval of His Majesty's Government

before obtaining the loan, donation, assistance, grant or gift from any foreign national, institution

or government pursuant to Clause (b) of Sub-section (2).

subsection (4): The amount obtained to the fund of the Council shall be required to be deposited in

any commercial bank by opening an account.

subsection (5): The fund and account of the Council shall be operated as prescribed.

**section 28:**

Account and Auditing : (1) Account of income and expenditure of the Council shall be

maintained as prescribed.

subsection (2): Auditing of the Council shall be as prescribed.

subsection (3): His Majesty's Government, if so wish may inspect or cause to inspect the act relating

to account book of the fund at any time.

**Chapter - 7**

Miscellaneous

**section 29:**

Crime and Punishment : (1) If the Pharmacy Profession has been carried out against Section 11

without the name registration in the Council, it shall be deemed to have been committed the crime

as per the Act and the person so committing such crime shall be punished with an imprisonment

upto three months or a fine upto three thousand rupees or both.

subsection (2): If any person has carried out any act against this Act or Rule or Bye-laws framed

thereunder, other than as set-forth in Sub-section (1), such person shall be fined upto two

thousand rupees.

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**section 30:**

Inquiry, Investigation and Adjudicating Officer : His Majesty's Government by a notice

publishing in the Nepal Gazette shall prescribe the Officer or authority to make inquiry and

investigation of the crime pursuant to Section 29 and proceed the case thereof.

**section 31:**

Dissolution of the Council: (1) His majesty's Government may dissove the Council, if His

Majesty's Govenment deems that the Council has failed to exercise or misused in excess of it's

powers conferred to it under this Act or the Rules or Bye-laws or unable to perform its duties

under this Act or the Ruled framed therunder.

subsection (2): If the Council has been dissolved pursuant to Sub-section (1), His Majesty's

Government shall keep the fund and property of the Council in its responsibility as to be

carried out by the Council or cause to carry out by the Constitution of any Commitee.

subsection (3): His Majesty's Government normally within three months of the dissolution of the

Council under Sub-section (1), shall constitute another Council pursuant to Section 5.

subsection (4): If another Council has been constituted pursuant to Sub-section (3), His Majesty's

Government shall handover the fund and property taken under its responsibility pursuant to Sub-

section (2) to such Council.

**section 32:**

Subject Committee May Be Constituted : (1) The Council may constitute various Subject

Committees as and when required.

subsection (2): The functions, duties, powers and proceedings of the Committees to be constituted

pursuant to Sub-section (1), shall be as prescribed by the Council.

**section 33:**

Allowances and other Facility of Member : Allowances and facilities to be obtainable by member

of the Council, Chairman and members of the Subject Committee shall be as prescribed.

**section 34:**

Employees of the Council : (1) The Council may appoint the employees as per necessity.

subsection (2): Service, condition and facilities of the employees appointed pursuant to Sub-section

subsection (1): shall be as prescribed.

**section 35:**

Contact with His Majesty's Government : The Council shall be required to contact with His

Majesty's Government through Ministry of Health.

**section 36:**

Power to Frame Rules and Bye-laws : (1) The Council may frame necessary Rules for the

purpose of implementation of the objective of this Act and the Rule so framed shall come into

force after approval from His Majesty's Government.

subsection (2): The Council may frame Bye-laws under the Act or the Rules framed thereunder this

Act for the operation of daily function of the Council.

Date of Royal Seal : 2057-10-18-4 (Wednesday, Jan. 31, 2001)

By order,

Udaya Nepali Shrestha

Secretary of His Majesty's Government

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