



GOVERNMENT OF MAHARASHTRA  
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA STATE PHARMACY COUNCIL  
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BOMBAY - 400 023

# The Maharashtra State Pharmacy Council Rules, 1969



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**THE MAHARASHTRA STATE PHARMACY COUNCIL RULES, 1969**

G. N., U. D. P. H. & H. D., No. PHM. 1567/11810-V, dated 13th January 1970  
(M. G., Pt. IV-A, p. 137)

*Amended by G. N., U. D., P. H. & H. D., No. PHM. 1567/11810-V, dated 15th  
October 1971 (M. G., Pt. IV-A, p. 732)*

In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948 S. 46  
(8 of 1948), the Government of Maharashtra hereby makes the following rules,  
namely:—

**CHAPTER I**

**PRELIMINARY**

1. *Short title.*—These rules may be called the Maharashtra State Pharmacy Council Rules, 1969.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) "Act" means the Pharmacy Act, 1948 (8 of 1948);

(b) "Section" means a section of the Act;

(c) "Council" means the Maharashtra State Pharmacy Council constituted under section 19;

(d) "Form" means a Form appended to these rules;

(e) "Registrar" means the Registrar appointed by the Council under section 26;

(f) "Treasurer" means the Registrar acting as a Treasurer or any other person appointed as such by the Council under section 26;

(g) "Ministerial Staff" means the clerks and other servants appointed by the Council under clause (b) of section 26;

(h) "President" means the President, elected under section 23.

3. *Place of office.*—The office of the Council shall be situated at Bombay.

**CHAPTER II**

**ELECTION PART I—REPRESENTATIVES OF REGISTERED PHARMACISTS**

4. *Preparation of electoral rolls.*—(1) For the purpose of election under clause (a) of section 19, the Registrar shall prepare the electoral roll of registered pharmacists from the register of registered pharmacists. The electoral roll shall include the names and residential addresses of all registered pharmacists on such date prior to the date of election as may be fixed by the Council for each election.

(2) The electoral roll shall be kept open for inspection in the office of the Council at least thirty days before the last date fixed for receipt of nomination papers under rule 6. The Registrar shall at the same time issue a notice in the *Official Gazette* and in four newspapers in Form 1, calling upon the registered pharmacist to send their objections or suggestions, if any, with regard to the entries in the electoral roll before a date specified in the notice, which will not be earlier than fifteen days



of the publication of the notice. All objections received before the date specified in the notice shall be considered by the Registrar and corrections made, if necessary, in the electoral roll.

(3) Any registered pharmacist aggrieved by the decision of the Registrar may, within five days from the date of receipt of the order, prefer an appeal to the State Government.

(4) Copies of the electoral roll shall be made available for sale at a price to be fixed by the President.

5. *Returning Officer.*—The Registrar or person authorised by the State Government shall be the Returning Officer.

6. *Fixation of stages of election.*—(1) The Returning Officer shall fix the date, hour and place for the following stages of the election, namely:—

- (a) receipt of nomination papers;
- (b) scrutiny of nomination papers;
- (c) receipt of voting papers; and
- (d) counting of votes.

(2) The date of the receipt of nomination papers shall be not less than four days before the date fixed for the receipt of voting papers. The date fixed for scrutiny of nomination papers shall be not less than thirty-five days before the date fixed for receipt of voting papers.

7. *Notice of election.*—At least thirty days before the date fixed for the receipt of nomination papers, the Returning Officer shall publish in the *Official Gazette* and in at least four newspapers selected by him, a notice in Form 2 notifying the dates fixed under rule 6 and calling upon the electors to elect new members and to send nominations for the purposes.

8. *Nomination of candidates.*—(1) Every registered pharmacist whose name appears in the electoral roll prepared under rule 4 (hereinafter referred to as the elector in this part) shall be qualified for election under this part.

(2) Candidates qualified for election shall be proposed and seconded by pharmacists qualified as electors.

(3) The nomination papers shall be in Form 3 and the forms shall be supplied by the Registrar to every candidate on his requisition.

(4) Every nomination paper duly completed and signed by the proposer and the seconder and subscribed by the candidate himself as assenting to the nomination shall be sent by post or otherwise, so as to reach the Returning Officer on or before the date and the time appointed under rule 6 for receipt of nomination papers. Nomination papers received after the time so fixed shall be rejected. The Returning Officer shall immediately on receipt of a nomination paper record thereon the date and the time of its receipt by him.

9. *Scrutiny of nomination papers.*—On the date appointed for scrutiny of nomination papers, the candidates and one proposer and seconder of each candidate, shall attend at the appointed time and place, and the Returning Officer shall give them all reasonable facilities to examine the nomination papers which have been deposited within the time fixed for their receipt under rule 6.



10. *Disposal of objections; Rejection of nomination.*—(1) The Returning Officer shall examine the nomination papers and shall decide all objections and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, refuse any nomination for any of the following reasons, namely:—

- (a) that the candidate or his proposer or his seconder is not an elector;
- (b) that there has been any failure to comply with the provisions of the Act or the rules made thereunder ;
- (c) that the signature of the candidate or his proposer or his seconder is not genuine or has been obtained by fraud.

(2) Where an elector has subscribed as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, only such of the papers so subscribed as have been first received, upto the number of vacancies to be filled shall be deemed to be valid; and the rest shall be deemed to be invalid and rejected.

11. *Completion of scrutiny.*—(1) The Returning officer shall endorse on each nomination paper his decision whether the nomination paper has been accepted or rejected ; and in case the nomination paper has been rejected the reasons therefor.

(2) The scrutiny shall be completed on the day appointed in this behalf and no adjournment of proceeding shall be allowed.

12. *Withdrawal of candidature.*—Any candidate may withdraw his candidature within three days of completion of scrutiny of nominations by notice in writing signed by him and delivered to the Returning Officer.

13. *List of valid nominations.*—On completion of the scrutiny of nominations and after the expiry of the period within which a candidate may withdraw his candidature under rule 12, the Returning Officer shall forthwith under his signature publish on the notice board at the office of the Council a list of valid nominations.

14. *Procedure at uncontested elections.*—After the publication of the list of valid nominations if the number of validly nominated candidate does not exceed the number of vacancies to be filled in, the Returning Officer shall forthwith declare such candidates to be duly elected to fill such vacancies, and report the names of such candidates to the State Government.

15. *Contested election.*—(1) When there are more candidates than there are vacancies, the voting shall be by postal ballot.

(2) The Returning Officer shall forthwith publish the names and addresses of the contesting candidates in the *Official Gazette* and on the notice board at the office of the Council.

16. *Printing of voting papers.*—The Returning Officer shall arrange for the printing of voting papers in Form 4 with the names of the contesting candidates entered therein in alphabetical order according to the Devanagiri script.

17. *Despatch of voting papers to electors.*—(1) Twenty-one days before the date fixed for the receipt of voting papers under rule 6, the Returning Officer shall send to every elector by post under certificate of posting—

- (a) one voting paper in Form 4 signed by him;
- (b) a smaller blank cover with the words "Voting Paper" printed thereon; and
- (c) a larger cover addressed to himself in Form 5.



(2) The Returning Officer shall make a mark in one copy of the electoral roll against the name of every elector to whom a voting paper and covers have been sent. The marked copy of the electoral roll and the counterfoils of the voting papers sent shall be sealed in a packet immediately after the date fixed for receipt of voting papers under rule 6.

18. *Issue of duplicate voting paper.*—If any elector has not received his voting paper and covers or has inadvertently spoilt the papers or lost them, he may send to the Returning Officer at least seven days before the date fixed for receipt of voting papers under rule 6 a declaration to that effect signed by himself and the spoilt papers, if any, and require the Returning Officer to send him duplicate papers in place of those not received, spoilt or lost. When duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark "Duplicate" made on the larger cover and on the voting paper issued. The Returning Officer shall cancel any spoilt papers received back from the elector.

19. *Delivery of voting paper to elector in person.*—Any elector whose voting paper is returned undelivered may apply to the Returning Officer in person for such voting paper before the date fixed for receipt of voting papers under rule 6 and take delivery of the voting paper after satisfying the Returning Officer of his identity and on giving a receipt.

20. *Recording of votes by electors.*—(1) On receipt of the voting paper, an elector shall record his votes by putting crosses in column 3 of the voting paper against the names of candidates to whom he wishes to give his votes. The elector shall have as many votes as there are vacancies and can give only one vote to each candidate. The elector shall not reveal his identity on the voting paper by putting his signature or by any other means.

(2) After recording his vote, the elector shall put the voting paper in the smaller cover, close it and put it in the larger cover. The elector shall then close the larger cover and write his full name and sign at the places marked on the larger cover. The larger cover shall be sent by post or otherwise, so as to reach the Returning Officer on or before the date and the hour appointed under rule 6 for receipt of voting papers.

(3) Any elector, who is under any disability which incapacitates him from recording his vote in the above manner, may take the assistance of a Gazetted Officer or a Magistrate in recording his votes. Such Officer shall, in such case, record on the back of the larger cover a certificate in the following manner, namely:—

"I ..... hereby certify  
(Name of the Officer)  
that ..... being incapable  
(Name of the Elector)  
of recording his votes due to ..... requested  
(Cause of incapacity)  
me to record his votes and I have recorded his votes according to his desire and  
in his presence."

Signature .....

Designation .....

21. *Custody of voting papers.*—All covers containing voting papers shall on request be kept in a sealed box by the Returning Officer after noting the date and time of receipt on each cover. Any covers received after the date and time fixed for receipt of voting papers under rule 6 shall be kept in a separate packet and shall not be opened.



22. *Scrutiny and counting of votes.*—(1) The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, on the day and at the place appointed under rule 6.

(2) A Candidate or not more than one representative duly authorised by him may remain present at the time of counting of votes.

(3) The whole voting paper shall be treated as invalid,—

(a) if the elector has failed to write his full name and make his signature on the larger cover in which the smaller cover containing the voting paper is kept;

(b) if the mark "X" is placed opposite the names of more candidates than the number of seats to be filled or if more votes are given then he is entitled to under sub-rule (1) of rule 20 ; or

(c) if the elector has put his signature on the voting paper or has made any other mark thereon which may reveal his identity.

(4) If the Returning Officer receives more than one voting paper from one smaller cover, or more than one smaller cover in any larger cover, all such voting papers shall be treated as invalid.

(5) If the mark "X" is so placed as to make it doubtful to which candidate the elector has given his vote, the vote shall be deemed to be invalid, and the voting paper treated as invalid.

(6) If any elector has given more than one vote to any candidate, only one of such votes given shall be taken to be valid, provided that the voting paper is otherwise not invalid.

23. *Declaration of Result of Election.*—(1) When the counting of votes is completed, the Returning Officer shall forthwith declare the candidates to whom the largest number of votes has been given to be elected. If there is an equal number of votes in favour of each of two or more candidates for one vacancy, the selection shall be determined by the Returning Officer by drawing lots.

(2) The Returning Officer shall also inform each successful candidate by letter of his having been elected to the Council and report to the State Government the date of declaration of the election, and the result thereof.

(3) After the result of the election has been declared by him, the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain the same with himself in safe custody for a period of six months, and thereafter cause them to be destroyed.

24. *Filling of casual vacancy.*—If there is a vacancy of a number elected under clause (a) of section 19, the President shall, take steps to fill it up as soon as possible by election in accordance with the procedure laid down in rule 4 to 23.

## PART II

### REPRESENTATIVE OF MEMBERS OF MAHARASHTRA MEDICAL COUNCIL

25. (1) The President shall by notice in writing inform the President of the Maharashtra Medical Council constituted under the Maharashtra Medical Council Act, 1965 (Mah. XLVI of 1965), that the term of office of the member is due to expire on the date specified in the notice, such notice being given not later than sixty days before the expiry of such term. The notice shall be sent by registered post.

(2) The name of the person elected shall within seven days of the date of election, be communicated by the President of the Maharashtra Medical Council to the State Government, and to the President.



## PART III

## ELECTION OF PRESIDENT AND VICE-PRESIDENT

26. As soon as possible after the President or Vice-President, as the case may be, ceases to hold office either because of the expiry of the term of office or for any other reason whatsoever, the Council shall proceed to elect his successor.

## PART IV

## RECORD TO BE MAINTAINED BY REGISTRAR

27. The Registrar shall maintain an upto-date record book, containing the names of the members elected or nominated on the Council the date of election or nomination of each such member, the terms of his office, and the date of death or resignation, if any, of such member.

## PART V

## TIME LIMIT FOR REFERRING ELECTION DISPUTES

28. The time limit for referring any dispute arising regarding any election of a member or the President or Vice-President to the State Government shall be thirty days in the case of elected members from the date of declaration of the result of election and in case of the President or Vice-President from the date of their Election.

## CHAPTER III

29. *Meetings of the Council.*—(1) The Council shall ordinarily meet for the transaction of business in the month of February and September in each year; but the President may, whenever he thinks fit and shall, upon a written requisition of not less than seven members and on a date not later than fifteen days after the receipt of such requisition, call an extra-ordinary meeting.

(2) The exact date, hour and place of such meeting shall be decided by the President.

(3) Notwithstanding anything contained in this Part if the President in the exercise of his discretion shall deem that shorter notice is expedient such notice shall be sent by telegram or other more expeditious means.

30. *Notices of meetings.*—All members of the Council shall be given thirty clear days notice of an ordinary meeting. Every notice shall also be posted at the office of the council. Such notice shall specify the date, time and place of the meeting and business to be transacted thereat.

(2) The Registrar shall send to all members explanatory notes on the Agenda at least ten clear days before the date fixed for an ordinary meeting.

31. *Motions for insertion in agenda.*—Any member may send a motion to be inserted in the Agenda for an ordinary meeting so as to reach the President twenty clear days before the date fixed for the meeting. The Registrar shall take the orders of the President for inclusion of such motion in the Agenda, and where any motion is disallowed the reasons for doing so shall also be communicated along with the decision to the member who sent the motion.

32. *Attendance of meetings.*—At each meeting an attendance register shall be placed in the meeting room and every member present shall sign against his name in the register.



33. *Business to be transacted at meetings.*—At an ordinary meeting no business or proposition other than that specified in the Agenda, and in the case of an extraordinary meeting in the written request made for convening such meeting shall be transacted:

Provided that, the presiding authority may permit any business or proposition to be discussed which is of an urgent nature and which could not reasonably be entered in the notice.

#### CHAPTER IV

##### CONDUCT OF BUSINESS AT MEETINGS

34. *Presiding authority.*—(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 member 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 member for the time being presiding over meeting.

35. *Quorum at meetings.*—(1) For a meeting of the Council eight members including the President shall constitute a quorum: provided that, in the case of a meeting adjourned for want of quorum, no quorum shall be required.

(2) If at the time appointed for a meeting, there is no quorum, the meeting shall not commence until there is a quorum and if there is no quorum on the expiration of twenty minutes from the time appointed for the meeting or, during the course of any meeting, the meeting shall stand adjourned to such future date and time as the President may appoint.

36. *Decision at meetings.*—All matters for consideration at a meeting of the Council shall be decided by a majority of votes.

37. *Minutes of meetings.*—(1) The proceedings of the meeting of the Council shall be preserved in the form of typed or cyclostyled or 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 it shall then be sent to each member within thirty days of the meeting.

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

(4) If any objection regarding the correctness of the minutes is received by the Registrar within thirty days of the despatch of a copy of the minutes to a member in accordance with sub-rule (2), such objection together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised, except as to the correctness of the records of the meeting:

Provided that, if no objection regarding the correctness of the minutes is received by the Registrar within thirty days of the despatch of the copy of the minutes, the decision taken by the Council at the meeting may, if expedient, be put into effect before the confirmation of the minutes at the next meeting.



## CHAPTER V

## EXECUTIVE COMMITTEE

38. *Composition.*—The Executive Committee of the Council shall consist of the President who shall be the *ex-officio* Chairman of the Executive Committee and Vice-President, *ex-officio*, and three members of the Council 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 the new Executive Committee.

39. *Disability to continue as member.*—A member shall cease to be a member of the Committee,—

(a) if he ceases to be a member of the Council; or

(b) if he remains absent from two consecutive meetings of the Committee without the leave of the Committee.

40. *Resignation of member.*—A member may resign at any time by a notice in writing to the President. Such resignation shall take effect from the date on which it is accepted by the President.

41. *Casual vacancies.*—(1) The Council shall as soon as there is a casual vacancy in the office of a member of the Executive Committee fill it up by electing a member from amongst its members:

Provided that, any such vacancy, occurring within two months prior to the expiry of the term of the members shall not be filled.

(2) A member elected under sub-rule (1) shall hold office so long as the member in whose place he is elected would have held it, if the vacancy had not occurred.

42. *Acting as Registrar.*—In the case of the death of the Registrar or his incapacity from illness or his proceeding on leave for more than one month a person may with the previous sanction of the State Government be appointed by the Executive Committee to perform temporarily the duties of the Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the provisions of the Civil Services Rules applicable to State Government servants, from time to time.

43. *Calling of meetings.*—The Committee shall ordinarily meet once in every month on such date and at such place as may be fixed by the President. The President may, whenever he thinks fit and shall, upon a written requisition of not less than two members and on a date not later than seven days after the date of receipt of such request, call an extraordinary meeting.

44. *Notice of meetings.*—All members of the Executive Committee shall be given seven clear days' notice of an ordinary meeting and three clear days' notice in the case of an extraordinary meeting. Such notice shall specify the place, date and time of the meeting, and state whether the meeting is a general meeting or a special meeting and the business to be transacted thereat.

45. *Attendance at meetings.*—(1) At each meeting an attendance register shall be placed in the meeting room and every member present shall sign before his name in the register.

(2) For a meeting of the Executive Committee three members including the President and the Vice-President shall be a quorum.



46. *Business to be transacted at meetings.*—At any ordinary meeting no business other than that specified in the notice calling such meeting and in the case of an extraordinary meeting in the written request made for convening such meeting shall be transacted:

Provided that, the presiding authority may permit any business to be discussed which is of urgent nature and which could not reasonably be entered in the notice.

47. *Adjournment of meetings.*—(1) If there is no quorum present, the presiding authority shall adjourn the meeting to another day, and cause a notice to be posted on the notice board at the office of the Council and sent to each member of the Committee. The business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting whether there be a quorum or not.

(2) Any special or ordinary meeting may, with the consent of a majority of members present, be adjourned from time to time, but only the business left undisposed of at the meeting from which the adjournment took place shall be transacted at the adjourned meeting subject to the proviso to rule 46.

48. *Decision at meetings.*—(1) All questions at a meeting of the Executive Committee shall be decided by a majority of votes of the members present, and voting.

(2) The presiding authority shall have second or casting vote in all cases of equality of votes.

49. *Minutes of meetings.*—The Executive Committee shall keep minutes of proceedings of each meeting which shall be dealt with according to the same procedure as that indicated in Chapter IV for the minutes of the Council.

50. *Powers, duties and functions of Executive Committee.*—(1) The Executive Committee shall consider all petitions of applications addressed to the Council and shall submit its report thereon to the Council.

(2) 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.

(3) The Committee shall consider and prepare a report on any subject which may seem to require the attention of the Council or on such subjects as may be indicated to it by the Council.

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

(5) The Executive Committee shall superintend the publication of the Register of Pharmacists 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 others as may be directed by the Executive Committee shall be added annually to the Register as printed.

(6) The Executive Committee shall order each year such number of copies of the Register of Pharmacists to be printed as may seem to the Registrar to be required on a revision of the annual distribution list which shall be prepared by the Registrar.

## CHAPTER VI

### POWERS AND DUTIES OF PRESIDENT AND VICE-PRESIDENT

51. *Powers and duties of President.*—The President shall exercise such powers and perform such duties as are conferred or imposed on him by the Act and the Rules. He shall also do such acts as he considers necessary in the furtherance of the objects for which the Council is established.



52. *Powers and duties of Vice-President.*—If the office of the President is vacant or if 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.

## CHAPTER VII

### REGISTRATION

53. *Form of register.*—The Register of Pharmacists to be maintained under sub-section (2) of section 29, shall be as in Form 6 appended to these Rules.

54. *Manner of writing register.*—<sup>1</sup>[(1)] The names shall be entered in the Register in the order in which the applications for registration are admitted and sufficient space shall be left for future additions and alterations in the qualifications and address of each entry.

<sup>2</sup>[(2) Each page of the register shall be verified by the Registrar's signature and each entry of renewal shall be attested by initials.]

55. *Certification of registration.*—(1) On the registration of every pharmacist under the Act, the Registrar shall grant such pharmacist a certificate in Form 7.

(2) In the event of a certificate issued under sub-rule (1) being lost or destroyed the holder may at any time during which such certificate is in force, apply to the Registrar under section 39 for a fresh certificate and the Registrar may, if he thinks fit on satisfactory proof as to the identity of the applicant, grant such certificate on payment of the fee prescribed in rule 62 for a duplicate certificate. The certificate issued under this sub-rule shall be marked "DUPLICATE".

56. *Application for registration.*—Every person entitled under section 32 to be registered under the Act and desiring to have himself registered shall apply to the Registrar in Form 8 duly filled in and signed. Every such application shall be accompanied by the fee prescribed therefor in rule 62.

57. *Validity of registration.*—(1) The name of every person first entered on the Register under the Act shall, subject to the provisions contained in the Act as to the erasure of the entries and removal of names from the Register, remain entered therein and the registration of such person shall hold good till the 31st December of the year following the year in which registration thereof is made.

(2) A person desiring to continue his registration after the date mentioned in sub-rule (1), shall remit to the Council the fee prescribed under rule 62 not later than the 31st March following. The person may remit the fee either annually or in lump sum for any number of years for which he desires to have his registration renewed after paying the requisite fees prescribed in rule 62.

58. *Additional qualification.*—(1) An application for registration of an additional qualification under section 35 shall be in Form 9 and shall be accompanied by the fee prescribed in this behalf in rule 62 and documents of the degree or diplomas sought to be added.

(2) On registration of the additional qualifications under sub-rule (1) the Registrar shall grant such pharmacist a certificate in Form 10.

(3) Certified copies of entries in the Register in Form 11 may be issued to any person applying therefor on payment of the fee prescribed in rule 62.

<sup>1</sup> Renumbered by G.N. of 15-10-1971.

<sup>2</sup> Ins., *ibid.*



59. *Change of name.*—An application for a change of name or surname shall be made by the registered Pharmacist himself, and shall be accompanied by the fee prescribed therefor in rule 62 and also an affidavit sworn before a Magistrate stating that the applicant is the same person whose name is registered with the particular number, and the circumstances for which the change is sought.

60. *Change of address.*—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.

61. *Information to be published.*—There shall be made every year and entered in the printed Pharmacy Register an enumeration of—

- (1) the total number of persons in the published Register;
- (2) the number of persons registered during the year;
- (3) the number of persons whose names are restored to the Register during the year;
- (4) the number of persons whose names have been removed from the Register during the year stating the section of the Act under which the name has been removed; and
- (5) the number of persons whose names have been removed by death during the year.

#### CHAPTER VIII

62. *Fees.*—The fees payable under Chapter IV of the Act and the charges for supplying copies etc. of the Register shall be as follows:—

For the first registration in the register	Rs. 40.00
For renewal	Rs. 5.00 (for each year.)
For the entry of additional qualification subsequently registered.	Rs. 2.00
For restoration of a name of a person to the register after removal for non-payment of annual renewal fee in addition to renewal fee for the year or years during which the name remained removed.	Rs. 5.00 (per year)
For restoration of a name of a person to the Register under section 37.	Rs. 10.00
For every certified copy of an entry in the Register	Rs. 3.00
For a "Duplicate" certificate under rule 55(2)	Rs. 15.00
For registration of a change of name	Rs. 3.00

#### CHAPTER IX

##### PENAL REMOVAL FROM THE PHARMACY REGISTER

63. *Complaints against registered pharmacists.*—(1) The Council may *suo moto* or on any complaint made to it in that behalf hold an enquiry as respects the infamous conduct of any registered pharmacist for the purposes of section 36.

(2) Whenever information is received that the name of a person has been entered in the register of pharmacist by error or on account of misrepresentation or suppression of a material fact or that a registered pharmacist or a person employed by him for the purpose of his business has been guilty of conduct which *prima facie*



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

(3) When the information in question is in the nature of a complaint by a person or body charging the pharmacist with infamous conduct in any professional respect such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the fact of the case. All anonymous complaints shall be disregarded.

(4) Every declaration shall state the description and true place of abode of the declarant and where a fact stated in a declaration is not within the personal knowledge of the declarant the source of the information and grounds for the belief of the declarant in its truth shall be accurately and fully stated.

64. *Procedure for submission of complaint to Executive Committee.*—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, when he thinks this necessary, instruct the Registrar to ask the pharmacist by means of a registered letter for an explanation he may have to offer.

(2) The document including any explanation forwarded by the pharmacist to the Registrar shall then be referred to the Executive Committee.

65. *Powers of Executive Committee.*—The Executive Committee shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and if necessary to obtain legal or other advice. The Executive Committee if it so desire may request the Drugs Control Administration of the State and authorise them to enquire into the matter on their behalf.

(2) If the Committee is of opinion that a *prima facie* case is not made out, the case shall not be proceeded with further and the Registrar shall inform the complainant if any, of the resolution of the Committee.

(3) If the Committee is of the opinion that the circumstances suggest that a letter of warning be sent, the Committee shall send it.

(4) 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.

66. *Enquiries.*—(1) An enquiry directed under the foregoing rule shall be instituted by the issue of a notice in writing on behalf of the Executive Committee by the Registrar addressed to the Pharmacist. Such notice shall specify the nature and particulars of the charge and inform him of the day on which the Executive Committee intend to deal with the case and shall call upon the Pharmacist to answer the charge in writing and to attend before the Executive Committee on such day. The notice shall be in Form 12 with such variation as circumstances may require and shall be sent at least three weeks before the date of enquiry. The Registrar shall also inform the complainant of the date so appointed, when the case is one under rule 63(3).

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



(3) All material documents which are to be laid before the Executive Committee as evidence of the case shall be printed or typed or cyclostyled and a copy shall be furnished to each member of the Committee before the hearing of the case.

67. *Legal assistance at inquiry.*—(1) At the hearing of the case by the Executive Committee, the Pharmacist and where the case is under rule 63 (3) also the complainant may be represented or assisted by a legal representative.

(2) The Executive Committee may, if it considers necessary employ a lawyer to advise it in the conduct of the case.

68. *Procedure of inquiry.*—(1) When in a case under rule 63 (3) the complainant appears personally or by a legal representative the following will be the order of procedure:—

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

(b) The complainant or his authorised representative will then be invited to state his case and to produce evidence in support of it.

(c) The Registered Pharmacist or his authorised representative will then be invited to state his case and to produce his evidence in support of it. He may address the Executive Committee either before or at the conclusion of his evidence but only once.

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

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

(f) The President and the lawyer where any is employed by the President may put questions to the complainant, the Pharmacist or any witness. A member of the Executive Committee may also put questions to them but such questions shall be put through the President.

69. *Absence of complainant.*—Where there is no complainant or no complainant appears, the following will be the order of procedure:—

(a) The Registrar 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 by which it is supported.

(b) The Registered Pharmacist or his authorised representative will then be invited to state his case and to produce evidence in support of it. He may address the Executive Committee either before or at the conclusion of the evidence he produces, but only once.

(c) The lawyer to the Executive Committee when one is employed, may be heard in reply if the Executive Committee so desire.

70. *Adjournment of meetings.*—The Executive Committee may, if they think it necessary adjourn the hearing or further hearing of a case to another date, and inform accordingly the Pharmacist and the complainant, where any, when they are present; and when they are not present or when the date to which the hearing or further hearing is adjourned is not fixed forthwith, the Registrar shall intimate to them the date, by a letter to be sent by Registered post at least 28 days before that date.



71. *Decision of Executive Committee.*—(1) Upon the conclusion of the hearing the Executive Committee will deliberate in private, and at the conclusion of the deliberation, the President shall call upon the members of the Committee present to cast their votes on the following questions according to the nature of the charge, namely:—

(a) whether the pharmacist or the person employed by him for the purpose of his business of Pharmacy, has been convicted of the offence stated in the charge;

(b) whether the pharmacist has been guilty of an infamous conduct in a professional respect ;

(c) whether the conduct of a person employed by him for the purpose of his business of Pharmacy has been such as would constitute infamous conduct if such person were a registered Pharmacist ;

(d) whether the name of the pharmacist has been entered in the register by error or on account of misrepresentation or suppression of a material fact.

(2) If the majority of the members present (including the President who shall have a casting vote in case of equality of votes), vote in the negative, the Pharmacist shall be discharged.

(3) If the majority of the members present (including the President who shall have a casting vote in case of equality of votes), vote in the affirmative the Committee shall proceed to consider the punishment to be imposed. Such punishment may be either removal of the name from the register permanently or for a specified period or merely warning or censure to the Pharmacist:

Provided that, when the charge is that the pharmacist has been convicted of an offence, the Committee may, in consideration of the nature of the offence retain from imposing any punishment on him.

(4) When the decision taken under sub-rule (3) be for removal of the name of the pharmacist from the register, the Executive Committee shall order that the name be removed accordingly, after the same has been confirmed by the Council.

(5) The Registrar shall upon the removal of any name from the Register pursuant to the provisions of the preceding clauses or of section 36 forthwith send notice of such removal to the pharmacist and such notice shall be sent by a registered letter addressed to the last known address or the registered 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 and Cosmetics Act, 1940, and also the Dean or Secretary or other proper officer of any body or bodies from which the Pharmacist has received his qualification or qualifications as well as to the Registrars of all the State Councils.

## CHAPTER X

### RESTORATION AND RE-ENTRY OF NAMES IN THE REGISTER OF PHARMACISTS

72. *Re-entry of name in the register.*—The Executive Committee may, on application received from a person whose name has been removed from the Register under section 34, direct the Registrar if it thinks fit to re-enter the name in the Register.

73. *Application for re-entry.*—The application for re-entry if a name removed from the Registrar under section 34 shall be in Form 13 and shall be accompanied by the following documents, namely:—

(a) applicant's diploma, degree or experience certificate or certificate of educational qualification ;

(b) his certificate of registration in original if the same has not been already returned under sub-section (5) of section 36.



74. *Restoration of name.*—Any person whose name has been removed from the Register 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 restoration of his name in the Register and the following procedure shall be followed in the case of every such application, namely:—

(1) the application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made;

(2) the application shall be accompanied by—

(a) a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered, and

(b) by one of the following documents—

(i) applicant's diploma;

(ii) his certificate of registration in original if the same has not been already returned by him in accordance with the provisions of sub-section (5) of section 36;

(iii) a certificate in Form 14 from two Pharmacists registered under the Act as to his identity.

(3) The statements in the application shall also be verified by certificates in writing to be given by two pharmacists registered under the Act who are residents in the neighbourhood of the place where the applicant has been residing since the removal of his name and who were and are well acquainted with him before and since the removal of his name. They shall testify to his present good character.

(4) The application and the certificates referred to in sub-rules (2) and (3) shall be in Forms 15 and 16 with such variation as circumstances may require.

(5) Application for restoration to the Pharmacy Register of a name removed under section 36 shall be entertained at the next session of the Council.

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

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

(8) On restoration of a name in the register of pharmacists, the Registrar shall forthwith send intimation of such restoration to the licensing authority of the State under the Drugs and Cosmetics Act, 1940, and also to the Dean or Secretary or other proper officer of any body or bodies from which the pharmacist has received his qualification or qualifications as well as to the Registrars of all the State Councils.

## CHAPTER XI

### REGISTRAR AND MANAGEMENT OF OFFICE

75. *Registrar.*—The post of the Registrar shall be of a permanent tenure. To be eligible for appointment to that post, a candidate must possess a degree either in Pharmacy or Science of a University established by law and must have adequate administrative experience. Preference will be given to a candidate possessing a



degree in Pharmacy. Possession of a degree in Law of a University established by law shall be considered as an additional qualification. In the case of new appointment there shall be a probationary period of one year. The Registrar shall be a full-time officer of the Council.

76. *Duties of Registrar.*—(1) The Registrar shall keep the Pharmacy Register in accordance with the provisions of the Act and these rules.

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

(3) The Registrar shall act as Secretary of the Council, shall conduct and have charge of the correspondence of the Council, and shall issue all requisite notices in the manner required under these rules.

(4) The Registrar shall fulfil all the duties that may be required of him by the Act and these rules.

77. *Office hours and leave to Registrar.*—Public holidays excepted, the office of the Registrar shall be kept open during the days when State Government offices are kept open. The Registrar shall not absent himself from duties except with the permission from the President. The President shall grant leave to the Registrar in accordance with the principles laid down in the Bombay Civil Services Rules, 1959.

78. *Power of Registrar.*—(1) The Registrar may obtain whatever temporary additional assistance that may be required by him, with the previous sanction of the President.

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

79. *Duties of clerks.*—The duties of the clerks shall be such as may be assigned to them by the Registrar, under the direction of the President.

## CHAPTER XII

### COMMON SEAL

80. *Custody of seal.*—The common seal of the Council 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 President and the key of the other lock in the custody of the Registrar.

81. *Affixing of seal.*—(1) 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 to such acts as may be necessary to carry into effect the powers delegated and duties entrusted to it by the Council.

(2) Any order for affixing the seal shall state the object of its use, and shall be entered in the minutes of the Council of the Executive Committee, as the case may be.

## CHAPTER XIII

### ACCOUNTS

82. *Donations.*—The Council is authorised to receive for the purpose of its expenses, benefactions and contributions from private persons and bodies and proceeds of the sale of reports and other publications.



83. *Opening of bank accounts.*—An account shall be opened in the State Bank of India, Bombay or in any scheduled Bank, in the name of the Council and such of its money may be invested also in Government securities as the Executive Committee thinks fit.

84. *Security of fidelity bond.*—The treasurer appointed under section 26 shall furnish a security for Rs. 1,000 or shall execute a fidelity bond for a similar amount to the satisfaction of the council. He shall receive all moneys payable to the council. He shall not retain in his hands a sum exceeding Rs. 100, the balance being invested or deposited in the manner provided in rule 83.

85. *Statement of accounts.*—(1) The treasurer shall superintend the 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 one in which the meeting is held. This statement shall if possible be sent out with the notice calling the meeting.

(2) The treasurer shall in the month of July in each year prepare a statement of the income and expenditure of the preceding financial year ending 31st March, and draw the attention of the Council to such matters as seems deserving of notice.

86. *Annual audit of accounts.*—As soon as possible after the statements of income and expenditure of the preceding financial year ending 31st March are approved, the Registrar shall request the State Government to get the accounts for that year duly audited.

87. *Estimate of revenue and expenditure.*—(1) The annual accounts and estimate for the next financial year shall be made up by the treasurer and laid before the Executive Committee by the Registrar.

(2) In the month of February, in each year, an estimate of the revenue and of the expenditure of the Council for the year commencing on 1st April next ensuing shall be laid before the Council.

(3) Such estimate shall make provision for the fulfilment 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, such grant as Government may allot and all fees received from registration and other sources.

88. *Supplementary estimates.*—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 if it were 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.

89. *Scrutiny of claims.*—A bill or other voucher presented as a claim for money shall be received and examined by the treasurer. If the claim be 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, payment shall be made after it is sanctioned by the President.

90. *Accounting of all sums received or spent.*—The treasurer shall immediately bring into account in the general cash book all moneys received or spent by the Council.

91. *Signing of cheques.*—All cheques on the Bank shall be signed by the President or his nominee and the Registrar.



## FORM 1

[See rule 4(2)]

*Notice of publication of electoral roll*

NOTICE is hereby given that the electoral roll for election of members of the Maharashtra State Pharmacy Council under clause (a) of section 19 of the Pharmacy Act, 1948, has been prepared in accordance with rule 4 of the Maharashtra State Pharmacy Council Rules, 1969 and copies of the roll will be available for inspection at the Office of the Council situated at .....

2. (a) Every claim for inclusion of a name in the roll, or  
 (b) every objection to—  
 (i) the inclusion of any other person's name in the roll, or  
 (ii) to any particulars in any entry in the roll,

shall be addressed to the Registrar and shall be presented or sent by post to him at the address referred to above, so as to reach him on or before the ..... day of ..... 19.....

Registrar,

Maharashtra State Pharmacy Council, Bombay.

Dated the ..... day of ..... 19..

## FORM 2

(See rule 7)

*Notice of election to the Maharashtra State Pharmacy Council*

NOTICE is hereby given pursuant to the provisions of rule 7 of the Maharashtra State Pharmacy Council Rules, 1969, that—

- (1) an election is to be held of \* ..... members of the Maharashtra State Pharmacy Council elected by the registered Pharmacists from amongst themselves;
- (2) nomination of registered pharmacists eligible to fill the seat/seats are invited;
- (3) forms of nomination paper may be obtained from the Registrar on application;
- (4) nomination papers may be sent so as to reach the undersigned on or before ..... at ..... ;  
 (hours) ..... (date) ..... (place)
- (5) nomination papers will be taken up for scrutiny at ..... on  
 the ..... at ..... ;  
 (date) ..... (place) .....



(6) in the event of the election being contested—

(a) the voting papers may be sent by the electors so as to reach the Returning Officer on or before ..... on the .....  
(hours) (date)  
at ..... ;  
(place)

(b) the votes will be taken up for scrutiny and counting at .....  
(hours)  
on the ..... at .....  
(date) (place)

Date .....

Address .....

Returning Officer.

\* Here insert the number of impending vacancies.  
† Strike off the alternative not required.

### FORM 3

[See rule 8 (3)]

#### Form of Nomination Paper

#### ELECTION TO THE MAHARASHTRA STATE PHARMACY COUNCIL

(To be filled in by the proposer)

I hereby nominate ..... as a candidate for the forthcoming election to the Maharashtra State Pharmacy Council.

1. Full name of candidate
2. Full postal address of the candidate
3. Serial number of candidate in the electoral roll
4. Full name of proposer
5. Full postal address of proposer
6. Serial number of proposer in the electoral roll

Date .....

Signature of Proposer.

(To be filled in by the seconder)

I second the above nomination.

1. Full name of seconder
2. Full postal address of seconder
3. Serial number of seconder in the electoral roll

Date .....

Signature of Secunder



3422

Pharmacy Act, 1948

[1948 : Act VIII]

(To be filled in by the candidate)

I hereby signify my willingness to serve if I am elected.

Date .....

Signature of candidate.

(To be filled in by the Returning Officer)

Serial No. of Nomination Paper ..... This Nomination  
 Paper was delivered to me at my office at ..... on .....  
 (hours) (date)

Date .....

Returning Officer.

(Decision of Returning Officer accepting or rejecting Nomination Paper)

I have examined this nomination paper in accordance with the provisions of the  
 Maharashtra State Pharmacy Council Rules, 1969, and decided as follows:—

Date .....

Returning Officer.

FORM 4

(See rule 16)

MAHARASHTRA STATE PHARMACY COUNCIL

Counterfoil of  
Voting PaperVoting Paper  
Outerfoil  
(front)

1 Serial number of voting paper.

2 Number of elector on the electoral roll  
to whom the voting paper has been sent.

Serial No

Name of  
candidate

Vote (X)

1

2

3

Returning Officer.



(Back of outerfoil)

*Directions to Elector for Recording of Votes*

1. You have\* ..... vote(s).
2. Give each vote by putting a cross in column 3 against the name of the candidate for whom you wish to vote.
3. You must not put more than\* ..... crosses.
4. You must not put more than one cross opposite the name of any candidate.
5. Your vote is secret. You must not put your signature on the voting paper or make any other mark on it which will reveal your identity.
6. After recording your votes, put the voting paper in the smaller cover, close the cover and put it in the large cover. Close the larger cover. Write your name and put your signature at the places marked on the larger cover.
7. Despatch the larger cover to the Returning Officer so as to reach him before† .....

\* The particulars shall be filled in by the Returning Officer.

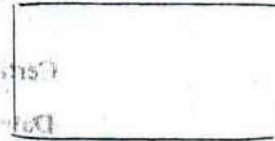
† Here enter the time and the date at or before which the voting paper must reach the Returning Officer.

## FORM 5

[See rule 17(c)]

*Larger Cover*

## ELECTION TO THE MAHARASHTRA STATE PHARMACY COUNCIL

ELECTION IMMEDIATE

Not to be opened before Counting.

No. of elector in the Electoral Roll .....

To

The Returning Officer,  
Address :

Name of the elector :

Signature of the elector :

## FORM 6

(See rule 53)

*Form of Register of Pharmacist*

1. Registration number .. ..
  2. Name in full .. ..
  3. Residential address .. ..
- H 5168—230a



4. Date of first admission to the register
5. Qualifications for registration ..
6. Name of the employer ..
7. Professional address ..
8. Date of birth ..
9. Nationality ..
10. Date of renewal of Registration ..
11. Remarks (Note Removal or Restoration of name with dates).

## FORM 7

(See rule 55)

## Certificate of Registration

MAHARASHTRA STATE PHARMACY  
COUNCIL.

Seal

Certificate No.

Date of Registration—

This is to certify that ..... has been duly registered as a REGISTERED PHARMACIST and is entitled to all the privileges granted under the Pharmacy Act, 1948 (8 of 1948).

In witness whereof are herewith affixed the seal of the Maharashtra State Pharmacy Council and the signature of the Registrar of the said Pharmacy Council.

Seal

Registrar.

Every person receiving a certificate under this Act shall keep the same conspicuously displayed in the place of business where he is working in his capacity as Registered Pharmacist and shall notify the Registrar of the Pharmacy Council any change of place of business.

This Certificate is the property of the Maharashtra State Pharmacy Council and is issued to the abovenamed Pharmacist under sub-section (4) of section 33 of the Pharmacy Act, 1948.



## FORM 8

(See rule 56)

*Form of Application for Registration of Pharmacists*  
(Under section 33 of the Pharmacy Act, 1948)

To

The Registrar,  
Maharashtra State Pharmacy Council.  
.....

Dear Sir,

I request that my NAME, ADDRESS and QUALIFICATIONS as stated in the accompanying form may be registered under the Pharmacy Act, 1948, and that I may be furnished with a Certificate of Registration.

I enclose herewith for your perusal and return the certificates and diplomas in original and their copies for the record.

A fee of Rs. 10 as required under rule 62 of the Maharashtra State Pharmacy Rules, 1969, is also sent by Money Order/Postal Order/is paid to the Registrar in person.

I hereby declare that I have read carefully and understood the instructions and particulars supplied to me and that all the entries in the form are true to the best of my knowledge and belief.

Yours faithfully,

Date .....

.....  
Signature.*Instructions*

(1) All particulars in this application must be filled in by the applicant in neat legible hand. Incomplete applications may be rejected.

(2) The name entered in this application must exactly correspond with the name of the applicant entered at the University or other examinations.

(3) Application fee of Rs. 10 for registration should be sent to the Registrar, State Pharmacy Council. Application fee should be handed in person or sent by Money Order or Postal Order only. When fee is sent by Money Order or Postal Order, full name and address of the applicant be given, else it may be rejected.

(4) If the space for giving particulars is not found sufficient they may be given on a separate sheet and attached to this application.

(5) Sections 31, 32, 32A and 41 of the Pharmacy Act, 1948 are reproduced as annexure for information of the applicant.

(6) If the applicant is a proprietor of any firm he should produce a declaration of his experience in dispensing.

(7) Experience in manufacture of drugs cannot be accepted for purposes of section 31(d).



## ACCOMPANYING FORM

1. Name in full, beginning with surname  
(in block capitals)
2. Place and date of birth
3. Nationality
4. Residential address (in block capitals)
5. Address of business or profession  
(in block capitals)
6. Description of qualifications which  
registration is desired.

Degree or diploma	Institution	Date of obtaining the degree or diploma	Name and address	Period of service	
				From	To

## \*7. (a) Present employer—

## (b) Previous employers—

Signature of the Applicant

Details of experience given against item 7 of the form should be supported by a certificate in the form given below. If the applicant is unable for any reason to furnish such a certificate, a declaration be made before a Presidency Magistrate or a Magistrate of the First Class.

Form of Certificate of Experience as detailed under item 7 of the form  
from a person or a registered medical practitioner.

This is to certify that ..... was/ has been engaged in  
compounding of drugs in my /our dispensary from ..... to .....

Date .....

Signature —

Designation—



## Annexure 1

## PHARMACY ACT, 1948

Section 31. *Qualifications for entry on first register*—A person who has attained the age of eighteen years shall be entitled on payment of the prescribed fee to have his name entered in the first register if he resides or carries on the business or profession of pharmacy, in the State and if he,—

(a) holds a degree or diploma in pharmacy or pharmaceutical chemistry or a chemist and druggist diploma of an Indian University or a State Government, as the case may be, or a prescribed qualification granted by an authority outside India, or

(b) holds a degree of an Indian University other than a degree in pharmacy or pharmaceutical chemistry, and has been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescriptions of medical practitioners for a total period of not less than three years, or

(c) has passed an examination recognised as adequate by the State Government for compounders, or dispensers, or

(d) has been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescriptions of medical practitioners for a total period of not less than five years prior to the date notified under sub-section (2) of section 30.

32. *Qualifications for subsequent registration*.—(1) After the date appointed under sub-section (2) of section 30 and before the Education Regulation have, by or under section 11, taken effect in the State, a person who has attained the age of eighteen 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,—

(a) satisfies the conditions prescribed with the prior approval of the Central 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 31, or

(b) is a registered pharmacist in another State, or

(c) possesses a qualification approved under section 14 :

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.

(2) After the Education Regulations have by or under section 11 taken effect in the State, a person shall on payment of the prescribed fee be entitled to have his name entered on the register if he has attained the age of eighteen years, if he resides, or carries on the business or profession of pharmacy, in the State and if he has passed an approved examination or possesses a qualification approved under section 14 or is a registered pharmacist in another State.

32-A. *Special provisions for registration of certain persons*.—(1) Notwithstanding anything contained in section 32, a State Council may also permit to be entered on the register,—

(a) the names of displaced persons who have been carrying on the business or profession of pharmacy as their principal means of livelihood from a date prior to the 4th day of March, 1948, and who satisfy the conditions for registration as set out in section 31;



(b) the names of citizens of India who have been carrying on the business or profession of pharmacy in any country outside India and who satisfy the conditions for registration as set out in section 31 ;

(c) the names of persons who resided in an area which has subsequently become a territory of India and who satisfy the conditions for registration as set out in section 31 ;

(d) the names of persons who carry on the business or profession of pharmacy in the State ; and (i) would have satisfied the conditions for registration as set out in section 31, on the date appointed under sub-section (2) of section 30, had they applied for registration on or before that date ; or (ii) have been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescriptions of medical practitioners as defined in sub-clause (iii) of clause (f) of section 2 for a total period of not less than five years prior to the date appointed under sub-section (2) of section 30 ;

(e) the names of persons who were qualified to be entered in the register for a State as it existed immediately before the 1st day of November, 1956, but who, by reason of the area in which they resided or carried on their business or profession of pharmacy having become part of a State as formed on that date, are not qualified to be entered in the register for the latter State only by reason of their not having passed either matriculation examination or an examination prescribed as being equivalent to a matriculation examination or an approved examination or of their not possessing qualification approved under section 14 ;

(f) the names of persons—

(i) who were included in the register for a State as it existed immediately before the 1st day of November, 1956 ;

(ii) who, by reason of the area in which they resided or carried on their business or profession of pharmacy having become part of a State as formed on that date, reside or carry on such business or profession in the latter stage ;

(g) the names of persons who reside or carry on their business or profession of pharmacy in an area in which this Chapter takes effect, after the commencement of the Pharmacy (Amendment) Act, 1959, and who satisfy the conditions for registration as set out in section 31.

(2) Any person who desires his name to be entered in the register in pursuance of sub-section (1) shall make an application in that behalf to the State Council, and such application shall be accompanied by the prescribed fee.

(3) The provisions of this section shall remain in operation for a period of two years from the commencement of the Pharmacy (Amendment) Act, 1959 :

Provided that the State Government may, by notification in the *Official Gazette*, extend the period of operation of clause (a) or clause (c) of sub-section (1) by such further period or periods, not exceeding two years in the aggregate, as may be specified in the notification.

*Explanation 1.*—For the purposes of clause (a) of sub-section (1), “displaced persons” means any person who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, on or after the 1st day of March, 1947, left or been displaced from his place of residence in such area and who has since then been residing in India.

*Explanation 2.*—For the purposes of clauses (b), (c) and (g) of sub-section (1), the period referred to in clause (d) of section 31 shall be computed with reference to the date of application.



Section 41.—*Penalty for falsely claiming to be registered.*—(1) If any person whose name is not for the time being entered in the register of the State 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 hundred rupees and on any subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both:

Provided that it shall be an offence 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.

(2) For the purposes of this section,—

(a) it shall be immaterial whether or not any person is deceived by such pretence or use as aforesaid;

(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;

(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.

(3) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by order of the State Government or the Executive Committee of the State Council.

#### FORM 9

[See rule 58(1)]

#### *Application for Registration of Additional Qualifications*

To

The Registrar,

Maharashtra State Pharmacy Council.

Sir,

I request that the additional qualifications of.....  
which I have obtained from.....in.....may be registered.  
The Diploma or Certificate or the qualifications are enclosed herewith. These  
may be returned as soon as done with.

I am already registered under the Pharmacy Act, 1948, and my Registration  
Number is.....

The prescribed fee of Rs.....is sent.....dated.....  
the .....

Yours faithfully,

Signature of the Applicant.



## FORM 10

[See rule 58(2)].

*Certificate of Registration of Additional Qualifications*

(Under section 35 of the Pharmacy Act, 1948)

The additional Diploma/Certificate appearing below have been inserted in the Register of Pharmacists for the Maharashtra State against the name of

Registration No.

Diplomas or certificates  
already registered.Diplomas or certificates  
newly registered.

Date.....

Registrar,  
Maharashtra State Pharmacy Council.

## FORM 11

[See rule 58(3)]

*Certified Copy of Entries in the Register*

OFFICE OF THE MAHARASHTRA  
STATE PHARMACY COUNCIL.

CERTIFIED to be a true copy of the entry in the Pharmacy Register of the name specified below:—

Registration No.	Name	Address	Date of Registration	Qualification

Registrar,  
Maharashtra State Pharmacy Council.

*N.B.*—This certified copy remains evidence of registration only until the publication of the printed Pharmacists Register for 19..... It is not nor must it be used as evidence of the identity of the holder with the person named therein.



## FORM 12

[See rule (66) (1)]

*NOTICE to the pharmacist to attend proceedings for removal of his name from the Register of Pharmacists under section 36 of the Pharmacy Act, 1948.*

Sir,

On behalf of the Executive Committee of the Maharashtra State Pharmacy Council, I give you notice that information and evidence have been laid before the Executive Committee by which the complainants make the following charge against you, namely (here set out the circumstances briefly).

and that in relation thereto you or your employee have guilty of infamous conduct in a professional respect.

Or that you or your employee was on the ..... day of ..... convicted of the following offence (set out particulars of the conviction).

And I am directed further to give you notice that on the ..... day of ..... 19 ..... a meeting of the Executive Committee will be held at ..... at ..... O'clock in the ..... to consider the abovementioned charges against you, and decide whether or not they should direct your name to be removed from the Register, pursuant to section 36 of the Pharmacy Act, 1948. You are invited and required to answer in writing the above charges and to attend before the Executive Committee at the abovementioned place and time to establish any denial or defence that you may have to make to the abovementioned charges and you are hereby informed that if you do not attend as required the Executive Committee may proceed to hear and decide upon the said charges in your absence.

Any answer or other communication or application which you may desire to make respecting the said charges, or your defence thereto, must be addressed to the Registrar of the Council and transmitted so as to reach him not less than ..... days before the day appointed for the hearing of the case.

A copy of section 36 of the Pharmacy Act, 1948, to which your particular attention is invited, is enclosed herewith for your information.

## FORM 13

[See rule 73]

*Application for re-entry in the Register of Pharmacists of his name removed under section 34 (2).*

To

THE MAHARASHTRA STATE PHARMACY COUNCIL,

Sir,

I, the undersigned (a) ..... holding the qualifications of (b) ..... do solemnly and sincerely declare the following:—

My name was duly registered in the Register on (c) ..... in respect of the following qualifications, namely (d) ..... and at the date of the removal of my name, I was registered in respect of the same qualifications namely (di).



The Registrar removed my name from the Register on (e) .....  
for default in payment of renewal fee.

Since the removal of my name from the Register I have been residing at (f) .....  
..... and my occupation has been (g) .....

It is my intention, if my name is restored in the Register, to (h) .....  
Declared at ..... on ..... Witness.

Yours faithfully,

(i) .....

Signature .....

Signature.

Address .....

Registration No. ....

- (a) Insert full name.
- (b) Insert qualifications.
- (c) Insert date of registration.
- (d) Insert qualifications.
- (e) Insert additional qualifications, if any.
- (f) Insert date of removal.
- (g) State address.
- (h) Give particulars.
- (i) Insert particulars as to proposed future profession.
- (j) A registered pharmacist.

FORM 14

[See rule 74 (2) (b) (iii)]

*Certificate in support of application.*

I hereby certify that the aforesaid applicant is the above specified .....  
..... whose name formerly stood in the Register of Pharmacist  
under the Pharmacy Act, 1948, with the following address and qualifications.

Name .....

Address .....

Qualifications .....

Date .....

Signature of person certifying.

Registration Number.



## FORM 15

[See rule 74 (4)]

*Statutory declaration by applicant for re-registration of name to the Register of Pharmacists under section 36 read with section 37 of the Act.*

To

## THE MAHARASHTRA STATE PHARMACY COUNCIL

(1) I, the undersigned (a) ..... do solemnly and now holding qualifications of (b) ..... sincerely declare that the following are the facts of my case and in reason of which I seek re-entry of my name in the State Pharmacy Register.

(2) My name was duly registered in the Register on (c) ..... in respect of the following qualification, namely (d) ..... and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualification and also in respect of the following additional qualifications, namely (e) .....

(3) At an enquiry held on the (f) ..... day of ..... the Council directed my name to be removed from the Register on the complaint made to the State Pharmacy Council by (g) ..... was (h) .....

(4) Since the removal of my name from the Register I have been residing.

(i) ..... and my occupation has been .....

(5) It is my intention if my name is re-entered in the Register (j) .....

(6) The grounds of application are (k) .....

(Signed).....

Declared at ..... on ..... before me .....  
Presidency Magistrate or Commissioner of Oaths or Justice of peace.

(a) Insert full name.

(b) Insert Qualifications, if any.

(i) Insert particulars as to proposed future professional occupation.

(c) Insert date.

(d) Insert Original qualifications.

(e) To be added to if necessary.

(f) Insert date of inquiry.

(g) Insert name and address of the complainant.

(h) Insert charge on which name was removed.

(i) The blank in this paragraph must be filled in accordance to circumstances.

(j) Insert particulars as to proposed future professional occupation.

(k) All facts and grounds on which the application is made should be clearly and concisely stated.



## FORM 16

[See rule 74 (4)]

## Certificate in support of application

I ..... of ..... certify as follows:—

(i) My Registration No. is .....

(ii) I have read paragraphs (4) and (5) of the application of .....  
and say that I have been and I am well acquainted with the said .....  
both before and since his name was removed from the Register, that I believe  
him to be now a person of good character and that the statements in the said para-  
graphs are to the best of my knowledge, information and belief, true.

Address .....

Signature .....

Date .....

Registration No. ....



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