

## **PUBLIC NOTICE**

**Subject: Inviting public comments on the draft Indian Medicine and Homoeopathy Pharmacy Central Council Bill, 2016:**

The Ministry of AYUSH intends to introduce the Indian Medicine and Homoeopathy Pharmacy Central Council Bill, 2016 for enactment to regulate the education and practice of pharmacy in Ayurveda, Siddha, Unani, Sowa Rigpa and Homoeopathy. The draft is hereby placed in public domain for inviting comments/views of the stake-holders within 30 days. The comments/views may be sent to the below mentioned address:-

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**(Jitendra Sharma)**  
Joint Secretary,  
Ministry of AYUSH  
10<sup>th</sup> February, 2016

**THE INDIAN MEDICINE AND HOMOEOPATHY PHARMACY  
CENTRAL COUNCIL BILL, 2016**

A  
BILL

to provide for the regulation of the education and profession of pharmacy in Indian Medicine and Homoeopathy and for that purpose to constitute Central Pharmacy Council of Indian Medicine and Homoeopathy and for matters connected therewith.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:-

**CHAPTER I**

**Preliminary**

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Indian Medicine and Homoeopathy Pharmacy Central Council Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, in this behalf and different dates may be appointed for different States and for different provisions of this Act, and any reference in any provision to the commencement of this Act shall, in relation to any State be construed as reference to the commencement of that provision in such State.

Definitions.

2. (1) In this Act, unless the context otherwise requires,-

(a) "Board" means a Board, Council, Examining Body or Faculty of Pharmacy of Indian Medicine or Homoeopathy, by whatever name called constituted by the State Government under any law for the time being in force regulating the award of Pharmacy qualifications in Indian medicine or Homoeopathy;

(b) "Central Pharmacy Council" means the Central Pharmacy Council of Indian Medicine and Homoeopathy constituted under section 3;

(c) "Homoeopathy" means as defined in 'The Homoeopathy Central Council Act, 1973';

(d) "Indian Medicine" means the system of Indian medicine commonly known as Ayurveda, Siddha, Unani Tibb or Sowa Rigpa ;

(e) "Institution" means any institution or college within India which

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imparts teaching or training leading to award of Degrees, Diplomas or Certificates in pharmacy of Indian Medicine or Homeopathy, by Board or University empowered by a State or Central legislation and includes such institution out of India as recognized by the Central Pharmacy Council;

(f) "member" means a member of the Central Pharmacy Council, elected or nominated, as the case may be;

(g) "new batch" means new batch of students admitted in any course of study or training in a Pharmacy College after the expiry of the previous permission granted by the Central Government;

(h) "notification" means notification published in the Official Gazette;

(i) "Pharmacy Control Officer" means any person appointed by the government with prescribed qualifications.

(j) 'Practice of Pharmacy' for the purposes of this Act will include storage, dispensing, supply of drugs or compounding, preparation or otherwise making up of a drug for its use, disseminating information about drugs and patient counseling by a Registered Pharmacist.

(k) "prescribed" means prescribed by rules made under this Act;

(l) "President" means the President of the Central Pharmacy Council elected or nominated under section 5;

(m) 'Profession of Pharmacy' means activities by a Registered Pharmacist related to practice of pharmacy, pharmacy education, industrial pharmacy, regulatory pharmacy, and any other allied activities;

(n) "recognized qualification" means any of the qualifications of Pharmacy of Indian Medicine or Homoeopathy included in the Schedule to this Act;

(o) "register " means a central or state register of pharmacists prepared and maintained under Chapters II and IV;

(p) "registered pharmacist" means a person whose name is for the time being registered in a register of a State in which he is for the time being residing or carrying on his profession or business of Pharmacy;

(q) "registered practitioner" means a person registered as registered practitioner under the Indian Medicine Central Pharmacy Council Act, 1970 or the Homeopathy Central Pharmacy Council Act, 1973;

(r) "regulation" means regulation made under this Act;

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<p>Constitution of Central Pharmacy Council.</p>	<p>(s) "State" means a State or Union Territory of India.</p> <p>(t) "State Pharmacy Authority" means a State Pharmacy Authority of Indian Medicine and Homeopathy appointed under section 24;</p> <p>(u) "University" means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a University under section 3 of that Act.</p> <p>(v) "Vice-President" means Vice-President of the Central Pharmacy Council elected or nominated under section 5.</p> <p>(2). Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.</p> <p style="text-align: center;"><b>CHAPTER II</b></p> <p style="text-align: center;"><b>THE CENTRAL PHARMACY COUNCIL AND ITS COMMITTEES</b></p> <p>3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Central Pharmacy Council of Indian Medicine and Homoeopathy consisting of the following members, namely:-</p> <p>(a) one member, from each State or Union Territory in which a Register of Pharmacy of Indian Medicine and Homoeopathy is maintained, to be elected from amongst themselves by persons enrolled on the Register of Pharmacists of Indian Medicine and Homoeopathy:</p> <p>Provided that until such members are elected under this clause, the Central Government shall nominate ten members being persons practicing or teaching pharmacy, of whom at least two each from Ayurveda, Siddha, Unani and Homoeopathy and one member from Sowa Rigpa for the first Central Pharmacy Council;</p> <p>(b) one member to be elected from each State from all Central/State Universities headquartered in that State in which faculty or department of pharmacy of Indian Medicine and/or Homoeopathy, is established.</p> <p>(c) such number of members not exceeding thirty percent of the total number of members elected under clauses (a) and (b) shall be nominated by the Central Government with at least one representative each belonging to Ayurveda, Siddha, Unani, Sowa Rigpa and Homoeopathy and having special knowledge or practical experience in the pharmacy teaching or practice of Indian Medicine and Homoeopathy and pharmaceutical chemists from the manufacturing units of Ayurveda,</p>	<p>3 of 1956</p>
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<p>Incorporation of Central Pharmacy Council.</p> <p>President and Vice President of Central Pharmacy Council.</p>	<p>Siddha, Unani, Sowa Rigpa and Homoeopathy:</p> <p>Provided that out of the members nominated by the Central Government under clause (c), seven members shall be nominated by the Central Government one from each of the following namely:-</p> <p>(i) Central Council of Indian Medicine;</p> <p>(ii) Central Council of Homoeopathy;</p> <p>(iii) pharmacy department of any of the Institutes of Ayurveda, Siddha, Unani, Sowa Rigpa under the control of the Ministry of Ayurveda, Yoga &amp; Naturopathy, Unani, Siddha and Homoeopathy ;</p> <p>(iv) pharmacy department of the Institute of Homoeopathy under the control of the Ministry of Ayurveda, Yoga &amp; Naturopathy, Unani, Siddha and Homoeopathy;</p> <p>(v) any of the Central Research Councils under the control of the Ministry of Ayurveda, Yoga &amp; Naturopathy, Unani, Siddha and Homoeopathy;</p> <p>(vi) Ministry of Ayurveda, Yoga &amp; Naturopathy, Unani, Siddha and Homoeopathy, the officer not below the rank of Deputy Secretary dealing with drugs; and</p> <p>(vii) National Medicinal Plants Board</p> <p>(d) the Drugs Controller General, India or equivalent officer of Government of India in charge of Ayurveda, Siddha, Unani, Sowa Rigpa and Homoeopathy drugs-ex officio;</p> <p>(e) Quality Control manager of the Indian Medicines Pharmaceutical Corporation Limited- ex officio;</p> <p>(f) Registrar, Pharmacy Council of India-ex officio</p> <p>4. The Central Pharmacy Council shall be a body corporate by the name of the Central Pharmacy Council of Indian Medicine and Homoeopathy having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.</p> <p>5. (1) The President of the Central Pharmacy Council shall be elected by the members of the Central Pharmacy Council from amongst themselves in such manner as may be provided by rules.</p> <p>(2) There shall be two Vice-Presidents, one each for the Indian Medicine and the Homoeopathy, who shall be elected from amongst the members of the Central Pharmacy Council in such manner as may be provided by regulations:</p> <p>Provided that for five years from the date of first constitution of the Central Pharmacy Council, the President and the Vice-Presidents shall be nominated by the Central Government from amongst the members of the Central Pharmacy Council and the President and the Vice Presidents so</p>	
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<p>Mode of election.</p>	<p>nominated shall notwithstanding anything contained in sub section (1) of section 8, hold office during the pleasure of the Central Government.</p>	
<p>Qualification for election.</p>	<p>6. (1) An election under clause (a) or clause (b) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made in this behalf.</p> <p>(2) Where any dispute arises regarding any election to the Central Pharmacy Council, it shall be referred to the Central Government whose decision shall be final.</p>	
<p>Qualification for election.</p>	<p>7. (1) No person shall be eligible for election to the Central Pharmacy Council, unless he possesses any of the Pharmacy qualifications included in Schedule A or Schedule B, and is enrolled on any State Register of Pharmacists of Indian medicine and Homeopathy and resides in the State concerned.</p> <p>Provided that the person, who is practising pharmacist at the time of commencement of this Act for at least ten years without having recognized qualification of pharmacy, shall be entitled to be enrolled in the State Register.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the qualification prescribed in that sub-section shall not be applicable to the members nominated by the Central Government.</p>	
<p>Term of office of President, Vice-President and member of Central Pharmacy Council.</p>	<p>8. (1) The President, Vice-President or a member of the Central Pharmacy Council shall hold office for a term of five years from the date of his election or nomination, as the case may be, and no longer.</p> <p>Provided that no member shall hold office of the President or Vice-President for more than two terms, continuously or severally, as the case may be:</p> <p>Provided further that the term of the members elected from the Universities under clause (b) of sub-section (1) of section 3, shall be for his tenure as per the University statute or till the term of the Central Pharmacy Council, whichever is earlier:</p> <p>Provided also that the term of the member, nominated by the Central Government under clause (c) of sub-section (1) of section 3, shall not exceed five years or may be terminated earlier for the reasons to be recorded in this behalf and notified by the Central Government by an order that he shall not continue as nominated member and be replaced by another member for the remainder of the term.</p> <p>(2) Members of the Central Pharmacy Council shall be eligible for re-election or re-nomination.</p>	

<p>Meetings of the Central Pharmacy Council</p>	<p>Provided that no member shall hold office for more than three terms, continuously or severally, as the case may be except in case of <i>ex-officio</i> members:</p> <p>(3) A nominated or elected member may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall thereupon become vacant.</p> <p>(4) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Central Pharmacy Council, from three consecutive ordinary meetings of the Central Pharmacy Council or, in the case of a member elected under clause (a) of sub-section (1) of section 3, if he ceases to be enrolled on the concerned State register of pharmacy, or in the case of a member elected under clause (b) of that sub-section, if he ceases to be a member of Faculty or Department of the University concerned or in the case of a member nominated under clause (c) of that sub-section, if the Central Government, for reasons to be recorded in this behalf, notifies by an order that he shall not continue as such member.</p> <p>(5) A casual vacancy in the Central Pharmacy Council arising due to death, resignation or removal, or otherwise, of a member, President or Vice-President, shall be filled by election or nomination, as the case may be, in the manner provided under this Act, within a period of three months from the date of occurrence of such vacancy, and the person so elected or nominated, as the case may be, to fill the vacancy, shall hold office only for the remainder term of the member or the President or the Vice-President whose place he takes was elected or nominated, whichever is earlier. In case of such casual vacancy in the Central Pharmacy Council arising due to death, resignation or removal, or otherwise, of the President, the Central Government shall appoint one of the Vice-Presidents to look after the duties of the President till joining of the new President elected as above.</p> <p>(6) Where the term of the President, Vice-President or a member is about to expire, a successor may be elected or nominated in the manner provided in section 3, within three months before the said term expires but the successor shall not assume office until the said term has expired.</p> <p>9. (1) The Central Pharmacy Council shall meet at least twice in a year at such time and place as may be appointed.</p> <p>(2) Unless otherwise provided by regulations, one third of the total number of members of the Central Pharmacy Council, excluding the vacancies, shall form a quorum, and all the acts of the Central Pharmacy Council shall be decided by a majority of the members present and voting.</p>	
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<p>Executive Committee of the Central Pharmacy Council</p>	<p>10. (1) The Central Pharmacy Council shall, as soon as may be, constitute an Executive Committee consisting of the President (who shall be the Chairman of the Executive Committee), Vice-Presidents of Indian Medicine and Homeopathy, one member to be nominated by Central Government from amongst the <i>ex officio</i> members, and five other members to be elected from amongst members of the Central Pharmacy Council with at least one member each of Ayurveda, Siddha, Unani, Sowa Rigpa and Homoeopathy.</p> <p>(2) A member of the Executive Committee shall hold office as such until the expiry of his term of office as member of the Central Pharmacy Council but subject to his being a member of the Central Pharmacy Council, he shall be eligible for re-election to the Executive Committee.</p> <p>(3) In addition to the powers and duties conferred and imposed to it by this Act, the Executive Committee shall exercise such powers and discharge such duties as may be prescribed.</p> <p>(4) The Executive Committee shall meet at least twice in a year at such time and place as may be appointed by the President of the Central Pharmacy Council.</p> <p>(5) Unless otherwise provided by regulations, one third of the total number of members of the Executive Committee shall form a quorum, and all the acts of the Committee shall be decided by a majority of the members present and voting, excluding the vacancies.</p> <p>(6) The remuneration and allowances payable to the members of the Executive Committee shall be fixed with the previous sanction of the Central Government.</p>	
<p>Other Committees</p>	<p>11. (1) The Central Pharmacy Council may constitute from amongst its members such other committees for such general or special purposes as the Central Pharmacy Council may deem necessary and for such periods not exceeding five years, as it may specify and may co-opt not more than two special invitees having special knowledge or practical experience in the pharmacy teaching or practice of Indian Medicine and Homoeopathy and pharmaceutical chemists from the manufacturing units of Ayurveda, Siddha, Unani, Sowa Rigpa and Homoeopathy, who are not members of the Central Pharmacy Council, to carry out the purposes of this Act and may appoint Chairpersons of such other committees.</p> <p>(2) The remuneration and allowances payable to the members of other Committees shall be fixed with the previous sanction of the Central Government.</p> <p>(3) The business before such Committees shall be conducted in accordance with such regulations as may be made under this Act.</p> <p>(4) The Committees constituted under sub-section (1) shall meet at least twice in a year at such time and place as may be appointed by the Chairperson of that Committee.</p> <p>(5) Unless otherwise provided by regulations, one-third of the total</p>	



<p>Officers and other employees of Central Pharmacy Council.</p>	<p>number of members, excluding the vacancies of such Committee shall form a quorum, and all the acts of such Committee shall be decided by a majority of the members present and voting.</p> <p>12. The Central Pharmacy Council shall -</p> <p>(a) appoint a Registrar who shall also act as Secretary to the Committees;</p> <p>(b) employ after prior approval of Central Government such other officers and employees, as it may deem necessary to carry out the purposes of this Act;</p> <p>(c) require and take from the Registrar or from any other officer or employee, such security for the due performance of his duties as the Central Pharmacy Council deems necessary; and</p> <p>(d) with the previous sanction of the Central Government, fix the remuneration and allowances to be paid and determine the conditions of service of the officers and other employees of the Central Pharmacy Council.</p> <p>(e) Prepare and maintain a register of Pharmacists in Indian Medicine and Homoeopathy for the whole country.</p>	
<p>Removal of the President, Vice-President or Member of the Central Pharmacy Council</p>	<p>13. The Central Government may remove from office the President, Vice-President or a Member of the Central Pharmacy Council who-</p> <p>(a) has been adjudged insolvent; or</p> <p>(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or</p> <p>(c) has become physically or mentally incapable of acting as a President, Vice-President or a member; or</p> <p>(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as President, Vice-President or a member; or</p> <p>(e) has so abused his position or so conducted himself as to render his continuance in office prejudicial to the public interest:</p> <p>Provided that the President, Vice-President or a member shall not be removed from office except by an order made by Central Government after an enquiry instituted by it, in which the President, Vice-President or a member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.</p>	
<p>Vacancies in the Central Pharmacy Council and Committees thereof not to invalidate Acts, etc.</p>	<p>14. No act or proceeding of the Central Pharmacy Council or any Committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Central Pharmacy Council or the Committee, as the case may be.</p>	

### CHAPTER III

#### REGULATION OF PHARMACY EDUCATION AND PRACTICE

Pharmacy education regulations

15. (1) The Central Pharmacy Council may, subject to the approval of the Central Government, by notification in the Official Gazette, make regulations, to be called the education regulations, providing for the minimum standards of education required for qualification as a Pharmacist in Indian Medicine or Homoeopathy.

(2) In particular and without prejudice to the generality of the foregoing power, the education regulations may provide for -

- (a) the nature and period of study and practical training of students to be undertaken before admission to an examination;
- (b) the equipment and facilities to be provided for students undergoing approved courses of study;
- (c) the subjects of examination and the standards therein to be attained; and
- (d) any other conditions of admission to examinations.

(3) Copies of the draft of the education regulations and all subsequent amendments thereof shall be furnished by the Central Pharmacy Council to all State Governments, and the Central Pharmacy Council shall, before submitting the such regulations or any amendment thereof, as the case may be, to the Central Government for approval under sub-section (1), take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.

(4) The education regulations shall be published in the Official Gazette and in such other manner as the Central Pharmacy Council may direct.

(5) The Executive Committee shall from time to time report to the Central Pharmacy Council on the efficacy of the education regulations and may recommend to the Central Pharmacy Council such amendments thereof, as it may think fit:

Recognition of pharmacy qualifications granted by certain institutions in India.

16. (1) The pharmacy qualifications granted by any University, Board or other Pharmacy institution in India which are included in the Schedule A shall be recognized pharmacy qualifications for the purposes of this Act.

(2) Any University, Board or Institution in India which grants a pharmacy qualification not included in the Schedule A may apply to the Central Government to have such qualification recognized, and the Central Government, after consulting the Central Pharmacy Council, may, by notification in the Official Gazette, amend the Schedule A so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the Schedule A against such

<p>Permission for establishment of new pharmacy college, course of study, etc.</p>	<p>pharmacy qualification declaring that it shall be a recognized pharmacy qualification only when granted after a specified date.</p> <p>(3) All declarations under sub-section (2), shall be made by resolution passed at a meeting of the Central Pharmacy Council and shall have effect as soon as they are published in the Official Gazette.</p> <p>17. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, on and from the appointed day, except with the previous permission of the Central Government obtained in accordance with the provisions of this section -</p> <p>(a) no person shall establish a Pharmacy College of Ayurveda, UnaniTibb, Siddha, Sowa-Rigpa or Homoeopathy; and</p> <p>(b) no Pharmacy College shall-</p> <p>(i) open a new or higher course of study or training, including post-graduate course of study or training, which would enable a student of such course of study or training to qualify himself for the award of any recognized pharmacy qualification; or</p> <p>(ii) increase its admission capacity in any course of study or training, including a post-graduate course of study or training, or</p> <p>(iii) admit a new batch of students in any course of study or training (including post-graduate course of study or training) unless permitted for a period up to five years in such existing college from where at least one batch of students has passed out.</p> <p><u>Explanation 1.</u>- For the purposes of this section, “person” includes any University or a trust, but does not include the Central Government.</p> <p><u>Explanation 2.</u>- For the purposes of this section, “admission capacity”, in relation to any course of study or training, including post-graduate course of study or training, in a pharmacy college, means the maximum number of students as may be fixed by the Central Government from time to time for being admitted to such course or training.</p> <p>(2) (a) Every person or pharmacy college shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Pharmacy Council a scheme in accordance with the provisions of clause (b) and the Central Pharmacy Council with its recommendations shall refer the scheme to the Central Government.</p> <p>(b) The scheme referred to in clause (a), shall be in such form and contain such particulars and be preferred in such manner and accompanied with such fee, as may be provided by regulations.</p> <p>(3) On receipt of a scheme under clause (b) of sub-section (2), the Central</p>	
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Pharmacy Council may obtain such other particulars as may be considered necessary by it from the person or the pharmacy college concerned, and thereafter, it may, -

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or pharmacy college concerned for making a written representation and it shall be open to such person or pharmacy college to rectify the defects, if any, specified by the Central Pharmacy Council; and

(b) consider the scheme, having regard to the factors referred to in sub-section (7), and submit the scheme to the Central Government together with its recommendations thereon, within six months from the date of receipt of the scheme.

(4) The Central Government may, after considering the scheme and the recommendations of the Central Pharmacy Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or pharmacy college concerned and having regard to the factors referred to in sub-section (7), either approve the scheme with such conditions, if any, as it may consider necessary or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person or pharmacy college concerned a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person or pharmacy college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (2).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Pharmacy Council under sub-section (2), no order is communicated by the Central Government to the person or pharmacy college submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it was submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person or pharmacy college concerned submitting the scheme, in furnishing any particulars called for by the Central Pharmacy Council, or by the Central Government, shall be excluded.

(7) The Central Pharmacy Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order, either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors namely:-

<p>Qualification invalid in contravention of the provisions of section 17.</p>	<p>(a) whether the proposed pharmacy college or the existing pharmacy college seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of education as provided by the education regulation or, as the case may be, under other approved educational regulations approved by Central Government;</p> <p>(b) whether the person seeking to establish a pharmacy college or the existing pharmacy college seeking to open a new or higher course of study or training or to increase its admission capacity or to admit a new batch of students has adequate financial resources;</p> <p>(c) whether necessary facilities in respect of staff, equipment, accommodation, training hospital and other facilities to ensure proper functioning of the pharmacy college or conducting the new course of study or training or accommodating the increased admission capacity or to admit a new batch of students have been provided or would be provided within the time-limit specified in the scheme;</p> <p>(d) whether adequate hospital facilities, having regard to the number of students likely to attend such pharmacy college or course of study or training or the increased admission capacity or to admit a new batch of students have been provided or would be provided within the time-limit specified in the scheme;</p> <p>(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such pharmacy college or the course of study or training by persons having the recognised qualifications;</p> <p>(f) the requirement of manpower in the field of Indian pharmacy in the pharmacy college; and</p> <p>(g) any other factors as may be provided by regulations.</p> <p>(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or pharmacy college concerned.</p> <p>18. (1) Where any pharmacy college is established without the previous permission of the Central Government in accordance with the provisions of section 17, pharmacy qualification granted to any student of such pharmacy college shall not be a recognized pharmacy qualification for the purposes of this Act.</p> <p>(2) Where any pharmacy college opens a new or higher course of study or training, including a post-graduate course of study or training; or increases its admission capacity in any course of the study or training including a post-graduate course of study or training or admits a new batch of students without the previous permission of the Central Government in accordance with the provisions of section 17, the pharmacy qualification granted to any student of such pharmacy college on the basis of the increase in its admission capacity shall not be deemed to be a recognized pharmacy qualification for the purposes of this Act.</p>	
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<p>Recognition of pharmacy qualifications granted outside the territories to which this Act extends.</p>	<p>19. (1) the Central Pharmacy Council may enter into negotiations with the authority in any State or country outside India, which by the law of such State or country is entrusted with the maintenance of a Register of Pharmacists of Indian Medicine or Homoeopathy for settling of a scheme of reciprocity for the recognition of pharmacy qualifications in Indian Medicine or Homeopathy, and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, frame or amend the Schedule B so as to include therein any pharmacy qualification which the Central Pharmacy Council has decided, should be recognized and any such notification may also direct that an entry shall be made in the last column of the Schedule B against such pharmacy qualification declaring that it shall be recognized pharmacy qualification only when granted after a specified date:</p> <p>Provided that no person other than a citizen of India possessing such pharmacy qualification shall be deemed to be qualified for registration unless by the law and practice of the State or country in which the pharmacy qualification is granted, the persons of Indian origin holding such pharmacy qualification are permitted to enter and practice the profession of pharmacy in Indian medicine or Homoeopathy;</p> <p>(2) where the Council has refused to recommend any pharmacy qualification which has been proposed for recognition by any authority referred to in sub-section (1) and that authority applies to the Central Government in this behalf, the Central Government, after considering such application and after obtaining a report, if any, from the Central Pharmacy Council as to the reasons for any such refusal, may, by notification in the Official Gazette, declare that such pharmacy qualification shall be a recognized qualification and the provisions of sub-section (1) shall apply accordingly.</p>	
<p>Rights of persons possessing qualifications included in Schedule A or Schedule B to be enrolled.</p>	<p>20. (1) Subject to the other provisions contained in this Act, any pharmacy qualification in the Schedule A or Schedule B shall be sufficient qualification for enrolment on any State Register of pharmacy in Indian Medicine and Homoeopathy.</p> <p>(2) No person, other than a pharmacist of Indian Medicine or Homoeopathy who possesses a recognized pharmacy qualification and is enrolled on a State Register or the Central Register of Pharmacy-</p> <p>(a) shall hold office as pharmacist of Indian Medicine or Homoeopathy or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;</p> <p>(b) shall practice pharmacy in Indian Medicine or Homoeopathy in any State; and</p> <p>(c) shall be entitled to sign or authenticate a certificate or any other certificate required by any law to be signed or authenticated by a duly qualified Pharmacist of Indian Medicine or Homoeopathy.</p> <p>(3) Nothing contained in sub- section (2) shall affect,-</p>	

<p>Power to require information as to courses of study and examinations.</p> <p>Pharmacy Control Officers at examinations.</p>	<p>(a) the right of a Pharmacist enrolled on a State Register of Pharmacy in Indian Medicine and Homeopathy to practice pharmacy of Indian Medicine or Homoeopathy in any State merely on the ground that, on the date of commencement of this Act, he does not possess a recognized qualification;</p> <p>(b) the privileges including the right to practice pharmacy of Indian Medicine or Homoeopathy conferred by or under any law for the time being in force in any State, as a pharmacist enrolled on a State Register; and</p> <p>(c) the right of a person to practice pharmacy of Indian Medicine or Homoeopathy in a State in which, on the commencement of this Act, a State Register of Pharmacy of Indian Medicine and Homoeopathy is not maintained if, on such commencement, he has been practicing Pharmacy of Indian Medicine and Homoeopathy for not less than ten years.</p> <p>(4) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term, which may extend to one year, or with fine, which may extend to fifty thousand rupees or with both.</p> <p>21. Every University, Board or pharmacy institution in India which grants a recognized pharmacy qualification shall furnish such information as the Central Pharmacy Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such course of study and examinations are required to be undergone and such pharmacy qualification is conferred and generally as to the requisites for obtaining such pharmacy qualification.</p> <p>22. (1) The Central Pharmacy Council shall appoint such number of Pharmacy Control Officers from concerned system as it may deem requisite to inspect any pharmacy college or other institution where education in pharmacy in Indian Medicine or Homoeopathy is given, or to attend any examination held by any University, Board or pharmacy institution for the purpose of recommending to the Government for recognition of pharmacy qualifications granted by that University, Board or pharmacy institution.</p> <p>(2) The Pharmacy Control Officers shall not interfere with the conduct of any training or examination but shall report to the Central Pharmacy Council on the adequacy of the standards of pharmacy education including staff, equipment, accommodation, training and other facilities prescribed for giving pharmacy education in Indian Medicine or Homoeopathy, as the case may be, or on the sufficiency of every pharmacy examination which they attend.</p> <p>(3) The Central Pharmacy Council shall forward a copy of any such report to the University, Board or pharmacy Institution concerned, and</p>	
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<p>Withdrawal of recognition.</p>	<p>shall also forward a copy with the remarks of the University, Board or pharmacy Institution thereon, to the Central Government.</p> <p>23. (1) When, upon reporting by the Pharmacy Control Officer, it appears to the Central Pharmacy Council,-</p> <p>(a) that the pharmacy course of study and examination to be undergone in or the proficiency required from candidates at any examination held by any University, Board or pharmacy Institution, or</p> <p>(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University, Board or pharmacy institution or in any pharmacy college or other pharmacy institution affiliated to the University;</p> <p>do not conform to the standards prescribed by the Central Pharmacy Council, it shall make representation to that effect to the Central Government.</p> <p>(2) After considering such representation, the Central Government may send it to the Government of the State in which the University, Board or pharmacy institution situates and the State Government shall forward it along with such remarks, as it may choose to make, to the University, Board or pharmacy institution with an intimation of the period within which the University, Board or pharmacy institution may submit its explanation to the State Government.</p> <p>(3) On the receipt of the explanation or where no explanation is submitted within the specified period, then on the expiry of that period, the State Government shall make its recommendations to the Central Government within a period not exceeding three months.</p> <p>(4) The Central Government after making such further inquiry, if any, as it may think fit, may direct the University, Board or pharmacy institution not to allow the students for any pharmacy examination from a specified date in respect of such pharmacy college or that the said pharmacy qualification, if granted, to students of a specified pharmacy college or institution affiliated to Board or University, shall be recognized pharmacy qualification only when granted before a specified date.</p> <p style="text-align: center;"><b>CHAPTER IV</b></p> <p style="text-align: center;"><b>STATE PHARMACY AUTHORITY AND REGISTRATION OF PHARMACISTS</b></p>	
<p>State Pharmacy Authority</p>	<p>24. The State Government, within two years of the enforcement of this Act, shall by notification in the Official Gazette, set up a State Pharmacy Authority comprising of three persons having sufficient experience in the field of public administration, practice in Pharmacy of Indian Medicine</p>	



<p>Preparation and maintenance of register.</p>	<p>or Homoeopathy and practice in Indian Medicine or Homeopathy provided that the persons so appointed shall belong to one each from Indian System of Medicine and Homoeopathy. The State Government shall also appoint a Registrar to act as Secretary of the State Pharmacy Authority and shall provide the Authority with such clerical and other staff as the State Government considers necessary. The State Pharmacy Authority shall be responsible for registration of the pharmacists, preparation and maintenance of the register of pharmacists and all matters related therewith.</p> <p>25. (1) As soon as may be after this Chapter has taken effect in any State, the State Government shall cause to be prepared a register of Pharmacists in Indian Medicine and Homoeopathy for the State in the manner hereinafter provided.</p> <p>(2) The register shall include the following particulars, namely:-</p> <p>(a) the full name, phone number, e-mail address and residential address of the registered person;</p> <p>(b) the date of his first admission to the register;</p> <p>(c) his qualifications for registration;</p> <p>(d) his professional address, and if he is employed by any person, the name and address of such person; and</p> <p>(e) such further particulars as may be prescribed.</p>	
<p>Preparation of first register</p>	<p>26. (1) The State Government shall, by the same or a like notification appoint a date on or before which applications for registration, which shall be accompanied by the prescribed fee, shall be made to the State Pharmacy Authority.</p> <p>(2) The Pharmacy Authority shall examine every application received on or before the appointed date, and if it is satisfied that the applicant is qualified for registration under Section 27, shall direct the entry of the name of the applicant on the register.</p> <p>(3) The first register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Pharmacy Authority expressed or implied in the register as so published may, within sixty days from the date of such publication, appeal to the State Government in the manner prescribed.</p> <p>(4) The Registrar shall amend the register in accordance with the decisions of the authority appointed under sub-section (3) and shall thereupon issue to every person whose name is entered in the register, a certificate of registration in the prescribed form.</p>	
<p>Qualifications for entry in to first register.</p>	<p>27. A person who has attained the age of nineteen years shall be entitled on payment of the prescribed fee to have his name entered in the first register if he resides and carries on the business or profession of</p>	

<p>Qualifications for subsequent registration</p>	<p>pharmacy of Indian Medicine or Homoeopathy in the State and if he -</p> <p>(a) holds a degree or diploma of Pharmacy of Indian Medicine or Homoeopathy issued by an Indian University or a Board, as the case may be, or a prescribed qualification granted by an authority outside India, or</p> <p>(b) holds a degree, diploma or certificate of an Indian University or a Board other than a degree or diploma of Pharmacy of Indian Medicine or Homoeopathy and has been engaged for seven years in the compounding of Ayurveda, Siddha, Unani, Sowa Rigpa or Homoeopathy medicines in a hospital or dispensary or other place in which drugs are regularly dispensed on prescription of registered practitioners or doing so himself as a registered practitioner or has a Post Graduate Qualification in Science with at least two years' experience of standardization, analysis and testing of Ayurveda, Siddha, Unani, Sowa Rigpa or Homoeopathy drugs in a Central Government or State Government Laboratory; or</p> <p>(c) has passed an examination recognized as adequate by the State Government for compounders or dispensers in Ayurveda, Siddha, Unani, Sowa Rigpa or Homoeopathy, or</p> <p>(d) has been engaged in the compounding or dispensing of Ayurveda, Siddha, Unani, Sowa Rigpa or Homoeopathy medicines in a hospital or dispensary or other place in which these are regularly dispensed on the prescription of registered practitioners for a total period of not less than ten years prior to the date notified under sub-section (1) of section 46.</p> <p>28. (1) After the date appointed under sub-section (1) of section 46 and before the Education regulations have by or under section 15, taken effect in the State, a person who has attained the age of nineteen years shall, on payment of the prescribed fee, be entitled to have his name entered in the register if he resides or carries on the business or profession of pharmacy in the State and if he -</p> <p>(a) satisfies the conditions prescribed with the prior approval of the Central Pharmacy Council, or where no conditions have been prescribed, the conditions entitling a person to have his name entered on the first register as set out in section 26, or</p> <p>(b) is a registered Pharmacist in Indian Medicine or Homoeopathy in another State, or</p> <p>(c) possesses a qualification approved under section 20:</p> <p>Provided that no person shall be entitled under clause (a) or clause (c) to have his name entered on the register unless he has passed a matriculation examination or an examination prescribed as being equivalent to a matriculation examination.</p> <p>(2) After the Education Regulations have by or under section 15 taken effect in the State, a person shall on payment of prescribed fee be entitled to have his name entered on the register if he has attained the age of twenty one years, if he resides, or carries on the business or profession of</p>	
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<p>Scrutiny of application for registration.</p>	<p>pharmacy, in the State and if he has passed an approved examination or possesses a qualification approved under section 20 or is a registered Pharmacist in Indian Medicine or Homoeopathy in another State.</p> <p>29. (1) After the date appointed under Section 36, application for registration shall be addressed to the Registrar of the State Pharmacy Authority and shall be accompanied by the prescribed fee.</p> <p>(2) If upon such application the Registrar is satisfied that the applicant is entitled to have his name entered in the register under the provisions of this Act for the time being applicable he shall enter the name of the applicant on the register:</p> <p>Provided that no person whose name has under the provisions of this Act been removed from the register of any State shall be entitled to have his name entered in the register except with the approval of the State Pharmacy Authority recorded at a meeting.</p> <p>(3) Any person, whose application for registration is rejected by the Registrar, may within three months from the date of such rejection appeal to the Central Pharmacy Council, and the decision of the Central Pharmacy Council thereon shall be final.</p> <p>(4) Upon entry in the register of a name under this section, the Registrar shall issue a certificate of registration in the prescribed form.</p>	
<p>Registration Renewal Fee.</p>	<p>30. (1) The State Government may, by notification in the Official Gazette, direct that for the retention of a name on the register after the 31<sup>st</sup> day of December of the year following the year in which the name is first entered on the register, there shall be paid annually to the State Pharmacy Authority such renewal fee as may be prescribed, and where such direction has been made, such renewal fee shall be due to be paid before the first day of April month of the year to which it relates.</p> <p>(2) Where a renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter from the register:</p> <p>Provided that a name so removed may be restored to the register on such conditions as may be prescribed.</p> <p>(3) On payment of the renewal fee, the Registrar shall issue a receipt there for and such receipt shall be proof of renewal of registration.</p>	
<p>Entry of additional qualifications.</p>	<p>31. A registered pharmacist shall on payment of the prescribed fee, be entitled to have entered in the register any further degrees or diplomas in pharmacy or pharmaceutical chemistry which he may obtain.</p>	

<p>Removal from register.</p>	<p><b>32.</b> (1) Subject to the provisions of this section, the State Pharmacy Authority may order that the name of a registered pharmacist shall be removed from the register, where it is satisfied, after giving him a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make,-</p> <p>(i) that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact, or</p> <p>(ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any professional respect which in the opinion of the State Pharmacy Authority, renders him unfit to be kept in the register, or</p> <p>(iii) that a person employed by him for the purposes of his business of pharmacy or employed to work under him in connection with any business of pharmacy has been convicted of any such offence or has been guilty of any such infamous conduct as would, if such person were a registered pharmacist, render him liable to have his name removed from the register under clause (ii):</p> <p>Provided that no such order shall be made under clause (iii) unless the State Pharmacy Authority is satisfied -</p> <p>(a) that the offence or infamous conduct was instigated or connived at by the registered pharmacist, or</p> <p>(b) that the registered pharmacist has, at any time during the period of twelve months, immediately preceding the date on which the offence or infamous conduct took place, committed a similar offence or been guilty of similar infamous conduct, or</p> <p>(c) that any person employed by the registered pharmacist for the purposes of his business of pharmacy or employed to work under him in connection with any business of pharmacy has at any time during the period of twelve months immediately preceding the date on which the offence or infamous conduct took place, committed a similar offence or been guilty of similar infamous conduct, and that the registered pharmacist had, or reasonably ought to have had, knowledge of such previous offence or infamous conduct, or</p> <p>(d) that where the offence or infamous conduct continued over a period, the registered pharmacist had, or reasonably ought to have had, knowledge of the continuing offence or infamous conduct, or</p> <p>(e) that where the offence is an offence under the Drugs and Cosmetics Act, 1940 (23 of 1940), the registered pharmacist has not used due diligence in enforcing compliance with the provisions of that Act in his place of business and by persons employed by him or by persons under his control.</p> <p>(2) An order under sub-section (1) may direct that the person whose name is ordered to be removed from the register shall be ineligible for registration in the State under this Act either permanently or for such period as may be specified.</p> <p>(3) An order under sub-section (1) shall be subject to confirmation by the</p>	
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<p>Restoration to register.</p>	<p>State Pharmacy Authority and shall not take effect until the expiry of three months from the date of such confirmation.</p> <p>(4) A person aggrieved by an order under sub-section (1) which has been confirmed by the State Pharmacy Authority may, within thirty days from the communication to him of such confirmation, appeal to the State Government, and the order of the State Government upon such appeal shall be final.</p> <p>(5) A person whose name has been removed from the register under this section or under sub-section (2) of section 42 shall forthwith surrender his certificate of registration to the Registrar, and the name so removed shall be published in the Official Gazette.</p> <p>33. The State Pharmacy Authority may at any time for reasons appearing to it sufficient order that upon payment of the prescribed fee, the name of a person removed from the register shall be restored thereto:</p> <p>Provided that where the State Government has rejected an appeal against such removal, an order under this section shall not take effect until the State Government has confirmed it.</p>	
<p>Bar of other jurisdiction.</p>	<p>34. No order refusing to enter a name on the register or removing a name from the register shall be called in question in any Court.</p>	
<p>Issue of duplicate certificates of registration.</p>	<p>35. Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the prescribed form.</p>	
<p>Printing of register and evidentiary value of entries therein.</p>	<p>36. (1) As soon as may be after the first day of April month subsequent to the commencement of this Act, the Registrar shall cause to be printed copies of the register and the register published in electronic form in public domain as it stood on the said date.</p> <p>(2) The Registrar shall thereafter cause to be printed as soon as may be after the first day of April month in each year, copies of the annual supplement to the register referred to in sub-section (1), showing all additions to, and other amendments in, the said register.</p> <p>(3) The copies referred to in sub-section (1) or sub-section (2) shall be made available to persons applying thereafter on payment of the prescribed charge and shall be evidence that on the date referred to in the register or annual supplement, as the case may be, the persons whose names are entered therein were registered pharmacists.</p>	
<p>Control of Pharmacy Profession</p>	<p>37. (1) The State Pharmacy Authority shall, with the previous approval of the State Government, appoint Pharmacy Control Officers having the prescribed qualification for the purposes of this Act.</p>	

- (2) A Pharmacy Control Officer may:-
- (a) inspect any premises where drugs are compounded or dispensed and submit a written report to the Registrar;
  - (b) enquire whether a person who is engaged in compounding or dispensing of drugs is a registered pharmacist;
  - (c) investigate any complaint made in writing in respect of any contravention of this Act and report to the Registrar;
  - (d) institute prosecution under the order of the State Pharmacy Authority of Indian Medicine and Homoeopathy; and
  - (e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made there under.
- (3) Any person willfully obstructing a Pharmacy Control Officer in the exercise of the powers conferred on him by or under this Act or any rules made there under shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding five thousand rupees, or with both.
- (4) Every Pharmacy Control Officer shall be deemed to be a public servant within the meaning of section 20 of the Indian Penal Code.

## CHAPTER V

### THE CENTRAL REGISTER OF PHARMACISTS OF INDIAN MEDICINE AND HOMEOPATHY

38. (1) The Central Pharmacy Council shall cause to be maintained in the manner provided by regulations, a register of pharmacists in separate parts for each of the systems of Indian Medicine and Homeopathy to be known as the Central Register of Pharmacists of Indian Medicine and Homeopathy which shall contain -

- (a) in part I, the names of all persons who are for the time being enrolled on any State Register of Pharmacists in Indian Medicine and Homeopathy and possess any of the recognized pharmacy qualifications; and
- (b) in part II, the names of all persons, other than those included in part I, who are for the time being enrolled on any State Register of Pharmacists in Indian Medicine or Homeopathy.

(2) It shall be the duty of the Registrar of the Central Pharmacy Council to keep and maintain the Central Register of Pharmacists in accordance with the provisions of this Act and of any orders made by the Central Government, and from time to time to revise the register and publish it in such manner as may be prescribed.

Central Register  
of Pharmacists  
of Indian  
Medicine and  
Homeopathy.

Supply of copies of State Register of Pharmacists.	39. Each State Pharmacy Authority shall supply to the Central Pharmacy Council three printed copies of the State Register of Pharmacists of Indian Medicine and Homoeopathy as soon as may be after the commencement of this Act and subsequently after the first day of April month of each year and each State Pharmacy Authority shall inform the Central Pharmacy Council without delay of all additions to and other amendments in the State register made from time to time.	
Registration in the Central Register of Pharmacists	40. The Registrar of the Central Pharmacy Council may on receipt of the report of registration of a person in a State Register of Pharmacists of Indian Medicine and Homeopathy or on application made in the manner provided in the regulations, by any person, enter his name in the Central Register of Pharmacists of Indian Medicine and Homeopathy provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.	
Professional conduct.	41. (1) The Central Pharmacy Council may provide by regulation the standards of professional conduct and etiquette and a code of ethics for Pharmacists of Indian Medicine and Homoeopathy.  (2) Regulations made by the Central Pharmacy Council under subsection (1) may specify which violations thereof shall constitute infamous conduct in any professional respect that is to say, professional misconduct and such provision shall have effect notwithstanding anything contained in any law for the time being in force.	
Removal of names from the Central Register of Pharmacists	42. (1) If the name of any person enrolled on a State Register of Pharmacists of Indian Medicine and Homeopathy is removed there from in pursuance of any power conferred by or under any law relating to registration of Pharmacists for the time being in force in any State, the Central Pharmacy Council shall direct the removal of the name of such person from the Central Register of Pharmacists.  (2) Where the name of any person has been removed from a State Register on any ground other than that he is not possessed of the requisite Pharmacy qualifications or where any application by the said person for restoration of his name to the State Register of Pharmacists of Indian Medicine and Homoeopathy has been rejected, he may appeal in the prescribed manner and subject to such conditions, including conditions as to the payment of a fee, as may be prescribed, to the Central Government whose decision, which shall be given after taking opinion of the Central Pharmacy Council, shall be binding on the State Government and on the authorities concerned with the preparation of the State Register.	
Privileges of the persons enrolled on the Central Register of	43. (1) Subject to the conditions and restrictions laid down in this Act regarding practice of Pharmacy in Indian Medicine or Homoeopathy by persons possessing certain recognized Pharmacy qualifications, every person whose name is for the time being borne on Part I of the Central Register of Pharmacists shall be entitled according to his qualifications to	

<p>Pharmacists of Indian Medicine and Homeopathy.</p>	<p>practice Pharmacy in Indian Medicine or Homoeopathy in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.</p> <p>(2) Subject to the provisions of sub-section (3) of section 32, any person whose name is for the time being borne on part II of the Central Register of Pharmacists, may practice Pharmacy in Indian Medicine or Homoeopathy in any State, other than the state where he is enrolled on the State Register with intimation and application to the State Pharmacy Authority of the State where he intends to practice.</p>	
<p>Registration of additional qualifications.</p>	<p>44. (1) If any person whose name is entered in the Central Register obtains any title, diploma or other qualification for proficiency in Pharmacy, which is a recognized qualification, he shall, on application made in this behalf in the prescribed manner, be entitled to have an entry stating such other title, diploma or other qualification made against his name in the Central Register either in substitution for or in addition to any entry previously made.</p> <p>(2) The entries in respect of any such person in a State Register shall be altered in accordance with the alteration made in the Central Register of Pharmacists.</p> <p>(3) Every person registered in the Central Register of Pharmacists shall notify any transfer of the place of his residence or practice from one state to another to the Central Pharmacy Council and to the State Pharmacy Authority concerned within ninety days of such transfer, failing which his right to participate in the election of members to the Central Pharmacy Council shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein and it shall be the responsibility of the State Pharmacy Authority where he was originally residing to delete his name from the register of that State and intimate to the State Pharmacy Authority of the State where the person has moved to register him upon receipt of such intimation and application of the person concerned.</p>	
<p>Penalty for falsely claiming to be registered.</p>	<p style="text-align: center;"><b>CHAPTER VI</b></p> <p style="text-align: center;"><b>OFFENCES AND PENALTIES</b></p> <p>45. (1) If any person, whose name is not for the time being entered in the State Register, falsely pretends that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five thousand rupees and on any subsequent conviction with imprisonment extending to six months or with fine not exceeding ten thousand rupees or with both:</p>	



	<p>Provided that it shall be a defense to show that the name of the accused is entered in the register of another State and that at the time of the alleged offence under this section, an application for registration in the State had been made.</p> <p>(2) For the purposes of this section-</p> <p>(a) it shall be immaterial whether or not any person is deceived by such pretense or use as aforesaid;</p> <p>(b) the use of the description "pharmacist", "chemist", "druggist", "pharmaceutist", "dispenser", "dispensing chemist", or any combination of such words or of any such word with any other word shall be deemed to be reasonably calculated to suggest that the person using such description is a person whose name is for the time being entered in the register of the State; and</p> <p>(c) the onus of proving that the name of a person is for the time being entered in the register of a State shall be on him who asserts it.</p>	
<p>Dispensing by unregistered persons.</p>	<p>46. (1) On or after such date as the State Government may by notification in the Official Gazette appoint in this behalf, no person other than a registered pharmacist under this Act shall, compound, prepare, mix or dispense any drug of Indian Medicine or Homeopathy:</p> <p>Provided that this sub-section shall not apply to the dispensing by a registered practitioner for his own patients.</p> <p>(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding rupees twenty five thousand or with both.</p>	
<p>Penalty for contravention of the provisions of section 18.</p>	<p>47. Any person who opens a Pharmacy College of Ayurveda, Siddha, Unani, Sowa-Rigpa or Homoeopathy in contravention of the provisions of this Act or admits students in such college or admits more students than the number permitted by the Central Government or opens new or higher course of study or admits a new batch of students in any course of study or training in such contravention, shall be liable for an imprisonment which may extend to six months or a fine up to rupees Five lakhs per student or both.</p>	
<p>Cognizance of offences.</p>	<p>48. (1) Cognizance of an offence punishable under sections 45 and 46 shall not be taken except upon complaint made by an order of the State Government or any officer authorized in this behalf by the State Government, or by order of the State Pharmacy Authority.</p> <p>(2) Cognizance of an offence punishable under section 47 shall not be taken except upon complaint made by an order of the Central Government or any officer authorized in this behalf by the Central Government, or by order of the Executive Committee of the Central Pharmacy Council.</p>	

**CHAPTER VII**

**MISCELLANEOUS**

Information to be furnished by the Central Pharmacy Council and publication thereof.

49. (1) The Central Pharmacy Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as the Government may require.

(2) The Central Government may publish in such manner, as it may think fit, any report, copy, abstract or other information furnished to it under this section or under section 51.

Payment of part of fees to Central Pharmacy Council.

50. The State Pharmacy Authority shall before the end of June in each year pay to the Central Pharmacy Council a sum equivalent to one-fourth of the total fees realized by the State Pharmacy Authority under this Act during the period of twelve months ending on the thirty first day of March month of that year.

Accounts and audit of Central Pharmacy Council

51. (1) The Central Pharmacy Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Central Pharmacy Council shall be audited annually by the Comptroller and Auditor-General of India or any person authorized by him in this behalf and any expenditure incurred by him or any person so authorized in connection with such audit shall be payable by the Central Pharmacy Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person authorized by him in connection with the audit of the accounts of the Central Pharmacy Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers.

(4) The accounts of the Central Pharmacy Council as certified by the Comptroller and Auditor-General of India or any person authorized by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Pharmacy Council which shall forward the same with its comments to the Central Government.

Powers of the Central

52. (1) The Central Pharmacy Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it

<p>Government to issue directions etc.</p>	<p>from time to time.</p> <p>(2) The Central Government may, from time to time, give such other directions to the Central Pharmacy Council as it may consider necessary, for the purposes of this Act.</p> <p>(3) The decision of the Central Government if any dispute arises between Central Government and Central Pharmacy Council or as to whether a question is one of policy or not, shall be final.</p> <p>(4) (a) where the Central Government considers it expedient so to do, it may, by order in writing direct the Central Pharmacy Council to make any regulations or to amend or revoke any regulations already made, within such period as it may specify in this behalf  (b) if the Central Pharmacy Council fails or neglects to comply with such order within the specified period, the Central Government may itself make the regulations or amend or revoke the regulations made by the Central Pharmacy Council</p> <p>(5) In case of any difference of opinion or conflict between the State Pharmacy Authority and the State Government regarding enforcement of the provisions of this Act, the matter may be referred to the Central Government for review.</p>	
<p>Commission of Inquiry.</p>	<p>53.(1) Whenever it is made to appear to the Central Government that the Central Pharmacy Council is not complying with any of the provisions of this Act, the Central Government may appoint a Commission of Enquiry consisting of three persons- one being the Retired Judge of a High Court to be nominated in consultation with the Ministry of Law, one being nominated by the Ministry of AYUSH, and one being the Drugs Controller General, India or his representative; and refer to it the matters on which the enquiry is to be made.</p> <p>(2) The Commission shall proceed to enquire in such manner as it may deem fit and report to the Central Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.</p> <p>(3) The Central Government may accept the report or remit the same to the Commission for modification or reconsideration.</p> <p>(4) After the report is finally accepted, the Central Government may order the Central Council to adopt the remedies so recommended within such time as may be specified in the order and if the Council fails to comply within the time so specified, the Central Government may pass such order or take such action as may be necessary to give effect to the</p>	

<p>Power of Central Government to dissolve the Central Pharmacy Council</p>	<p>recommendations of the Commission.</p> <p>(5) Whenever it appears to the State Government that the State Pharmacy Authority is not complying with any of the provisions of this Act, the State Government may likewise appoint a similar Commission of Enquiry and pass such order or take such action as specified in sub-sections (3) and (4)</p> <p>54. (1) If the Central Government is of the opinion that the Central Pharmacy Council is unable to perform or has made persistent defaults in the performance of, the duties imposed on it by or under this Act, or has exceeded or abused its powers, or has willfully or without sufficient cause, refuses to comply or fails to comply with any direction issued by the Central Government under section 52, the Central Government may, by notification, together with a statement of the reasons thereof, dissolve the Central Pharmacy Council for such period not exceeding six months, as may be specified in the notification:</p> <p>Provided that before issue of such notification, the Central Government shall give a reasonable time to the Central Pharmacy Council to show cause as to why it should not be dissolved and shall consider the explanations and objections, if any, of the Central Pharmacy Council.</p> <p>(2) Upon the publication of a notification under sub-section (1) for dissolving the Central Pharmacy Council,-</p> <p>(a) all the members including the President, or Vice-Presidents of the Central Pharmacy Council shall, notwithstanding that their terms of office had not expired, as from the date of dissolution of the Central Pharmacy Council, deemed to have vacated their offices as member or President or Vice-President of the Central Pharmacy Council;</p> <p>(b) the Central Government shall appoint a Board of Administrators consisting of not more than five members headed by a Chief Administrator, who are otherwise eligible to hold the office of the members of the Central Pharmacy Council, which shall exercise the powers and perform the functions of the Central Pharmacy Council, till the Central Pharmacy Council is reconstituted, in the manner provided under this Act.</p> <p>(3) On the expiry of the period of dissolution specified in the notification issued under sub-section (1), the Central Government may extend the period of dissolution for such further period not exceeding six months, as it may consider necessary.</p> <p>(4) The Central Government shall, at any time before the expiry of the period of dissolution of Central Pharmacy Council, whether specified under sub-section (1) or as extended under sub-section (3), take</p>	
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<p>Protection of action taken in good faith.</p>	<p>necessary steps for the reconstitution of the Central Pharmacy Council in the manner provided under section 3.</p> <p>(5) All property vested in the Central Pharmacy Council shall, during the period of dissolution, vest in the Central Government.</p> <p>55. No suit, prosecution or other legal proceeding shall lie against the Central Government, the Central Pharmacy Council or a Board of Administrators or any Committee thereof or any officer or servant of the Central Government or the Central Pharmacy Council or the Board of Administrators or the Committee aforesaid for anything which is in good faith done or intended to be done under this Act.</p>	
<p>Power to make rules by Central Government.</p>	<p>56. (1) The Central Government may by notification in the Official Gazette make rules to carry out the purpose of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for –</p> <p>(a) the manner in which election of the President and Vice Presidents to the Central Pharmacy Council shall be conducted;</p> <p>(b) the manner in which election of the Members to the Central Pharmacy Council under clause (a) or clause (b) of sub-section (1) of section 3 shall be conducted;</p> <p>(c) any other matter which is to be or may be prescribed under this Act.</p> <p>(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	
<p>Power to make Regulations</p>	<p>57. (1) The Central Pharmacy Council shall, with the approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act to carry out the purposes of this Chapter.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for –</p> <p>(a) the management of the property of the Central Pharmacy Council;</p> <p>(b) the summoning and holding of meetings of the Central Pharmacy Council, the times and places at which such meetings shall be held, the conduct of business and the number of members necessary to constitute a</p>	

<p>Power to make Rules by State Government</p>	<p>quorum;</p> <p>(c) the functions of the Executive Committee, the summoning and holding meetings thereof, the time and place at which such meeting shall be held, and the number of members necessary to constitute a quorum;</p> <p>(d) the powers and duties of the President and Vice-Presidents;</p> <p>(e) the qualifications, the term of office and the powers and duties of the Registrar, Pharmacy Control Officer and other officers and employees of the Central Pharmacy Council, including the amount and nature of the security to be furnished by the Registrar or any other officer or employee;</p> <p>(f) the manner in which the Central Register of Pharmacists shall be maintained and given publicity;</p> <p>(g) constitution and functions of the committees other than Executive Committee, the summoning and holding of meetings thereof, the time and place at which such meetings shall be held, and the number of members necessary to constitute the quorum; and</p> <p>(h) minimum standards of Pharmacy education, course curricula, syllabi, examinations, etc.</p> <p>(3) Until regulations are made by the Central Pharmacy Council, the President may, with the previous sanction of the Central Government, make such regulations under this section, as may be necessary for carrying into effect the provisions of this chapter, and any regulations so made may be altered or rescinded by the Central Pharmacy Council in exercise of its powers under this section.</p> <p>(4) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.</p> <p>58. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of Chapters IV, V and VI.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-</p> <p>(a) the management of the property of the State Pharmacy Authority, and the maintenance and audit of its accounts;</p> <p>(b) the manner in which State Pharmacy Authority shall be constituted;</p> <p>(c) the summoning and holding of meetings of the State Pharmacy Authority, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to form a quorum;</p>	
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- (d) the qualifications, the term of office and the powers and duties of the Registrar and other officers and servants of the State Pharmacy Authority;
- (f) the qualifications, powers and duties of a Pharmacy Control Officer
- (g) the particulars to be stated, and the proof of qualifications to be given, in applications for registration under Chapter IV;
- (h) the conditions for registration under sub-section (1) of section 25;
- (i) fees payable under Chapter IV and the charge for supplying copies of the register;
- (j) the form of certificates of registration;
- (k) the maintenance of register of Pharmacists;
- (l) the conduct of pharmacists and their duties in relation to registered practitioners, the public and the profession of pharmacy; and
- (m) any other matter which is to be or may be prescribed under Chapters IV, V and VI.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.