

**LA GAZETTE DE L'ETAT**  
**DE PONDICHERY**  
**PUBLIEE PAR AUTHORITY**  
**EXTRAORDINAIRE**

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NO: 63 PONDICHERY LE JEUDI 13 JUILLET 1972 (22 ASADHA 1894)

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**GOVERNMENT OF PONDICHERY**  
**DRUGS CONTROL ADMINISTRATION**  
Department of Health and Family Planning.  
[G. O. (Ms.) No. 12 Health/72, dated 8th February, 1972]

**NOTIFICATION**

In exercise of the powers conferred by section 46 of the pharmacy act, 1948 (central act of 1948) the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:-

**PART I**

*Short title and commencement*

- 1.(1) These rules may be called the Pondicherry Pharmacy Council Rules, 1972.
- (2) They shall come into force on the date of publication in the La Gazette De L'Etat.

*Definitions*

2. In these rules unless there is anything repugnant in the subject or context.
  - (a) "Act" means Pharmacy Act, 1948 (Central Act VIII of 1948");
  - (b) "Council" means the Pondicherry Pharmacy Council constituted under section 19;
  - (c) "Dispensing" in relation to a medicine or a poison means supplying a medicine or a poison on and in accordance with the prescription duly given by a registered medical practitioner, a Registered Dentist or a qualified Veterinary Surgeon;
  - (d) "Executive Committee" means the Executive Committee of the Council constituted under sub-section (1) of section 27;

- (e) "Form" means a form appended to these rules;
  - (f) "Gazette" means la gazette de L'Etat de Pondicherry;
  
  - (g) "Government" means the Government of Pondicherry;
  - (h) "ministered staff" means the officers and servants appointed under clause (b) of section 26;
  
  - (i) "President" means the president of the council.
  
  - (j) "Registrar" means a Registrar appointed under section 26;
  
  - (k) "Returning Officer" means a Returning Officer appointed by the Government for conducting elections under chapter III of the Act;
  
  - (l) "Section" means a section of the Act;
  
  - (m) "Treasurer" means a Treasurer referred in clause (a) of section 26;
3. The office of the Council shall be situated in Pondicherry.

## **PART II – MODE OF ELECTION**

### *Publication of election calendar*

#### **Election under the section 19 (a)**

4. (1) For elections to be held under clause (a) section 19, the president, as soon as may be after the appointment of Returning Officer issue a notice to the electorate apprising of the elections and requiring to elect the members within the date mentioned in the notice and the said notice shall be published in the Gazette and also in such other manner as the Returning Officer thinks fit.

(2) The Returning Officer shall also publish notice in form A in the Gazette.

*Explanation:* in the case of election to be held for the first time under clause (a) of section 19, the Returning Officer himself will issue the notices and clause there to be published as required under the above said sub-rules.

(3) The council (or the Government in the case of first election shall appoint and notify in the Gazette and also other manner as it thinks fit , the following particulars, namely:-)

- (a) The last date for the receipt of nomination papers;
- (b) The date and time for the scrutiny of nomination papers;
- (c) The dare for the withdrawal of candidature;

- (d) A date for the final publication of the names of candidates;
- (e) The last date for the despatch of voting papers under rule 11 (1); and
- (f) The last date for the receipt of voting papers and the counting of votes.

### *List of Voters*

5. (1) The first register published under sub-section (4) and amended under sub-section 5 of section 30 shall be the final electoral roll for the first election held under clause (a) of section 19.

(2) The register as last printed under section 40 together with a list published by the Returning officer of pharmacists, registered subsequent to the printing of the register shall be the final electoral roll for subsequent elections under clause (a) of section 19.

(3) Copies of the electoral roll containing the name, qualifications and addresses of the elections shall be made available for sale at a price not exceeding Rs. 3 to be fixed by the president of the Government in the case of first election, as the case may be.

### *Submission of nomination papers*

6. (1) Any person who is qualified for election to the Council under clause (a) of section 19 may be nominated as a candidate for such election and every candidate for such election must be proposed and seconded by persons qualified as electors and the nomination papers should be in form "B".

(2) No elector shall propose or second the nomination of more persons than are required to fill up the vacancy or vacancies.

Provided that if more nominations than are required to fill up the vacancy or vacancies subscribed by the same elector the prescribed number or vacancies first received by the Returning Officer or a person authorized by him, shall, if otherwise in order, be held to be valid and if more than the prescribed number of nominations than are required to fill up the vacancy or vacancies, signed by the some elector are received simultaneously by the Returning Officer or a person authorized by him, all nominations subscribed by him shall be held to be invalid.

(3) Every proposal for nominations must be in writing and must be signed by the proposer and seconder and sent by post or otherwise, so as to reach the returning officer on or before the date appointed in that behalf, which date shall not be less than 30 days before the date appointed for the poll.

(4) On receipt of each nomination paper, the Returning officer of a person authorized by him shall forthwith endorse thereon the date and hour of receipt.

(5) The candidate shall sign the nomination paper declaring that he is willing to serve on the council, if elected, failing which, the nomination paper shall be invalid.

### ***Deposit by candidates***

7. (1) Every candidate shall, on or before the date appointed for the receipt of nominations, deposit with the Returning Officer, a sum of Rs. 100 in cash and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit made under sub-rule (1) shall be forfeited to the Council if the candidate is not elected and the number of votes polled in his favor, is less than 1/8th of the total number of votes polled.

*Note:* for the purposes of this sub-rule, the number of votes polled shall be the number of voting papers counted as valid by the Returning Officer.

(3) The deposit shall, if not forfeited under sub-rule (2), be returned to the candidate as soon as may be after the publication of result of election in the Gazette.

### ***Scrutiny of nominations***

8. (1) all the nomination papers received in time shall be scrutinized by the returning officer on the day appointed for such scrutiny and at such time and place specified by him. Any candidate may be present either in person or by an accredited representative at the time of scrutiny.

(2) On completion of the scrutiny of nominations and after the expiry of the period within which the candidature may be withdrawn under sub-rule (1) of rule 9, the Returning Officer shall forthwith declare the names of the candidates whose nomination papers are held valid by him.

### ***Withdrawal of nomination papers***

9. (1) Any candidate may withdraw any candidature by notice in writing signed by him up to 12 noon on the 5<sup>th</sup> day from the last date for the receipt of nomination papers, the said last date being counted as the first date.

(2) Such notice shall not be valid unless if delivered to the Returning Officer or sent to him post or otherwise and received by the Returning Officer before the time and the date appointed for such purpose and the candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawing.

(3) The Returning Officer shall on receiving the notice of withdrawal cause it to be published in the Gazette.

### ***Preparation and publication of list of contesting candidates***

10. (1) If the number of candidates who stands duly nominated is equal to number of members to be elected, returning officer shall, after the expiry of time for withdrawal of candidature, declare such candidate or candidates to be duly elected.

(2) If the number of such candidates is less than the number of members to be elected the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidates, if any, or all such candidates to be duly elected and the registrar shall in accordance with the provisions of rule 49 take steps to fill up the vacancy or vacancies.

(3) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish the names and addresses in the gazette and shall further cause their names to be entered in alphabetical order in the voting papers in Form C.

### ***Despatch of voting papers***

11. (1) If a poll is found necessary, the returning officer shall, two weeks before the date appointed there for, send by post to each elector, a letter of intimation in Form P together with a numbered declaration paper in Form D and a voting paper in alphabetical order and bearing Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (Returning Officer) and an envelope also addressed to him. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector.

(2) An elector who has not received his voting paper and other connected papers sent to him by post, or whose papers, before they are dispatched back to the Returning Officer, has been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers may, on his transmitting to the Returning Officer a declaration to that effect signed by himself, require the returning officer to send him duplicate papers in place of those not received, spoil or lost, provided that spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt.

(3) In every case where new papers are issued under sub-rule (2), a record thereof, shall be kept by the returning officer and a mark "duplicate" shall be placed on the outer envelope, which will bear the same serial alphabetical number as was

originally given to the said elector. The voting papers issued in such cases shall also be marked “duplicate”.

(4) No election shall be invalidated by reason of an elector not receiving his voting papers provided that a voting paper has been issued to him in accordance with these rules.

### ***Method of sending voting papers***

12. (1) every elector desirous of recording his vote shall after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation enclose the voting paper cover in voting cover, enclose the cover and declaration paper in the outer envelope addressed to the returning officer and send the outer envelope by registered post at the elector’s own cost so as to reach the returning officer not later than 5 P.M. On the day fixed for the poll and such envelopes shall be kept by the Returning Officer in sealed boxes. All envelopes received after that date and hour, or received by unregistered post shall be rejected.

(2) On receipt of the envelopes by registered post containing the declaration papers and the closed cover containing the voting paper, the Returning Officer, shall endorse on the outer envelope the date and hour of receipt.

### ***Scrutiny and rejection of voting paper cover***

13. (1) the returning officer shall attend for the purpose of scrutiny and counting of votes on the dates notified under rule 3 (3) and at the time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.

(2) The returning officer shall open the outer envelopes on the date itself for the counting of votes under rule 3 (3). Any candidate may be present in person or may depute a representative duly authorized by him in writing to be present at the time of scrutiny and counting of votes.

(3) A voting paper cover shall be rejected by the returning officer if-

- (a) The outer envelope contains no declaration paper outside the voting paper cover, or
- (b) The declaration paper is not the one sent by the returning officer, or
- (c) The declaration paper is not signed by the elected or
- (d) The voting paper is placed outside the voting cover or
- (e) More than one declaration paper or voting paper cover has been enclosed in one and the same outer envelope.

In each case of rejection the word “rejected” shall be enclosed on the voting paper cover under declaration paper.

(4) After satisfying himself that the electors have affixed their signature to the declaration papers, the returning officer shall keep all the declaration papers in safe custody pending disposal under Rule 17.

### *Opening of ballot paper covers*

14.(1) all the voting paper covers, other than those rejected under rule 13 (3) shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinized and valid votes counted.

(2) A voting paper shall be invalid, if-

- (a) It does not bear the returning officer’s initials or facsimile signature;
- (b) a voter signs his name or writes a word or makes any mark on it by which it becomes recognizable as his voting paper; or
- (c) No vote is recorded thereon; or
- (d) The number of votes recorded therein exceeds the number of vacancies to be filled; or
- (e) It is void for uncertainty of one or more votes exercised.

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

(3) Any candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of scrutiny.

(4) The Returning officer shall show the voting papers, if requested to do so, the candidates or their authorized representatives at the time of scrutiny and counting of votes.

(5) if any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(6) The President shall nominate such number of scrutinizers not exceeding four as he thinks fit. In the case of elections held for the first time under the Act, the scrutinizer shall be persons who are class II officers of the department of health and family planning of the Government of Pondicherry and in case of other elections, members of the council.

### ***Counting of votes and declaration of results***

15. (1) when the counting of the votes has been completed the Returning Officer shall forthwith declare the candidate to whom the largest number of votes have been given to be elected and shall forthwith inform the successful candidate by letter of his being elected to the council. If any candidate thus shown to be elected has withdrawn from the election, or refuses to accept the election, then that one of the remaining candidate to whom the next largest number of votes has been given shall be held to have been elected in the place of withdrawing candidate, and so on for as many of the remaining candidates as there may be vacancies caused in this way.

### ***Equality of votes***

16. when an equality of votes is found to exist between any candidate any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer, and in such manner as the president or the persons authorized by him in this behalf may determine.

### ***Sealing, custody and disposal of voting papers etc.***

17. Upon the completion of counting and after the result has been declared by him the returning officer shall seal up the voting papers and all the documents relating to the election and shall retain the same in safe custody for a period of six months and thereafter cause them to be destroyed, after getting previous permission of the government through the council.

### ***Publication of results***

18. (1) The Returning Officer shall publish the results of the election in the Gazette in the case of first elections to the council and also send a report to the Government about the election.



(2) In the case of elections other than those held for the first time under the act, the returning officer shall inform the president of the results of the election who shall then publish the same in the Gazette and Returning Officer shall also send a report to the Government.

### ***Election petitions***

19. (1) An election petition calling in question any election shall be presented to the Returning Officer by any candidate or elector at such election within 7 days from the date of publication of the result under Rule 18.

(2) An election petition shall be presented in person by the person making the petition or by anyone authorized by such person in writing in this behalf or shall be sent by registered post with acknowledgement due. The Returning Office shall give a written acknowledgement for every petition presented in person.

(3) The Returning Officer shall forward an election petition in original to the government together with the remarks thereon if any, within a week of its receipt by him.

(4) On receipt of election petition or petitions from the Returning Officer the Government may if it deems fit appoint a person to enquire into the matter and make a report to them.

(5) Before giving its decision under section 24 the Government shall give to all parties concerned a reasonable opportunity of being heard.

### ***Election of President and Vice-President***

20. (1) The President and the vice-president of the council shall be elected at the meeting of the council. At the meeting held for the election of the president the members present shall elect a temporary chairman by a ballot if necessary, which ballot shall be taken by Registrar. The meeting shall then proceed to the election of the President which shall be by ballot. It shall be competent to any member to nominate by ballot a member for office of the president and the temporary chairman shall announce the names of the members so nominates and arrange for a ballot. Every vote which shall be given at such a ballot for a person who has not been nominated shall be wholly void and in effectual. Should only two persons be nominated the voting on the first ballot shall be final except in the case of equality of votes. If more than two persons are nominated the candidate obtaining the lowest number of votes at the first ballot shall be eliminated until only two remain when the ballot shall be final except in case of equality of votes, provided if one of the candidates secures more than 50% of the votes cast, he shall be declared elected. In the case of an equality of votes a further ballot shall be taken and if that be indecisive the selection shall be decided by the drawing of lots.

(2) The President having been elected has taken the chair the members will proceed to elect the Vice-President the procedure laid down in sub-rule (1) being followed except that in the case of equality of votes, the president shall have casting votes.

### ***Election under sub-section (C) of section 19***

21. Election of the member of the madras medical council under clause (C) of section 19 shall be conducted at meeting of the Madras Medical Council in accordance with regulations of the council.

### ***Introducing member to the council***

22. The notification of the election of a member shall be read by the president and he shall then be introduced to the meeting by some member of the council. The above procedure shall be also in the case of nominated members.

## **Part III – meetings of the council**

### ***Meetings***

23. (1) the council shall ordinarily meet twice president ferably in February and September in a calendar year on such date and place as may be fixed by the president, provided that the president:-

- i. May call a special meeting at any time on 15 days notice to deal with any urgent matter requiring the attention of the council.
- ii. Shall call a special meeting on 15 days notice if the receives a requisition in writing signed by not less than 10 members and stating the purpose of the meeting (such purpose being one within the scope of council's function) for which they desire the meeting to be called.

(2) At the special meeting called by the president in the exercise of his discretion under sub-rule (1), only the subject or subjects for the consideration of which the meeting has been called shall be discussed, unless the council by resolution agreed to consider any other subject.

### ***Notice of meeting and business***

24. (1) notice of every meeting shall be sent to each member by ordinary post by registrar, unless the president in exercise of his discretion shall deem shorter notice expedient in which case such notice shall be sent by telegram or other more expeditious means.

(2) Notice of every meeting other than a special meeting called under rule 21 or under the first provision to rule 24 (1) (b) shall be dispatched by the registrar to each member of the council thirty days before the date of the meeting.

(3) (a) the registrar shall issue with a notice of the meeting, a preliminary agenda paper showing the business to be brought before the meeting, the terms of all motions to be moved for which notice in writing has previously reached him and the names of the movers.

(b) A member who wishes to move any motions not included in the preliminary agenda paper or an amendment to any item so included shall give notice thereof, to the registrar not less than twenty clear days before the date fixed for the meeting.

(c) The registrar shall, not less than fifteen clear days before the date fixed for the meeting, in the case of a special meeting with a notice of the meeting issue a complete agenda paper showing the business to be brought before the meeting.

(d) A member who wishes to move an amendment to any item included in the complete agenda paper, but not included in the preliminary agenda paper shall give notice thereof to the registrar not less than three clear days before the date fixed for the date for the meeting.

(e) The Registrar, shall if time permits, cause a list of all amendments of which notice has been given under clause (iv) to be made available to the use of every member:

Provided that the president, may, if the council agrees, allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit of compliance of this rule:

Provided further that nothing in these rules shall operate to prevent the preference by the executive committee of any matter to the council at a meeting following immediately or too soon after the meeting of the Executive committee to permit of the notice required under this rule.

(4) The President whenever it appears to their unnecessary to convene a meeting, may, instead of so doing circulate a written proposition with the reasons for such proposition for observation and votes of the members of the council, such proposition being decided according to the majority of the votes and a minute recording it being added to the minutes of the council.

### ***Annual Meetings of the Council***

25. The first meeting of the council held in any calendar year shall be annual meeting of the council for that year.

### ***Rejection of motion shall not be amendments***

26. (1) a motion shall not be admissible:
- (a) If the matter to which it relates is not within the scope of the council's function;
  - (b) If it traces substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the council within one year of the date of the meeting at which it is designed to move.

Provided further that nothing in this rule shall operate special meeting of the council convened for the purpose on the requisition of not less than two-thirds of the members of the council.

Provided further that nothing in this rule shall operate to prohibit a further discussion of any matter referred to the council by the state Government in exercise of any of its functions under the Act.

- (c) Unless it is clearly and precisely expressed and raised substantially one definite issue and
- (d) If it contains inferences, ironical expressions or defamatory statements.

(2) The President shall disallow any motion which in his opinion is inadmissible under sub-rule (1).

Provided that if a motion can be rendered admissible by amendment, the President, may, in lieu of disallowing the motion admit it in an amended form.

(3) When the President disallows or amends a motion the Registrar, shall inform the member who gave notice of the motion of the order of disallowance or, as the case may be, the form in which the motion has been admitted.

## **PART-IV-TRANSACTION OF BUSINESS**

### ***Presiding officer***

27. (1) Every meeting of the council shall be presided over by the president or if he is absent, by the vice-president or if both the president and the vice-president are absent by a chairman to be elected by the members present from among themselves.

(2) All references in this part to the president shall be read as referring to the person for the time being presiding over a meeting.

### ***Quorum***

28. Seven members of the council of whom the president may be one, present in person, shall constitute a quorum.

Provided that in the case of meeting adjourned to a subsequent date to consider the business left incomplete no quorum shall be required.

Provided further that if a meeting is adjourned for want of quorum, intimation of that fact shall be given to the members absent.

### ***Procedure when there is no quorum***

29. If, at the time appointed for a meeting, a quorum is not present, meeting shall not commence until a quorum is present and if a quorum is not present on the expiration of 20 minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future time and date as the president may appoint.

### ***Method of deciding questions***

30. (1) Every matter to be determined by the council shall be determined on a motion moved by a member and put to the council by the president.

(2) Votes shall be taken by show of hands or by division or by ballot, as the president may direct.

Provided that votes shall be taken by ballot if three members so desire and ask for it.

Provided further that if voting has been by show of hands, a division shall be taken if a member asks for it.

(3) The president shall determine the methods of taking votes by division.

(4) The result of the vote shall be announced by the president and shall not be challenged.

(5) In the event of an equality of votes, the president shall have and exercise a second or a casting vote.

(6) In all cases, where a division has taken place, any member of the council may require that the names or the number or the name and number of the majority or of the minority, of those who are absent, be entered in the minutes.

### ***Identical motions***

31. When motions identical in purport stand in the names of two or more members, the president shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

### *Motions and amendments*

32. (1) Every motion or amendment shall be seconded and if not seconded and if not seconded, shall be deemed to have been withdrawn.

(2) When a motion has been seconded, it shall be stated from the chair.

(3) When a motion has been thus stated, it may be discussed as question to be resolved either in the affirmative or in the negative or any member may,. Subject to sub-rules 4 and 5 of this rule move an amendment to the motion.

Provided that the president shall not allow an amendment to be moved which if it had been a substantive motion, would have been inadmissible under these rules.

(4) (a) an amendment must be relevant to and within the scope of the motion to which it is proposed.

(b) An amendment may not be moved which has merely the effect of a negative vote.

(c) The president may refuse to put an amendment which is, in his opinion frivolous.

(5) A motion may be amended by-

(a) The omission, insertion or addition of words or

(b) The substitution of words for any of the original words

(6) (a) when a motion or amendment is under debate, no proposal with reference thereto shall be made other than-

- i. A motion or amendment in the manner laid down in rule 33.
- ii. A motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die.
- iii. A motion for the closure, namely, a motion that the question be now put.
- iv. A motion that the council instead of proceeding to deal with the motion. Do pass to the next item on the program me of business.

Provided that no such motion or amendment shall be moved so as to interrupt a speech:

Provided further that no motion of the nature referred to in clause (ii), (iii) or (iv) shall be moved or seconded by a member who has already spoken to the questions then, before the meeting: Provided also that a motion referred to in items (iii) or (iv) shall be moved without a speech.

(b) It shall be in the discretion of the president to put or refuse to put to the council a proposal of the nature referred to in clause (b) of sub-rule (1).

(c) Unless the president is of opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried, the substantive motion or amendment under debate shall be put forthwith:

Provided that the president may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

Provided that it shall not interrupt a speech, a proposal to adjourn the council to a specified date and hour may be made at any time, but it shall be in the discretion of the president to put or refuse to put such a proposal to the council.

### ***Withdrawal of motions***

33. A motion or an amendment which had been moved and seconded shall not be withdrawn save with the leave of the council which shall not be deemed to be granted whether a single member can prevent the majority decision to grant leave.

### ***Speaking on a motion by other members***

34. When a motion has been moved and seconded. Members other than the mover and the seconder may speak on the motion in such order as the president may direct:

Provided that the seconder of a motion or an amendment may, with the permission of the president confine himself the seconding the motion of amendments as the case may be, and speak thereon at any subsequent stage of the debate.

### ***President to give information***

35. During the meeting, the president may, at any time, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.

### ***Right to speak and its restrictions***

36. (1) the mover of an original motion and, if permitted by the president, the mover of any amendment shall be entitled to a right of final reply; no other member shall speak more than once to any debate, except with the permission of the president., for the purposes of making a personal explanation or of putting a question to the member then addressing the council.

Provided further that a member at any stage of the debate may rise to a point of order, but no speech shall be allowed on the point:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

(2) No member shall, save with the permission of the president; speak for more than five minutes:

Provided that the mover of a motion when moving the same may speak for ten minutes.

(3) A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made.

(4) Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it may be brought forward by another member with the permission of the president.

(5) A member desiring to make any observations on the matter before the council shall speak from his place, shall rise when he speaks, and shall address the president.

(6) If at any time, president rises, any member speaking shall immediately resume his seat.

(7) No member shall be heard except upon the business before the council or with the special permission of the president in personal explanation in connection with some previous debate.

### ***President to read the sense of the motion***

37. (1) when an amendment to any motion is moved and seconded (or when two or more amendments are moved and seconded) the president shall, before taking the sense of the council thereon, state or read to the council the terms of the original motion and of the amendment or amendments proposed.

(2) An amendment to a motion shall be put to vote first.

(3) If there be more than one amendment to a motion the president shall decide in what order they shall be taken.

(4) When any motion involving several points has been discussed it shall be in the discretion of the president to divide the motion, and put each or any point separately to vote as he may think fit.



### ***Adjournment of meetings***

38. (1) The president, after stating reasons, may at any time adjourn any meeting to any future day or to any hour of the same day.

(2) Whenever a meeting has been adjourned to a future day, the register shall, if possible send notice of the adjournment to every member who was not present at the meeting.

(3) When a meeting has been adjourned to a future day, the president may change such a day any other day and the register shall send written notice of the change to each member.

(4) At a meeting adjourned to future day, any motion standing over from the previous day, shall, unless the president otherwise directs, take precedence over other matters on the agenda.

(5) Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting. The president or a member may suggest a change in the order of business on the agenda. If the council agrees, such a change shall take place.

(6) No matter which has not been included in the agenda of the original meeting, shall be discussed at an adjourned meeting.

### ***President's decision final in certain cases***

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

(2) If any question arises with reference to procedure in respect of the matter for which this rule makes no provision, the president shall decide the same and his decision shall be final.

## **Part V-appointment of members for the council**

### ***Register of members of the council***

40. The registrar shall maintain a book containing the names of the members elected on the council, the electorates they represent, the date of election of each such member, the term of his office and date of death or retirement, if any, of such member. The book shall also contain similar particulars as regards the members nominated by the government. The registrar shall keep the books always up to date so that it may show at a glance when the next election or nomination, as the case may be, has to be made.

### ***Notice of vacancies***

41. (1) within a week of the occurrence of the vacancy otherwise than by the expiry of the term of office, the registrar shall give intimation thereof to the president and also-

- (a) In the case of vacancy to be filled by election under section 19 (a) to the government.
- (b) In the case of vacancy to be filled by nomination under section 19 (b) , to the government ; and
- (c) In the case of vacancy to be filled by election under section 19 (c), to the Madras Medical Council.

(2) In the case of a vacancy occurring by the expiry of the terms of office of members intimation thereof to the authorities referred to in sub-rule (1) shall be given by the registrar not less than months before the date on which the vacancy will occur.

(3) Ninety days before the expiration of the term of office of any member, the registrar shall draw the attention of the president to the impending vacancy so as to enable to take necessary action.

### *Qualification of nominated members*

42. At least 2 of the members nominated by the government under clause (b) of the section 19 Of the act shall be-

(1) Persons possessing any one of the qualification namely B.Pharm . Or B.Sc. (tech.) pharmaceuticals of any of the Indian universities established by law or any other qualifications granted by authority outside India and approved by the pharmacy council of India under section 14 of the act or

(2) Members of the pharmaceutical professions.

## **PART VI- MINUTES OF THE COUNCIL**

### *Minutes of proceedings*

43. (1) the proceedings of the meetings of the council shall be preserved in the form of printed minutes which shall be authenticated after confirmation by the signature of the president.

(2) A copy of the minutes of each meeting shall be submitted to the President within fifteen days of the meeting and attested by him and the copy of the minutes shall be then sent to each member within thirty days of the meeting.

(3) The minutes of each meeting shall contain such motions and amendments have been moved and adopted or negatived with the names of the mover and seconder, but without any comment and without any record of observations made by any member at the meeting.

### *Confirmation of minutes*

44. (1) If any objection regarding the correctness of the minutes are received by the registrar within thirty days of the dispatch of the copy of the minutes to a member in accordance with the rule 51 such objections together with the minutes as recorded and attested shall be put before the next meeting no question shall be raised expect as to the correctness of the records of the meeting.

Provided if no objection regarding the correctness of the minutes is received by the registrar within thirty days of the dispatch of a copy of the minutes, the decision taken by the council at the meeting, May, if expedient be put into put into effect before the confirmation of the next meeting:

Provided further that the president may direct, that action be taken on a decision of the council before the expiry of the period of thirty days mentioned above.

(2) The minutes of the council shall as soon as practicable after their confirmation is made up in sheers and consecutively paged for instructions in a volume which shall be permanently preserved. A copy of such volume shall be supplied to each member of the council.

### *Detailed proceedings of the meeting*

45. A report shall be kept of the observations and of the discussions at the meetings of the council in as accurate the meaning as possible for the use of the member of the council. The detailed proceedings of the meetings which shall be treated as confidential shall be kept in the office and shall be opened to the members for inspection. A copy of the proceedings in whole or in part shall be supplied to any member who may apply for it. Such copy shall be marked "confidential" and be supplied on payment of a sum fixed by the president which does not exceed the cost of copying.

No copy of the proceedings held in camera shall be supplied but such proceedings can be inspected by the members.

## **Part VII-OFFICE OF THE PRESIDENT, VICE-PRESIDENT AND COMMITTEES**

46. (1) the president shall exercise such powers and perform such duties as are contained in the provisions of the act, the rules made there under and the standing orders of the council. He shall do such acts as he considers necessary in the furthermore of the objects for which is established.

(2) If the office of the president for any reason is unable to exercise the powers or perform the duties of his office, the vice-president will act in his place and shall exercise the powers and perform the duties of the president.

### ***Minutes off Executive committee***

47. The Executive Committee of the council shall consist of the President who shall be ex-officio chairman of the Executive Committee, the Vice-President ex-officio and three other members elected by ballot at the first meeting of the council. Of the three members so elected there shall be at least two Registered Pharmacists. The Executive Committee so elected shall hold office till the election of a new Executive Committee.

### ***Meeting and quorum***

48. (1) the Executive Committee shall meet on such date as may be fixed by the President.

(2) For a meeting of the Executive Committee the quorum shall be the president, Vice-President and one other member.

### ***Casual vacancies***

49. If there is any vacancy in the Executive Committee, the shall itself fill up such vacancy by election of the member of the council in such vacancy except in case where a summon has been issued for a meeting of the council before the occurrence of such vacancy and the council itself shall by election fill up the vacancy in the committee is absent for two consecutive meetings without leave of the committee he shall ipso facto cease to be member of the committee. If the period of absence exceeds one year the vacancy shall deem to have been created.

### ***Registrar***

50. In the case of the death of the Registrar or of his incapacity from illness or of his proceedings on leave for more than one month a, person may be appointed by the Executive Committee to perform temporarily the duties of the Registrar

### ***Minutes of proceedings***

51. The Executive Committee shall keep the minutes of the proceedings which shall be dealt with according to the same procedure as that indicated in part VI relating to the minutes of the council.

### ***Duties of the Executive Committee***

52. (1) The Executive Committee shall superintend the publication of the pharmacists register which shall be prepared by the registrar who shall cause it to

be printed. A statement of the distribution of the copies of the register to the government officers as approved by the government and to the pharmacy council of India and to others as may be directed by such Executive Committee shall be added annually to the register as printed.

(2) The Executive Committee shall add each year such number of copies of the pharmacists register to be printed as may be seem to the registrar to be required on a revision of the annual distribution list.

(3) The Executive Committee shall consider and prepare the reports upon any subjects that may seem to require the attention of the council and such reports shall be printed and circulated among the members of the council at which the subject is to come up for discussion.

(4) The Executive Committee shall, before each meeting of the council prepares the business for the consideration of the council.

(5) The printing of the volumes of minutes shall be under the directions of the Executive Committee.

(6) All petitions presented to the council shall be referred to the Executive Committee to be examined and report upon before using being considered by the council.

(7) Subject to the provisions of the preceding rule all petitions addressed to the council immediately before or during the sessions of the council shall be laid upon the table.

(8) The Executive Committee shall prepare reports on such subjects as may be indicated to it by the council at its sittings or by the president at other times. The reports when finally approved by the committee shall be presented to the council.

### ***Sub- committee***

53. (1) The council may constitute sub-committees consisting of persons who may or may not be members if the council to be reported upon any matters which it may deem necessary to refer to them.

(2) The members of sub-committee constituted under sub-rule (1) shall not be entitled to any fee for attending any meetings of the sub-committee. They shall be entitled to travelling expenses only.

## **Part VIII-REGISTRATION**

### ***Register of pharmacists***

54. (1) the register of pharmacist's shall be maintained as required by sub-section (3) of section 29 of the act and shall be in Form E.

(2) The names shall be entered in the register in the alphabetical order and sufficient space shall be allowed for future additions and alterations in the qualifications addresses relating to each name.

(3) Each page of the register shall be verified by the registrar's signature and each entry of renewal shall be attested by his initials.

### ***Certificate of registration***

55. (1) on the registration of every Pharmacist under the act the registrar shall grant such pharmacists a certificate in form F.

(2) In the event of a certificate issued under sub-rule (1) being lost or destroyed the holder may at any time during which certificate is in force apply to the registrar under section 39 of the act for a fresh certificate and the registrar may, if he thinks fit on satisfactory proof as to the identity of the applicant grant such certificates on payment of the fee prescribed under these rules. Certificates issued under this sub-rule shall be marked "duplicate".

### ***Application of registration***

56. Every person entitled under section 32 of act to be registered and decided to have himself registered shall apply to the registrar in Form G duly filled in and signed. Every such application shall be accompanied by the fee prescribed under rule 65.

### ***Renewal of registration***

57. (1) The name of every person registered under the act shall subject to the provisions contained in the act as to the erasure of entries and removal of names from the register remain entered therein and the registration of such person shall hold good until the 31<sup>st</sup> December of the year following the year in which the registration is made.

(2) Any person desiring to continue his registration [after the date mentioned in sub-rule (1) ] shall submit to the registrar an application there for together with the fee prescribed in that behalf in rule 88. Such application should preferably be made previous to the abovementioned date but may be made so as to reach the registrar not later than 31<sup>st</sup> march following

(3) The original registration certificates shall also be submitted with every such application and when the requirement of sub-rule (2) have been complied with and the renewal entered in the register, the registrar shall endorse under the back of the registration certificate the renewal showing the date up to which the renewal will subsists, and return the registration certificate by registered post:

(4) Every renewal made under sub-rule (3) shall be entered in the register and attested about his identity hand it over to him.

(5) When a renewal fee is not paid before the due date the registrar shall remove the name of the defaulter from the register. Provided that the name so removed may be restored to the register under section 37 on payment of fees and penalty as prescribed under these rules.

### ***Registration of additional qualifications***

58. (1) an application for registration of additional qualification under section 35 of the act shall be in form H and shall be accompanied by the fee prescribed in that behalf in rule 65.

(2) On the registration of additional qualifications under sub-rule (1) the registrar shall grant such pharmacists a certificate in Form I.

### ***Appeal***

59. An appeal to the council against the refusal by the registrar to register in the case of the first registration or to alter any entry in the register must state the grounds on which the registration is claimed and the name of the qualifications and dates on which they were received. On receipt of such an appeal, the executive committee shall conduct an enquiry and submit a report to the council.

### ***Certified copies of entries in register***

60. Certified copies of entries in the register shall be issued in form J to any one on payment of the fee prescribed in rule 89.

### **Registering change of name**

61. A fee as prescribed in rule 65 shall be levied for registering a change of name in the register.

### ***Erasure of names from Register***

62. (1) The council may erase from the register a name of any person who has requested that his name may be removed from the register in which case such person may be required to file a declaration that no disciplinary or criminal proceedings are being or are likely to be taken against him.

(2) The registrar shall bring any application under sub-rule (1) before the next meeting of the council or the executive committee which will consider the application and any objections thereto and the president may put from the chair thereto question.

***Whether the registrar shall erase the name (applicant's name) from the register?***

### ***Copies of the register***

63. Copies of the register printed under section 40 shall be made available to persons applying there for on payment of a sum which shall not exceed the cost of printing.

### ***Change of address***

64. (1) it shall be the duty of every registered person who changes his address to intimate the fact to the registrar within one month after such change.

(2) Every mayor of the commune who received a death notice showing that the deceased belonged to a profession or calling the members of which are register able under the act shall forthwith inform the registrar of the council of such death.

(3) There shall be made every year and entered in the printed register an enumeration of-

- (a) The total number of persons in the published register.
- (b) The number of persons added by registration during the year.
- (c) The number restored to the register.
- (d) The number erased from the register stating the section of the act under which the name has been erased and
- (e) The number removed by death.



## PART IX-FEES

### *Fees for Registration, renewal etc.*

65. The following fees shall be levied by the council-

For the first registration in the register	10
For every qualification subsequently Registered.....	5
For restoration to the register after removal for non-payment of annual retention fee in addition to retention fee for the year or years during which the name remains removed.....	5
For annual retention .....	5
For restoration to the register under section 37.....	10
For registration of a change of name .....	5
For every certified copy of an entry in the register.....	5
For duplicate certificates under rule 79 .....	5
For registration in this state of a registered pharmacist of another state	10

In addition the stamp duty leviable under the Indian stamp act 1899 or any other law for the time being in force relating to the levy of stamp duty shall be levied.

## PART X-PENALTIES AND REMOVAL FROM THE REGISTER

### *Penalties*

66. Every person registered under the act who has been found after inquiry by the Executive Committee to have been guilty of improper conduct which when regard is

had to such person's or calling is improper shall be liable to one of the following penalties.

- (a) Caution or reprimand or a caution and reprimand or
- (b) Suspension for a specified period from practicing or performing act pertaining to pharmacy or
- (c) Erasure of his name from the register.

### ***Suspension of mentally and physically disabled members***

67. If at any time it is made to appear by affidavit that the person registered under the act has become mentally or physically disabled to the extent that the Continued practicing of such person is contrary to public welfare, the executive committee may hold enquiry into the facts submitted and may order suspension of such person for a specified period from carrying on his profession or practice of pharmacy.

### ***Information to be recorded***

68. whenever information reaches the office of the council that the Pharmacist has been convicted of a cognizable offence or has been under the censure of any judicial or other competent authority in relation to his professional character or has been guilty of conduct which prima facie constitutes infamous conduct in a professional respect, the registrar shall make an abstract of information and shall submit the same to the President.

### ***Complaint and its contents***

69. Where the information in question is in the nature of a complaint by a person a body charging the pharmacists with infamous conduct in a professional respect, such complaint shall be made in writing addressed to the registrar and shall state the grounds of complaints and shall be accompanied by one or more declarations up to the facts of the case.

### ***Declaration***

70. Every declaration must state the description and true place of abode of the declarant and where a fact stated in declaration is not within the personal knowledge of the belief of the declarant in its truth must be accurately and fully stated. Declaration and parts of declarations which are made in contravention of this rule will not be accepted as evidence.

### *Mode of enquiry*

71. (1) The abstract and where a complaint has been lodged the complaint and all other documents bearing on the case shall be submitted by the Registrar to the President who shall if he thinks fit instruct the Registrar to ask the Pharmacist by means of registered letter for any explanation he may have to offer. Documents including any explanation forwarded by the Pharmacists to the Registrar shall then be referred to the Executive Committee who shall consider the same and shall have powers to cause further investigation to be made and further evidence to be taken and to refer if necessary to a solicitor for his advice and assistance and to instruct him to take the opinion of the council and otherwise to obtain such advice and assistance as they shall think fit. If the Committee are of the opinion that a prima facie case is not made out the case shall not be proceeded further and the Registrar shall inform the complainant after resolution of the committee. If the committees are of the opinion that the circumstances suggest that a letter of warning be sent the committee is empowered to send it. If the committee resolves that the case is one in which an enquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Executive Committee.

(2) An enquiry with a view to a removal of the name from the registrar under section 36 shall be instituted by the issue of a notice in writing on behalf of the Executive committee by the Registrar addressed to the Pharmacist. Such notice shall specify the nature and particulars of charge and will inform him of the day on which the Executive committee intends to deal with the case and shall call upon the Pharmacists to answer the charge in writing and to attend before the Executive Committee on such date. The notice shall be in the Form K with such variations as circumstances may require and shall be sent three weeks before the date of enquiry.

(3) In every case in which the Executive Committee resolves that an enquiry shall be instituted and a notice for an enquiry is issued accordingly, either party shall for the purpose of his defense or reply, as the case may be, and upon request in writing for that purpose signed by himself or his solicitor, be entitled to be supplied by the Registrar with a copy of any declaration, explanation or answer or other documents given or sent to the Executive Committee by or on behalf of the other party which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of enquiry and every notice of enquiry shall draw the particular attention of the Pharmacist to this rule.

(4). Any answer, evidence or statement forwarded or application made by the Pharmacist between the date of issue of the notice, and the day named for the bearing of the charge shall be dealt with by the President in such manner as he, under legal advice, shall think fit.

(5). All material documents which are to be laid before the Executive Committee as evidence in regard to the case shall be printed and a copy shall be furnished to each of the counsel before the hearing of the case.

(6). At the hearing of the case by the Executive Committee their solicitor may be present to advise as to the conduct of the case and a counsel employed by them may act as judicial assessor. The complainant and also the Pharmacist may be represented and assisted by the solicitor with or without a counsel.

### *Procedure*

72. (1). Where the complainant appears personally or by a counsel or by the solicitor the following shall be the order of the procedure:

(i). The Registrar will read to the Executive Committee the notice of enquiry addressed to the Pharmacist.

(ii). The complainant will then be invited to state his case by himself or by his legal representatives and to produce his proof in support of it. At the conclusion of the complainant's proof his case will be closed.

(iii). The Pharmacist will then be invited to state his case by himself or by his legal representatives and to produce his proofs in support of it. He may address the Executive Committee either before or at the conclusion of his proofs but only once.

(iv). At the conclusion of the Pharmacists case, the Executive Committee will if the Pharmacist has produced evidence, hear the complainant in reply on the case generally but will hear no further evidence except in any special case in which the Executive Committee may think fit to take such further evidence. If the Pharmacist produces no evidence the complainant will not be heard in reply except by special leave of the Executive Committee.

(v). Where a witness is produced by any party before the Executive Committee he will be first examined by the party producing him and then be cross-examined by the adverse party and then re-examined by the party producing him. The Executive Committee reserves to itself the right to decline to admit in evidence any declaration where the declarant is not present or decline to submit to cross-examination.

(vi). The President and the Judicial Assessor when present may put questions to any witness and members of the Executive Committee may also put questions through the President to any witness.

(2). where there is no complaint or no complainant appears, the following will be the order of procedure:-

(i) The Register will read to the executive Committee the notice of enquiry addressed to the Pharmacist and will state the facts of the case and produce before the Executive Committee the evidence for which it is supported.

(ii) The Pharmacist will then be invited to state his case be himself or by his legal representatives and to produce his proofs in support of it. He may address the Executive Committee either before or at the conclusion of his proofs but only once.

(iii) The counsel to the Executive Committee may be heard in reply if the Executive Committee so desires.

### ***Manner of deciding the opinion of the Executive Committee***

73. Upon the conclusion of the case the Executive Committee will deliberate thereon in private, and at the conclusion of the deliberations the President shall, for the purpose of summing up the result of the deliberations call upon the Executive Committee to vote on such of the following resolutions to be put from the chair as may be applicable to the circumstances of the case:-

(1) In the case of a Pharmacist who has been convicted of a cognizable offence as defined in the code of Criminal Procedure 1898, alleged against him in the notice of enquiry. "That.....(here enter the name of Pharmacist) is proved to have been convicted of a cognizable offence as defined in the Code of Criminal Procedure 1898 alleged against him in the notice of enquiry or

(2) In the case of Pharmacist charged with infamous conduct in a professional respect-

(a) "that the Executive Committee do now proceed to decide the facts alleged against.....(Name of the Pharmacist) in the notice of enquiry have been proved or have not been proved".

If the resolution is not carried, the further hearing of the case will stand adjourned till the next or some other future session of the Executive Committee as the Executive Committee shall direct and the hearing thereof will be taken at such next future session as an adjourned case. If this resolution is carried the Executive Committee shall be called upon the President to vote on the following resolutions to be put from the chair.

If the resolution is not carried the Executive Committee may either proceed to judge whether on the facts proved the accused Pharmacist has been guilty of infamous conduct in a professional respect and to direct the Registrar to remove his name from the Pharmacists register or may postpone its judgment and adjourned the case until the next or some other future session.

(b) “That the effect of the following facts (specifying them) alleged against.....(Name of Pharmacist) in the notice of enquiry have been proved to the satisfaction of the committee”.

(3). In case of Pharmacist has been convicted of a felony (or mis-demeanour or crime or offence) or has been under the censure of any judicial or other competent authority in relation to his professional character or has been guilty of conduct with *prima facie* constitutes infamous conduct in a professional respect, the judgment of Executive Committee on the conviction (or facts) proved shall be postponed and the Executive Committee shall be called upon by the President to vote on the following resolution to be put from the chair:-

(a) “that the Executive Committee do now proceed to pronounce that the judgment on the conviction (or false) proved against.....”.

If this resolution is not carried, the judgment of the Executive Committee will stand postponed till the next or some other future session of the Executive Committee as the Executive Committee shall direct and the case will be taken at such next or other future session as a case which judgment has been postponed.

If the resolution is carried, The Executive Committee shall proceed at once to pronounce its judgment on the case and shall be called upon by the President to vote upon the following resolutions to be put from the chair:-

**In the case of a conviction:-**

(b). “that.....having been proved to have been convicted of the felony (or mis-demeanour or crime or offence) alleged against him in the notice of inquiry the Registrar be directed to remove the name from the Pharmacists’ Register.

In the case of a Pharmacist charged with infamous conduct in a professional respect-

© “that the Executive Committee do now judge .....to have been guilty of infamous conduct in a professional respect and direct the Registrar to remove from the Pharmacists’ Register the name of .....”.

If the resolution (ii) and (iii) as the case may be is not carried the President may announce the judgment of the Executive Committee in the following form.

“That the Executive Committee do not see fit to direct the Registrar to remove from the Pharmacists’ Register the name of .....”.

(2) In the event of an adjournment of the hearing or a postponement of the judgment to another session the Executive Committee on the case coming on again for consideration, may hear the Pharmacist and the complaint (if any) on the day fixed for the further consideration and shall request the attendance of the Pharmacist on that day before the Executive Committee and the complainant and the Pharmacists shall each be requested to furnish to the Registrar in writing not less than fifteen days

before the date so fixed, a statement in writing of any further facts or evidence which he may desire to be laid before the Executive committee.

The notice shall be given so as to allow at least twenty-eight days between the date on which the notice is given and the date appointed for the further consideration. No further facts of evidence presented by a party to the inquiry shall be received or considered by the Executive committee unless a statement thereof has been previously furnished to the Registrar in compliance with this rule.

3. (a). On the case coming before the Executive Committee for further consideration the counsel if present or the Registrar when the counsel is not present, shall if necessary, state the facts and explain the position of the case to the Executive Committee, The Pharmacist shall then be invited to address the Executive Committee either personally or by his legal representative and lay before the Executive Committee any further evidence of which he may have duly given notice to the Registrar and complainant (if any) shall then be invited to address the Executive Committee either personally or by his legal representative and lay before the executive committee any further evidence of which he may have duly given such notice.

(b). At the conclusion of the further hearing, the Executive Committee shall deliberate on the case in private and at all the conclusion of the deliberation. The president shall call upon the Executive Committee to vote in an adjourned case on the same resolution as the original hearing and in a case in which judgment was postponed on resolution (a), (b) or(c) in clause (3) of Rule 73 as the case may be.

### ***Removal of name for want of qualification***

74. (1) If under the direction of the Executive Committee, all the qualifications of any Pharmacist have been creased from the Pharmacists' Registrar, then the Executive Committee , shall if it thinks fit by formal Resolution put by the President from the chair, direct the Registrar to remove the name of such Pharmacist from the Pharmacists' Registrar.

(2) An order by the Executive Committee to remove the name of the registrared Pharmacist under the provisions of sub-section (1) of section 36 shall be subject to confirmation by the Pondicherry Pharmacy Council under Sub-Section (3) of section 36 and shall not take effect until the expiry of three months from the date of such confirmation.

### ***Intimation of removed to the authorities and party***

75. (1) The Registrar shall upon the removal of any name from the registrar pursuant to the provisions of the preceding rules or of section 36 of the Act, further with send notice of such removal to the Pharmacist and such notice shall be sent by a registered letter addressed to the last known address of the Pharmacist. The Registrar

shall also send forthwith intimation of any such removal to the Licensing Authority of the state under the Drugs & Cosmetics Act and also to the Dean or Secretary or other proper Officer of anybody of bodies from which the Pharmacist has received his qualification or qualifications.

(2) A person whose name has been removed from the register under the provisions of these rules shall forthwith surrender his certificate of registration to the Registrar and the names so removed shall be published in the Gazette de l'etat de Pondicherry.

### ***Limitations on power to admit to examination***

76. The Registrar shall within one month after and names have been removed from the Pharmacist's registrar by order of the Executive Committee under section 36 of the Act, send to the Licensing bodies concerned, a list of all such names and shall call the attention of each such body to the following recommendation of the Executive Committee.

“The Executive committee recommends that the person whose name has been once removed from and has not been restored to the Pharmacists register shall, without previous reference to the Executive Committee, be admitted to examination, for any new qualification which is registrable in the Pharmacists register”.

## **PART XI-RESTORATION OF NAME TO THE REGISTER**

### ***Application for restoration***

77. (1) Application for restoration to the Pharmacists' Register of a name removed under section 36 of the Act, shall be entertained at the next meeting of the council only.

(2). The Executive Committee may on application received from a person whose name has been removed from the register under section 36 direct the Registrar, if it thinks fit, to re-enter the name in the register.

(3). No application for the re-entry of name removed from the register under the section 36 shall be entertained unless it is accompanied by an application from the applicant in Form L and by the following documents:-

(a). Applicant's degree or diploma.

(b). His certificate of registration in original, if the same has not been already returned by him in accordance with the provisions of section 36(5).

(4). Any person whose name has been removed from the register by the direction of the council under section 36 but who still possesses a qualification entitling him to be registered under the Act, may make an application to the Council



for the re-entry of his name in the register and the following procedure shall be followed in the case of every such application:-

(a) The application shall be in Form N addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.

(b) The application shall be accompanied by a declaration made by the applicant setting forth the facts of the case and stating that he is a person originally registered, and by one of the following documents:

The applicant's degree or diploma;

His certificate of registration in original if the same has not been already returned by him in accordance with the provisions of section 36 (5) of the Act; or

A certificate in Form M from two Pharmacists registered under the Act as to his identify or if the applicant is not a resident in..... a certificate as to his identity in Form M from two persons who shall be Magistrates or Officers holding a commission in the defense force of India or Justice of Peace or two Pharmacists registered under the Act.

© The statement of the application shall also be verified by certificate in Form O to be given by two pharmacists registered under the Act who are residents in the neighborhood of the place where the applicant has been residing since the removal of his name and they shall testify to his present good character.

(d) Before the application is considered by the council, the Registrar shall notify the name to the Licensing bodies whose qualifications were held by the applicant at time of his name was removed and shall further by letter addressed to the person or body (if any) on whose complaint the applicant's name was removed, give notice of the application and of the time when the council intends to consider the same.

(e) The council shall consider the application and may, if it thinks fit, adjourn the consideration of it to a further date or require further evidence or explanation from the applicant.

(f) The application and the certificates referred to in clause (3) shall be in Form N and O with such variations as circumstances may require, Printed forms shall be kept by the Registrar who shall supply them to intending applicants.

## **PART XII-TRAVELLING AND DAILY ALLOWANCE FOR ATTENDING THE MEETING OF THE COUNCIL ETC**

### ***Travelling and Daily allowances***

78. (1) For attending the meeting of the council the Executive Committee or Sub-committee, the travelling and daily allowance shall be payable as provided in sub-rule (2).

(2). The travelling expenses of the members shall be paid as follows:

(i). Government servants should draw the travelling allowance to which they are entitled under the prevailing travelling allowance rules.

(ii). Non-Official members shall draw Travelling Allowance at the same rates as are admissible to Grade I Officer of the Government.

(iii) The employees of the council shall be entitled to travelling allowances at the same rates as are applicable to the Government servants.

## **PART XIII- REGISTRAR AND OTHER STAFF**

### ***Qualifications for the Registrar***

79. The post of Registrar shall be filled by the Government from the Officers possessing a degree in Pharmacy awarded by a University established by law virtue of his office.

### ***Duties of Registrar***

80. (1) The Registrar shall keep his registers in accordance with the provisions of the Act and these rules and regulations of the council.

(2). The Registrar shall be present at every meeting of the council and the Executive Committee and shall take minutes of the proceeding at such meetings.

(3) The Registrar or Secretary, shall conduct and have charge of the correspondence of the council and shall issue all requisite notice in the matter required under these rules.

(4). The Registrar shall fulfill all the duties that may be required of him by the rules and regulations for the time being of the council.

(5) The Registrar shall have the general control of the management of the office, authority over the clerks and servants.

(6) The Registrar shall be authorized to obtain whatever temporary additional assistance that may be required subject to the sanction of the President.

(7) The Registrar shall be held responsible for the safe custody of all documents.

(8). The Registrar shall have documents so arranged with respect to chronological order or otherwise has to facilitate their inspection during office hours.

### ***Duties of other staff***

81. The duties of the other staff members shall be assigned to them by the Registrar under the directions of the Executive Committee.

### *Honorarium to Registrar*

82. The honorarium to be paid to the Registrar and other staff shall be fixed by the council with the previous approval of the Government.

## **PART XIV- COMMON SEAL**

### *Corporate Seal*

83. (1) The corporate seal shall be kept in a box having two different locks and the key of one of these locks shall be in the custody of the Registrar.

(2) The seal shall be affixed only by order of the council or, when the council is not sitting, by order of the Executive Committee but its use by such committee shall be limited such acts as may be necessary to carry into effect the powers delegated to it by the council.

(3) Any order for affixing the seal shall state the object of its use, and shall be entered in the minutes of the council or of the Executive committee as the case may be.

## **PART XV- INSPECTION OF DOCUMENTS**

### *Inspection of Documents*

84. Members of the council may be permitted to inspect the documents of the council when they are not required by its legal advisers subject to the following conditions:-

(1). A notice in writing of three clear days shall be given to the Registrar, except when the Council is in session when special leave may be granted.

(2). The subject of the documents needed for the inspection shall be stated.

(3). Documents under inspection shall not be removed from the premises of the council.

(4). All such documents and the information derived from there shall be recorded as strictly confidential.

## **PART XVI-ACCOUNTS**

### *Contribution*

85. The council is authorized to receive for the purpose of its expenses, benefications and contributions from private persons and bodies and to utilise for that purpose the proceeds of the sale of reports and other publications.

### ***Deposit of money in Bank***

86. An account shall be opened in the State Bank of India in the name of the council and all the money of the council shall be deposited in the bank subject to the reservations mentioned in rule 124.

### ***Cash that can be retained in hand***

87. The Registrar if appointed as a Treasurer under section 26(a) shall receive all money payable to the council. He shall not retain in his hand a sum of more than Rupees hundred, the balance being lodged in the Bank to the credit of the council.

### ***Financial statement***

88. The Registrar as the Treasurer shall superintend details of income and expenditure of the council and shall at each ordinary meeting of the Executive Committee submit a financial statement showing the transactions of the Council for the month previous to the one in which the meeting is held. The statement shall, if possible, be sent out with the notice calling the meeting.

### ***Annual statement of accounts***

89. (1) The Registrar shall, in the month of July in each year prepare a statement of income and the expenditure for the preceding financial year ending with the 31<sup>st</sup> March and draw the attention of the council to such matters as seem deserving of notice.

(2). The annual accounts shall be made up by the Registrar under the directions of the Executive committee.

### ***Budget***

90. (1). In the month of September each year an estimate of the revenue and of the expenditure of the Council for the year commencing on the 1<sup>st</sup> of April next ensuing shall be laid before the council.

(2). Such estimates shall make provisions for the fulfillment of the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side besides all revenue ordinarily anticipated and all fees received from the registration and other sources, the amount expected from the Government by way of grant.

(3). The council shall consider the estimates so submitted to it and shall sanction the same either unaltered or subject to such alterations as it may deem fit.

## **Supplementary Budget**

91. The council may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the council in the same manner as an original annual estimate. No expenditure shall be incurred by the council which is not duly provided for in the budget or in a supplementary budget estimate.

### ***Supplementary Budget***

92. A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim is for a sum not exceeding Rs. 50 and the bill is in order he shall pay it. If the claim be for a sum exceeding Rs.50 and the bill is in order, payment shall be made if it is sanctioned by the President.

### ***Cash book***

93. The Registrar shall immediately bring into account the general cash book all moneys received or spent by the council.

### ***Cashing cheques***

94. All cheques on the Banks shall be signed by the President or his nominee and the Registrar.

## **Audit**

95. The accounts of the council shall be audited by the auditors of Government accounts.

## **PART XVII-PROSECUTION**

### ***Complaints how made***

96. (1) If an information is received by the Registrar that an offence under the Act or these rules has been committed he shall, if there is a complaint require such complainant to produce by means of a declaration or otherwise, *prima facie* proof of the matters complained of.

(2) On production of such proof the Registrar shall bring the matter before the Executive Committee which may institute the proceedings in the matter or may decide to recommend the Government to take necessary action.

## **PART XVIII- CODE OF ETHICS FOR PHARMACISTS**

### ***Code of conduct***

97. (1). A Registered Pharmacist shall not practice medicine.
- (2). A registered Pharmacist shall not engage by himself or through any other person in the trade of drugs in contravention of any of the provisions of statutes governing the manufacture, stocking, distribution or sale of drugs.
- (3) Registered Pharmacists shall not engage in unhealthy competitions among themselves in the practice of their profession.
- (4). Registered Pharmacists must not earn undue profits by the sale of drugs.
- (5). A Registered Pharmacist shall not engage himself in any activity which is likely to cause negligence while dispensing drugs.

## **PART XIX-INTERPRETATION OF RULES**

### ***Interpretation***

98. The decision of the Government on any question that may arise as to the intention, construction or application of these rules, shall be final.