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GOVERNMENT OF KERALA

Health and Family Welfare (F) Department

NOTIFICATION

G. O. (P) No. 237/2012. Dated, Thiruvananthapuram, 26th July, 2012.

S. R. O. No. 564 /2012.— In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948 (Central Act 8 of 1948) and in supersession of the Kerala State Pharmacy Council Rules, 2011 published in the Kerala Gazette No. 544 dated 7th March, 2011, the Government of Kerala hereby make the following rules, namely:—

THE KERALA STATE PHARMACY COUNCIL RULES 2012

PRELIMINARY

1. *Short title and Commencement.*— (1) These rules may be called the Kerala State Pharmacy Council Rules, 2012.

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context,—

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

(b) "Council" means the Kerala State Pharmacy Council constituted under Section 19 of the Act.

(c) "Form" means a form contained in the appendix to these rules;

(d) "Government" means the Government of Kerala;

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

(f) "Treasurer" means the treasurer appointed by the Council under section 26 of the Act;

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

(h) "President" means the President of the Council elected or nominated under section 23 of the Act;

(i) "Infamous conduct" means violation of the code of ethics prescribed under these rules;

(j) the words and expressions used in the Act and not defined in these rules shall have the meaning assigned to them in the Act.

3. The office of the Council shall be at Thiruvananthapuram.

CHAPTER I

MODE OF ELECTION TO THE COUNCIL.

4. In the case of nominated members, the President shall inform the Government of the vacancy, requesting them to fill the same.

5. *Returning Officer.*—(1) In the case of election under clause (a) of section 19 of the Act, a suitable person appointed by Government shall be the Returning Officer. The Returning Officer shall be a person of and above the rank of an Under Secretary to Government or holding an equivalent position under the

Government. The Government may appoint the Returning Officer in advance taking into account the time required for the preparation of the Electoral Roll and for notifying the dates stated under rule 6.

(2) The terms and conditions of appointment and functions of the Returning Officer shall be such as may be fixed by the Government and the Council shall bear all the expenses to meet out these terms and conditions.

(3) The office of the Council shall also be deemed to be the office of the Returning Officer till the entire process of election is over.

(4) The Registrar and Manager of the Council shall be under the control of the Returning Officer, once the election process is initiated.

(5) The Registrar shall, from the date of appointment of the Returning Officer, provide all necessary facilities like office room, stationery, transportation and such other facilities as may be required by the Returning Officer for the smooth conduct of election to the Council.

6. (1) The Returning Officer shall appoint and notify in the Kerala Gazette suitable date in such manner as he thinks fit for each of the following stages of the election, namely:—

- (a) last date of receipt of nomination;
- (b) scrutiny of nomination paper;
- (c) last date for withdrawal of nomination;
- (d) last date for posting of Ballot papers;
- (e) last date for receipt of Ballot papers;
- (f) sending of voting paper under sub-rule 14 of rule 7;
- (g) counting of votes.

(2) The date of election shall be notified in such a way that a clear period of sixty days (including holidays) is available from the date of publication of the final list of candidates to the date of voting.

(3) The time up to which nominations can be submitted shall be 4 p.m. of the day so notified.

(4) The date of scrutiny of nominations shall be the day following the last day for filing nomination excluding holidays.

(5) The time up to which nominations can be withdrawn, shall be 12 noon of the day following the day on which scrutiny is conducted. Final list of candidates shall be published at 5 p.m. on the same day by the Returning Officer.

7. The following shall be the procedure adopted for filling up the vacancies by election:

(1) The draft electoral roll shall be prepared by the Returning Officer from the register and it shall contain the name, qualification and address of every person qualified to vote for the election of a member to fill up the vacancy or vacancies.

(2) Draft electoral roll shall be published by the Returning Officer and made available for scrutiny at the registered office of the Kerala State Pharmacy Council at least sixty days before the commencement of election to the Council.

(3) Objections, if any, to the draft electoral roll shall be informed in writing to the Returning Officer.

(4) The Returning Officer shall consider the objections, if any received, and take all steps to rectify the same and publish the final electoral roll within forty days from the date of publication of the draft electoral roll. No objection shall be entertained after the publication of the final electoral roll.

(5) Copies of the electoral roll shall be made available for sale at a price fixed by the Executive Committee of the Council, considering the printing cost of the same.

(6) Candidates qualified for election must be proposed and seconded by persons qualified as electors. The nomination paper shall be in Form B. 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 that are required to fill up the vacancy or vacancies be subscribed by the same elector, all nominations subscribed him/her shall be held to be void.

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

(8) Every candidate shall, along with the proposal for nomination, deposit with the Returning Officer a sum of ₹ 1,000 (Rupees one thousand only) in cash and he/she shall not be deemed to be duly nominated unless the said deposit has been made. The deposit shall be forfeited to the Council if the candidate is not

elected and the number of votes recorded in his/her favour is less than one-eighth of the total number of votes recorded. The said deposit shall be returned, if it is not forfeited under this sub-rule.

(9) Every proposal for nomination shall be in writing and shall 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.

(10) The Returning Officer shall commence scrutiny of nomination papers on the day appointed for the purpose. Any candidate may be present either in person or by an accredited representative at the time of such scrutiny. On completion of the scrutiny of nominations and after the expiry of the period within which candidature may be withdrawn under clause 11 of this rule, the Returning Officer shall forthwith declare the names of the candidates whose nomination papers are held valid by him.

(11) Any candidate may withdraw his/her candidature by notice in writing to the Returning Officer under his/her hand and seal so as to reach the Returning Officer before 12 noon of the day following the day of scrutiny of nominations. Such notice shall not be valid, unless it is delivered to the Returning Officer, or send to him by post or otherwise and received by the Returning Officer, before the time and date appointed by the Returning Officer for such purpose.

(12) In case the total number of candidates duly nominated does not exceed the number required to fill up the vacancy or vacancies notified, the Returning Officer shall declare all such candidates as elected unopposed at 5 p.m. on the day for publishing the final list of candidates.

(13) If more candidates than are necessary to fill up the vacancy or vacancies be nominated, the Returning Officer shall forthwith publish their names and addresses in the Gazette, or otherwise if he deems fit shall further cause their names to be entered in voting papers in the form as laid down in Form C.

(14) Twenty one days before such date as may be appointed by the Returning Officer in this behalf, the Returning Officer shall send by "Registered Post" to each elector one such voting paper bearing the official mark of the Returning Officer and an identification envelope on which a declaration as per Form 'D' is printed and a bigger cover on which are printed on the left top corner the serial alphabetical number and the name and the signature columns at the lower left corner and the address of the Returning Officer printed as under.

To

The Returning Officer,
Office of the Kerala State Pharmacy Council,
Thiruvananthapuram.

(15) An elector who has not received his voting paper and other connected papers sent by post or whose papers, before they are despatched back to the Returning Officer have been inadvertently spoiled 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 the effect signed by himself, require the Returning Officer to send him duplicate papers in place of those not received, spoiled, or lost and if the papers have been spoiled, the spoiled papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case when duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the bigger cover, 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".

(16) Before the date appointed by the Returning Officer in this behalf every elector desirous of voting, shall send his voting paper duly filled in to the Returning Officer, and the Returning Officer shall keep the same collected in sealed boxes:

Provided that the voting papers which are not received by the Returning Officer before 9 a.m. on the date appointed for the counting of votes or which do not in any way conform to these rules shall be rejected.

(17) The Returning Officer shall nominate such number of members of Government servants including the staff of the Council not exceeding eight as he thinks fit as scrutinizers.

(18) The Returning Officer shall attend for the purpose of counting the votes on the date appointed for the purpose and at such time and place as may be appointed by him in this behalf. Any candidate may be present in person or by his accredited representative at the time of counting of votes.

(19) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected and shall forthwith inform the successful candidate by letter of his having been elected to the Council. If any candidate declared to have been elected has withdrawn from

the election, or refuses to accept a seat on the Council after election then one of the remaining candidates to whom the next largest number of votes has been given shall be declared to have been elected in the manner prescribed above in the place of the withdrawing candidates, and the same procedure shall be followed if further vacancies are caused by withdrawal or refusal of a candidate to accept a seat on the Council.

(20) When an equality of votes is found to exist between 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, until the required number of persons are elected.

(21) The Returning Officer shall, immediately after the declaration of results, seal all the voting papers and all other documents relating to the election and shall retain the same in safe custody for a period of six months and the council shall not destroy or cause to them be destroyed, even after six months without the concurrence of the Government. All records of election shall be retained by the Registrar till the final disposal of disputes by Government or a court of law, as the case may be.

(22) The Returning Officer shall inform the Government represented by the Secretary, Health and Family Welfare Department and the President of the Council of the result of the election.

(23) The President shall, upon receipt of the result of the election, cause the same to be published in the Gazette.

8. (1) If any dispute arises as to intention, construction or application of the rules regarding the election the aggrieved person may submit a petition in writing, to the Returning Officer either in person or through a person authorized by him or by registered post with acknowledgment due within 7 days from the date of publication of the result.

(2) The Returning Officer shall forward the petition received by him to the Secretary to Government, Health and Family Welfare Department together with his remarks thereon within 14 days of receipt of the petition.

(3) The Government shall, on receipt of an election petition or petitions from the Returning Officer, appoint within 21 days of the receipt such petition or petitions a person not below the rank of Deputy Secretary to Government, or a

person holding an equivalent position the service of Government as Enquiry Officer to enquire into the matter and furnish a report within 3 months from the date of receipt of the petition or petitions by the Inquiry Officer.

(4) The Government shall, on receipt of report from the Inquiry Officer so appointed after satisfying the principles of natural justice, take a final decision on the petition or petitions within 45 days from the date of receipt of report from the Inquiry Officer.

(5) The Government may, if it so decides, set aside an election after affording an opportunity of being heard to all candidates contested in the election, all officials engaged in election duty and any other person or persons whom Government may consider necessary to hear for taking such decision.

(6) Once an election is set aside by the Government re-election shall be conducted within six months from the date of such setting aside after taking such remedial measures as are necessary so as to rectify the defects which had crept in the conduct of the election so set aside.

9. (1) At the meeting called for electing the President and the Vice-President of the Council, the members present shall elect from amongst themselves a temporary Chairman, by ballot if necessary, to be taken by the Registrar for the meeting. Such Chairman shall preside over the meeting until the President of the Council is elected.

(2) It shall be competent for any member of the Council to nominate any other member for the office of the President. The temporary Chairman shall announce the names of the members so nominated, and if only one member has been so nominated, he shall declare that member elected as President. If more than one member has been so nominated, the Council shall proceed to elect the President by ballot.

(3) Where more than two candidates have been nominated and at the first ballot one candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be. The candidate, who obtains more votes than those obtained by the remaining candidate or than aggregate votes obtained by the remaining candidates as the case may be, shall be declared to have been elected as President.

(4) Where at any ballot any two or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (3), the determination of the candidate who is to be excluded shall be by drawing of lots.

10. The President having been elected will take the chair and the members will proceed to elect a Vice-President following the procedure laid down in rule 9 except that in the case of equality of votes, the President shall have a casting vote.

11. Election of a member by the Medical Council of Kerala, under clause (c) of Section 19 of the Act shall be conducted at a meeting of the Medical Council of Kerala in accordance with the regulations of that Council.

12. After the declaration of the election of any member, the President, after receipt by him of such election from Returning Officer, shall inform the State Government of the same for publication in the Gazette. The notification of the election of a member shall be read by the President and he shall then be introduced to the meeting by an existing member of the Council. The above procedure shall also be adopted in the case of a member nominated to the Council.

CHAPTER II

MEETING OF THE COUNCIL.

13. (1) In every case the notice shall be sent to each member by ordinary post by the Registrar, unless the President in exercise of his discretion shall deem notice of a short period expedient, in which case notice shall be sent by speed post or through e-mail or other more expedient means.

(2) The President, whenever it appears to him necessary to convene a meeting, may, instead of doing so, circulate a written proposition with the reasons for such proposition for the observations and vote of the members of the Council.

14. The Council shall ordinarily meet at least once in four months preferably in February, May 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 he 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 the Council's function) for which they desire the meeting to be called.

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

16. At the special meeting called by the President in the exercise of his discretion under Rule 14 (1) only subject or subjects for the consideration of which the meeting has been called shall be discussed, unless the Council by a resolution agree to consider such other business.

17. Notice of every meeting other than a special meeting called under the proviso to rule 14 (1) or under the first proviso to rule 19 (1) shall be despatched by the Registrar to each member of the Council 30 days before the date of the meeting.

18. (1) The Registrar shall issue with the 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.

(2) A member who wishes to move any motion 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 25 clear days before the date fixed for the meeting.

(3) The Registrar shall, not less than 10 clear days before the date fixed for the meeting that is, in the case of a special meeting with the notice of the meeting issue a complete agenda paper showing the business to be brought before the meeting.

(4) 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 meeting.

(5) The Registrar shall if time permits, cause a list of all amendments of which notice has been given under sub-rule (2) or sub-rule (4) of this rule to be made available for 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 with this rule:

Provided further that nothing in this rule shall operate to prevent the reference by the Executive Committee of any matter to the Council at a meeting following immediately or soon after the meeting of the Executive Committee.

19. (1) A motion shall not be admissible:

(a) if the matter to which it relates is not within the scope of the function of the council.

(b) if it raises 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 be moved:

Provided that such a motion may be admitted at a 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 these rules shall operate to prohibit the further discussion of any matter referred to the Council by the Government in exercise of any of its functions under the Act.

(c) Unless it is clearly and precisely expressed and raises substantially one definite issue; or

(d) If it contains arguments, 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 the 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, of the form in which the motion has been admitted.

CHAPTER III

CONDUCT OF BUSINESS AT THE MEETINGS OF THE COUNCIL.

20. (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.

21. For a meeting of the Council eight members of the Council of whom the President may be one, present in person shall constitute a quorum provided that in the case of a meeting adjourned for want of quorum no quorum shall be required.

22. If, at the time appointed for a meeting a quorum is not present, the meeting shall not commence until a quorum is present and if a quorum is not present on the expiration of 30 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.

23. (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 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 a second or a casting vote.

24. 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 identical motion or motions shall thereupon be deemed to be withdrawn.

25. (1) Every motion or amendment shall be 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 a question to be resolved either in the affirmative or in the negative or any member may, subject to rules 26 and 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.

26. (1) An amendment must be relevant to and within the scope of the motion to which it is proposed.

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

(3) The President may refuse to put an amendment which in his opinion, frivolous.

27. A motion may be amended by,

- (a) the omission, insertion or addition of words therefrom or therein, or
- (b) the substitution of words for any of the original words.

28. (1) When a motion or amendment is under debate no proposal with reference thereto shall be made other than,

- (a) An amendment of the motion or of the amendments as the case may be;
- (b) A motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die;
- (c) A motion for the closure, namely, a motion that the question be now put;
- (d) A motion that the Council instead of proceeding to deal with the motion, do pass to the next item on the programme 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 (b), (c) or (d) shall be moved or seconded by a member who has already spoken on the question then before the meeting:

Provided also that a motion referred to in clause (c) or shall be moved without speech.

(2) 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).

(3) Unless the President is of opinion that a motion or closure in 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.

29. A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be deemed to be granted if any member dissents from the granting of leave.

30. 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 to seconding the motion or amendment, as the case may be, and speak thereon at any subsequent stage of the debate, before the final reply.

31. During the meeting, the President may at any time, make any observation or suggestion or give information to elucidate any point to help the members in the discussion.

32. (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 purpose of making a personal explanation or of putting a question to the member then addressing the Council:

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

33. (1) 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.

(2) If at any time the President rises, any member speaking shall immediately resume his seat.

34. 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.

35. (1) When an amendment to any motion is moved (or when two or more amendments are moved) the President shall, before taking the consensus 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.

36. 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.

37. (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 is adjourned to a future date, the Registrar 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 date the President may change such date to any other date and the Registrar shall send written notice of the change to each member.

(4) At a meeting adjourned to a future date, any motion standing over from the previous date shall, unless the president otherwise directs, take precedence over any other matter 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 and if the Council agrees, such a change shall take place.

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

38. (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 a matter for which these rules make no provision, the President shall decide the same and his decision shall be final.

CHAPTER IV

APPOINTMENT OF MEMBERS OF THE COUNCIL.

39. The Registrar shall maintain a book containing the names of the members elected to the Council, the electorates they represent, the date of election of each such member, the term of his office, and the 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 book 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.

40. At least three of the members nominated by the Government under clause (b) of Section 19 of the Act shall be persons possessing a prescribed

degree or diploma in pharmacy or pharmaceutical chemistry or 'registered pharmacists'.

41. Sixty days before the expiration of the term of office of any member elected or nominated to the Council the Registrar shall make a report in writing regarding the vacancy to the President and such report shall also be made to the Presidents of the Medical Councils in respect of the vacancy caused under clause (e) of section 19 of the Act and to the Government in the case of a vacancy in respect of a nominated member.

42. If a vacancy occurs in the office of a member of the Council through death, resignation, absence without sufficient excuse from three consecutive meetings of the Council or through his ceasing to be a Registered Pharmacist if he is a member elected under clause (a) of section 19 or ceasing to be a member of the Kerala Medical Council if he is a person elected under clause (c) of section 19 of the Act, or otherwise previous to the expiry of his term of office, the Registrar shall make a report in writing regarding the vacancy to the President. The registrar shall make such report to the President of the Kerala Medical Council also in respect of a vacancy caused in respect of a person elected under clause (c) of section 19 and to Government in the case of a vacancy in respect of a nominated member in order to fill up the vacancy.

CHAPTER V

MINUTES OF THE COUNCIL.

43. 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.

44. A copy of the minutes of each meeting shall be submitted to the President within 15 days of the meeting and attested by him and a copy of the minutes shall then be sent to each member within 30 days of the meeting.

45. 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 without any comment and without any record of observations made by any member at the meeting.

46. If any objection regarding the correctness of the minutes is received by the Registrar within 30 days of the despatch of a copy of the minutes to a member in accordance with rule 43, 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 corrections of the records of the meeting:

Provided that if no objection regarding the correctness of the minutes is received by the registrar within 30 days of the despatch of a 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:

Provided further that the President may direct that action be taken on a decision of the Council before the expiry of the period of 30 days mentioned above.

47. The minutes of the Council shall as soon as practicable after their confirmation be made up in sheets and consecutively paged for insertion in a volume, which shall be permanently preserved. A copy of each volume shall be supplied free of cost to each member of the Council.

48. A report shall be kept of the observations and of the discussions at the meetings of the Council in as accurate a manner as possible for the use of the members of the Council. The detailed proceedings of the meetings which shall be treated as 'confidential' shall be kept in the office and shall be open 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 the payment of a sum fixed by the President, which shall not exceed the cost of copying. No copy of proceedings held in camera shall be supplied, but such proceedings can be inspected by the members.

CHAPTER VI

TENURE OF OFFICE AND POWERS AND DUTIES OF THE PRESIDENT AND VICE-PRESIDENT

49. The President shall exercise such powers and perform such duties as are conferred by or under 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 furtherance of the objects for which the Council is established.

50. If the office of 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

EXECUTIVE COMMITTEE

51. The Executive Committee of the Council shall consist of the President, who shall be the ex-officio Chairman of the Executive Committee, the Vice-President, ex-officio and three other 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.

52. The Executive Committee shall ordinarily meet once in every month on such date as may be fixed by the President.

53. For a meeting of the Executive Committee, three members including the President and the Vice-President shall be a quorum.

54. If there is any vacancy in the Executive Committee, the Committee shall itself fill up such vacancy by election of a member of the Council in such vacancy except in cases where a summons has been issued for a meeting of the Council before the occurrence of such vacancy when the Council itself shall by election fill up the vacancy in the Committee. If any member of the Executive Committee is absent from two consecutive meetings without leave of the committee, he shall *ipso facto* cease to be a member of the Committee. If the period of absence exceeds one year, a vacancy shall be deemed to have been created.

55. (1) In the case of the death of the Registrar or his incapacity from illness or of his proceedings on leave for more than one month, the Council shall appoint with the consent of the Government, a person in Government service or in any other service or a person who retired from Government service, having the prescribed qualification to hold the additional charge or to perform temporarily the additional duties of the Registrar.

(2) The said appointment shall be subject to the following conditions, namely:—

(a) the person so appointed shall hold office only for a period of three months or till the Registrar joins back whichever is earlier;

Provided that if the Registrar extends the leave period beyond three months, then the Council may extend the tenure of the person appointed under sub-rule (1) or shall appoint another person in Government service in the right manner;

(b) the person so appointed shall, during such period, execute only emergency duties of the Registrar on week days;

(c) the person so appointed shall be paid only an honorarium from the Council;

(d) No person undergoing probation in the entry cadre shall be considered for the temporary post of Registrar.

56. Normally a person from the Drugs Control Department or Government College of Pharmaceutical Sciences shall normally be preferred for appointment as temporary Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the provisions of the Kerala Service Rules.

57. The Executive Committee shall keep minutes of their proceedings, which shall be dealt with, according to the same procedure as that mentioned in Chapter VI, relating to the minutes of the Council.

58. The Executive Committee shall superintend the publication of the Pharmacist 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 others as may be directed by the Executive Committee shall be added annually to the Register as printed.

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

60. The Executive Committee shall consider and prepare 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 least ten days before the meeting of the Council at which the subject is to come up for discussion.

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

62. The printing of the volumes of minutes shall be under the direction of the Executive Committee.

63. All petitions presented to the Council shall be referred to the Executive Committee to be examined and reported up on before being considered by the Council.

64. 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 of the Council.

65. 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.

CHAPTER VIII

SUB-COMMITTEE

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

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

CHAPTER IX

REGISTRATION

67. The Register of Pharmacists shall be maintained as required by sub-section (3) of section 29 of the Act, and shall be in Form I.

68. 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 addresses relating to each name.

69. Each page of the register shall be verified by the Registrar's signature and each entry of renewal shall be attested by his initials.

70. (1) On the registration of every pharmacist under the Act, the Registrar shall grant such pharmacist a certificate in Form F.

(2) In the event of a certificate issued under sub-rule (1) being lost or accidentally destroyed, the holder may at any time during which such 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 certificate on payment of a fee of Rs. 500. Certificates issued under this sub-rule shall be marked "Duplicate".

71. Every person entitled under section 32 or 32A of the Act to be registered under the Act and desiring to have himself registered shall apply to the Registrar in Form G duly filled up and signed. Every such application shall be accompanied by the fee prescribed in Rule 81.

72. (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 is made.

(2) A person desiring to continue his registration after the date mentioned in sub-rule (1) shall submit to the Registrar an application therefore together with the fee prescribed in that behalf in Rule 81. Such applications should preferably be made previous to the above-mentioned date, but may be made so as to reach the Registrar not later than 31st March, following.

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

Provided that if the applicant is personally present the Registrar may, on being satisfied about his identity, hand it over to him.

(4) Every renewal made under sub-rule (3) shall be entered in the register and attested by the Registrar with his signature.

(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 a name so removed may be restored to the register under section 37 of the Act on payment of fees and penalty as prescribed in Rule 81.

73. (1) An application for registration of an 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 81.

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

74. An appeal to the Council against a refusal by the Registrar to register in the case of first registration or to alter any entry in the register must state the grounds on which registration is claimed and the qualifications and the 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.

75. Certified copies of entries in the register shall be issued in Form J to anyone on payment of the fee prescribed in that behalf in Rule 81.

76. The fee prescribed in rule 81 shall be levied for registering a change of name in the pharmacists register.

77. (1) The Council may erase from the register the name of any person who,

(a) has requested that his name 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; or

(b) has failed to furnish to the Registrar such information as the Council may require, within a period to be determined by the Council.

(2) The Council may erase from the Register the name of any person whose name before or after the commencement of the Act has been removed from the roll, register or record of any University, Hospital, Society or other body from which that person received the degree, diploma or certificate by virtue of the holding whereof he was registered, and any registration certificate issued to such person shall be deemed to be cancelled as from the date of such erasure.

(3) The Registrar shall bring any application before the next meeting of the Council or the Executive Committee, under sub-rule (1) or sub-rule (2) which will consider the application and any objections thereto, and the President may put from the Chair the following question:

"Whether the Registrar shall erase the name of the registered pharmacist concerned from the pharmacists Register."

78. The Registrar shall as soon as may be after the 1st day of April in each year cause to be printed copies of the registers as they stood on the said date and such copies shall be made available to persons applying therefore on payment of the charge prescribed by the Council and shall be evidence that on the said date the persons whose names are entered therein were registered pharmacists. The Registrar shall keep an interleaved copy of such printed list, wherein he shall make during the year any entry, alteration or erasure that may be necessary.

79. It shall be the duty of every registered pharmacist who changes his/her address to intimate the fact to the Registrar within one month after such change.

80. There shall be made every year and entered in the printed pharmacist register an enumeration of—

- (i) the total number of persons in the published register;
- (ii) the number of persons added by registration during the year;
- (iii) the number of persons restored to the register;
- (iv) the number of persons erased from the register stating the section of the Act under which the name has been erased; and
- (v) the number of persons removed by death.

CHAPTER X

FEES

81. The following shall be fees levied by the Council, namely:—

For the first registration in the register	.. ₹ 1,000
Non- Refundable Deposit	.. ₹ 1,000
For annual retention/Renewal	.. ₹ 50
For restoration to the register after removal for non payment of annual retention fee in addition to retention fee for the year during which the name remained removed	.. ₹ 500
For a duplicate Certificate under rule 70(2)	.. ₹ 500

For every qualification or status subsequently Registered	.. ₹ 250
Good standing certificate	.. ₹ 1,000
For registration of change of name	.. ₹ 100
Fine for annual renewal	.. ₹ 50
For every certified copy of an entry in the register	.. ₹ 100
For verification of Licence	.. ₹ 500
Thatkal Fee (For issue of certificates within 24 hours of submission of application)	.. ₹ 1,000

CHAPTER XI

PENAL REMOVALS FROM THE REGISTER OF PHARMACISTS

82. Every person registered under the Act who has been found, after inquiry by the Executive Committee, to have been guilty of infamous conduct, after inquiry by the Executive Committee, 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 practising or performing acts pertaining to pharmacy; or
- (c) erasure of his name from the register.

83. If at any time it is made to appear by affidavit that a person registered under the Act has become mentally or physically disabled to the extent that the continued practising of such person is contrary to the public welfare, the Executive Committee may hold an inquiry into the facts submitted and may order the suspension of such person for a specified period from carrying on his profession or practice of pharmacy.

84. Whenever information reaches the office of the Council that a 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.

85. Where the information in question is in the nature of a complaint by a person or body charging the pharmacist with infamous conduct in a 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 facts of the case.

86. Every declaration must 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 must be accurately and fully stated. Declarations and parts of declarations, which are made in contravention of this rule, will not be accepted as evidence.

87. 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 a registered letter for any explanation he may have to offer. The documents including any explanation forwarded by the pharmacist to the Registrar shall then be referred to the Executive Committee which shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to refer if necessary to a counsel for his advice and assistance and to instruct him to take the opinion of the counsel and otherwise to obtain such advice and assistance as they shall think fit. If the Committee is of the 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 of the resolution of the Committee. If the Committee is of the opinion that the circumstances suggest that a letter of warning be sent, the Committee is empowered to send it. If the Committee resolve 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.

88. An inquiry with a view to the removal of a name from the Register 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 the charge and will 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, 'K'

with such variations as circumstances may require and shall be sent three weeks before the date of enquiry.

89. In every case in which the Executive Committee resolve that an enquiry shall be instituted and a notice for an enquiry is issued accordingly, either party shall for the purpose of his defence or reply, as the case may be, and upon request in writing for that purpose signed by himself or his counsel, be entitled to be supplied by the Registrar with a copy of any declaration, explanation or answer or other document 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 inquiry shall draw the particular attention of the pharmacist to this rule.

90. Any answer, evidence or statement forwarded or application made by the pharmacist between the date of the issue of the notice and the date appointed for the hearing of the charge shall be dealt with by the President in such manner as he, under legal advice, shall think fit.

91. 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 thereof shall be furnished to each of the counsel before the hearing of the case.

92. At the hearing of the case by the Executive Committee, their counsels 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 or assisted by a counsel.

93. Where a complainant appears personally or by a counsel, the following shall be the order of procedure:

(1) The Registrar will read to the Executive Committee the notice of the inquiry addressed to the pharmacist.

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

(3) 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.

(4) 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 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.

(5) 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 declines to submit to cross examination.

(6) 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.

94. Where there is no merit in the complaint or no complainant appears the following will be the order of procedure:

(1) The Registrar will read to the Executive Committee the notice of inquiry 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.

(2) 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.

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

95. 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, 1973 (Central Act 2 of 1974), alleged against him in the notice of inquiry, "that.....(here enter name of the pharmacist) is proved to have been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), alleged against him in the notice of inquiry".

(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 inquiry have been proved or have not been proved". If this 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 by the President to vote on the following resolution to be put from the Chair:

(b) "that the fact of the following facts (specifying them) alleged against.....(name of the pharmacist) in the notice of inquiry, have been proved to the satisfaction of the Executive Committee." If this Resolution is 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 decision and adjourn the case until the next or some other future session.

(3) In case a 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 decision of the 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 their decision on the conviction (or facts) proved against.....".

If this resolution is not carried, the decision 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 in which decision has been postponed.

If this resolution is carried, the Executive Committee shall proceed at once to pronounce its decision on the case and shall be called upon by the President to vote upon the following resolution 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 misdemeanour or crime or offence) alleged against him in the notice of inquiry, the Registrar be directed to remove his name from the Register of Pharmacist" .

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

(c) "That the Executive Committee do now decide.....to have been guilty of infamous conduct in a professional respect and direct the Registrar to remove from the Register of Pharmacists, the name of.....".

If resolution (b) or (c) as the case may be is not carried, the President may announce the decision of the Executive Committee in the following form:—

"That the Executive Committee do not see fit to direct the Registrar to remove from the Register of Pharmacists' the name of.....".

96. In the event of an adjournment of the hearing or a postponement of the decision to another session, the Executive Committee, on the case coming on again for consideration, may hear the pharmacist and the complainant (if any) on the date fixed for the further consideration and shall request the attendance of the pharmacist on that date before the Executive Committee; and the complainant and the pharmacist 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 or 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.

97. 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 of whom he may have duly given notice to the Registrar and the 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. At the conclusion of the further hearing, the Executive Committee shall deliberate on the case in private and at the conclusion of the deliberations, the President shall call upon the Executive Committee to vote in an adjourned case on the same resolution as at the original hearing and in a case in which decision was postponed on resolution (a), (b) or (c) in clause (3) of rule 93, as the case may be.

98. If under the direction of the Executive Committee, all the qualifications of any pharmacist have been erased from the Register of Pharmacists then the Executive Committee shall, if they think fit, by formal resolution put by the President from the Chair, direct the Registrar to remove the name of such pharmacist from the Register of Pharmacists.

99. An order by the Executive Committee to remove the name of a registered pharmacist under the provisions of sub-section (1) of Section 36 of the Act shall be subjected to confirmation by the Kerala State Pharmacy Council under sub-section (3) of section 36 of the Act and shall not take effect until the expiry of three months from the date of such confirmation.

100.(1) The Registrar shall upon the removal of any name from the register pursuant to the provisions of the preceding rules or of section 36 of the Act, 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 of the pharmacist. The Registrar shall also send forthwith intimation of any such removal to the licensing authority under the Drugs and Cosmetics Act of the State and also to the Dean or Secretary or other proper officer 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.

101. The Registrar shall, within one month after any names have been removed from the Pharmacists' Register by order of 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 recommend that no person whose name has been once removed from and has not been restored to the Register of Pharmacists shall, without previous reference to the Executive Committee, be admitted to examination for any new qualification which is registrable in the Pharmacist's Register."

CHAPTER XII

RESTORATION OF NAME TO THE REGISTER OF PHARMACISTS

102. 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.

103. 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.

104. No application for the re-entry of a name removed from the register under section 34 shall be entertained unless it is accompanied by an application from the applicant in Form 'L' and by the following documents:

- (a) applicant's diploma;
- (b) his certificate of registration in original.

105. 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:

(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 section 36 (5) of the Act;
- (iii) a certificate in Form 'M' from two pharmacists registered under the Act as to his identity.

(3) The statement in the application shall also be verified by certificates in writing to be given by two pharmacists registered under the Act who are resident in the neighbourhood of the place where the applicant has been residing since the removal of his name and they shall testify to his present good character.

(4) 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 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.

(5) 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.

(6) The application and the certificates referred to in sub rule (3) shall be in Forms 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.

CHAPTER XIII

REGISTRAR, CLERKS AND OFFICE HOURS

106. The post of the Registrar shall be of a permanent tenure. To be eligible for appointment to that post, a candidate must have the qualification of B.Pharm. with 5 years of professional experience or B.Pharm. with 10 years professional experience. Possession of a degree in Law of a University established by law shall be considered as an additional qualification. Persons who have completed the age of 60 years shall not be eligible to be appointed as

Registrar. The appointment will be on direct recruitment on contract basis on a consolidated pay fixed by the Council with the prior approval of the Government from time to time. The tenure of appointment shall be 5 years, which may be extended for a further period of 5 years with the prior sanction of Government. In the case of a new appointment, there shall be a probationary period of one year. The Registrar shall be a full-time officer of the Council. By the term professional experience is meant the service rendered by a graduate pharmacist in the,

- (i) Drugs Control Department of Government; or
- (ii) college of Pharmaceutical Sciences; or
- (iii) a State or Central Hospital or,
- (iv) a University recognized by Government; or
- (v) a factory owned by Government; or
- (vi) a research organization; or
- (vii) field of medical detailing; or
- (viii) drugs sales organization; or
- (ix) field of clinical trials or in legal consultancy related to drugs.

107. The Registrar shall keep the registers in accordance with the provisions of the Act and these rules.

108. The Registrar shall be present at every meeting of the Council and of the Executive Committee and shall take minutes of the proceedings at such meetings.

109. The Registrar, as Secretary of the Council shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices required under these rules.

110. The Registrar shall perform all the duties that may be required of him by the Act and these rules.

111. Public holidays excepted, the office of the Registrar shall be kept open during the days when Government offices are kept open. The Registrar shall not absent himself from his duties unless with the permission of the President. The President shall grant leave to the Registrar in accordance with the Kerala Service Rules.

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

113. The Registrar shall have the general control of the management of the office of the council authority, over the clerks and office attendants and superintendence of the building.

114. The duties of the clerks shall be assigned to them by the Registrar under the direction of the Executive Committee.

115. The clerks shall attend the office on all the days when Government Secretariat offices are kept open and at other times when necessary and they shall not be absent themselves from their duties unless with the permission of the Registrar.

116. The office attendants shall attend office according to the orders of the Government in that matter. Leave to office attendants shall be granted by the Registrar in accordance with the principles laid down in the Kerala Service Rules.

CHAPTER XIV

COMMON SEAL.

117. The Common 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 President and the key of the other lock shall in the custody of the Registrar.

118. 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 to it by the Council.

119. 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.

CHAPTER XV

INSPECTION OF DOCUMENTS

120. The following shall be the conditions on which leave is granted to members of the Council to inspect the documents of the Council when not required for use by its legal advisers, namely:—

- (i) 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;
- (ii) the subject of the documents needed for inspection shall be stated;
- (iii) the Registrar shall be held responsible for the safe custody of all documents;
- (iv) it shall be an instruction to the Registrar to have documents so arranged with respect to chronological order or otherwise as to facilitate their inspection during office hours;
- (v) documents under inspection shall not be removed from the premises of the Council;
- (vi) all such documents and the information derived there from shall be regarded as strictly confidential.

CHAPTER XVI

ACCOUNTS

121. The Council is authorized to receive for the purpose of its expenses, benefactions and contributions from private persons and bodies and to utilize for that purpose the proceeds of the sale of reports and other publications.

122. An account shall be opened in the State Bank of Travancore in the name of the Council and all the moneys of the Council shall be deposited in that Bank subject to the reservation mentioned in rule 123 or rule 124.

123. The Treasurer appointed under clause (a) of section 26 of the Act, shall furnish a security for ₹ 10,000 (Rupees Ten Thousand only) 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 ₹ 5,000 (Rupees Five thousand only) the balance being lodged in the Bank to the credit of the Council.

124. The Registrar, if appointed as a Treasurer under clause (a) of section 26 of the Act, shall receive all moneys payable to the Council. He shall not retain in his hand a sum of more than ₹ 5,000 (Rupees Five Thousand only) the balance being lodged in the Bank to the credit of the Council.

125. The Registrar, as 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 transaction of the Council for the month previous to the one in which the meeting is held. This statement shall, if possible, be sent with the notice calling the meeting.

126. The Registrar shall in the month of July in each year, prepare a statement of the income and expenditure of the preceding financial year and draw the attention of the Council to such matters as seem deserving of notice.

127. As soon as possible after the statement of income and expenditure of the preceding financial year is approved, the Council shall request the Government to get the accounts for that year duly audited.

128. The annual accounts shall be made up by the Registrar under the direction of the Executive Committee.

129. In the month of September each year, an estimate of the revenue and of the expenditure of the Council for the succeeding financial year shall be laid before the Council.

130. Such estimate 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 revenues ordinarily anticipated and all fees received from registration and other sources the amount expected from the Government by way of grant.

131. The Council shall consider the estimate so submitted to it and shall sanction the same either unaltered or subject to such alterations as it may deem fit.

132. 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.

133. 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 ₹ 1000 (Rupees One thousand only) and the bill is in order, he shall pay it. If the claim is for a sum exceeding ₹ 1000 (Rupees One thousand only) and the bill is in order, payment shall be made after it is sanctioned by the President.

134. The Registrar shall immediately bring into account in the general cash book all moneys received or spent by the Council.

135. All cheques on the Bank shall be signed by the President or his nominee and the Registrar.

CHAPTER XVII

TRAVELLING AND DAILY ALLOWANCES FOR ATTENDING THE MEETINGS OF THE COUNCIL, ETC.

136. For attending the meetings of the Council, the Executive Committee or any sub committee, travelling and daily allowances shall be payable as provided in rule 137.

137. The travelling expenses of members shall be paid as follows:—

(1) Government servants shall draw the travelling allowance and daily allowance to which they are entitled under the Kerala Service Rules.

(2) Non-official members shall be paid travelling allowance/daily allowance on a par with Grade I Officers of the Government. If the meeting is within 8 Kms. from the residence of the members no Travelling Allowance/Daily Allowance will be allowed.

(3). Employees of the Council shall be entitled to travelling allowance and daily allowance at the same rates as are applicable to Government servants of the same class.

CHAPTER XVIII

PROSECUTIONS

138. 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.

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

CHAPTER XIX

CODE OF ETHICS FOR PHARMACISTS

140. A registered pharmacist shall not practice medicine.

141. 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 the statutes governing the manufacture, stocking, distribution or sale of drugs.

142. Registered pharmacist shall not engage in unhealthy competitions among themselves in the practice of their profession.

143. Registered pharmacists must not earn undue profits by the sale of drugs.

144. A Registered pharmacist shall not engage himself in any activity which is likely to cause negligence while dispensing drugs.

145. There shall be personal bio-data details of every registered pharmacist in a separate booklet in Form F (a) which should contain residential and professional address of registered pharmacist with educational qualification, service details, disciplinary action if any and also recent attestation of photograph in the existing Pharmacy Registration Certificate format.

146. It shall be the duty of every registered pharmacist to intimate the Registrar in time, if they give up the active practice temporarily or engaged in any other business or employment. Then the Registrar shall on getting such

written intimation suspend his/her registration temporarily until he/she resumes the practice. But it can be restored by considering his/her request in writing to the Registrar with the prescribed restoration fee.

147. Nobody else except the registered pharmacist is authorised to keep the registration certificate of a pharmacist. Anyone who unauthorizedly withholding the registration certificate in any business/employment premises without the consent of pharmacist is liable for penal action. The Registrar on getting such information could initiate proceeding in this aspect.

148. The registered pharmacist who violates the Rules 140 to 144 are liable for suspension/cancellation of registration as the case may be. They are also liable for penal action by the Registrar after placing the case before the Executive Committee.

149. Every registered pharmacist on duty shall display conspicuously his/her original pharmacy Registration Certificate for the attention of the public in his place of business.

150. A registered pharmacist while on duty shall wear a white over coat.

151. A registered pharmacist while on duty shall wear a valid identity card issued by the Kerala State Pharmacy Council.

152. The Pharmacy Registration Certificate issued to a registered pharmacist to practice pharmacy will be the property of Kerala State Pharmacy Council, and shall not be transferred to/possessed by anybody else. Unauthorized possession of Pharmacy Registration Certificate will be punishable with a fine of ₹ 1,000.

153. A registered pharmacist shall duly maintain his/her service particulars in the original service book provided by the Kerala State Pharmacy Council in Form F (1) and shall be produced for verification at the time of renewal of registration and during inspections by a competent authority.

154. A penal punishment up to ₹ 500 shall be imposed on a registered pharmacist who *prima facie* found guilty or suspended on charges of violations of code of ethics of the pharmacists.

155. The appointment or the relief of a pharmacist shall be duly intimated to the Registrar of the Kerala State Pharmacy Council within one month from the date of appointment or relief.

CHAPTER XX

INTERPRETATION OF RULES

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

CHAPTER XXI

APPOINTMENT, QUALIFICATION, POWERS AND DUTIES OF INSPECTORS

157. (1) *Qualification of Inspectors.*—No person shall be eligible for appointment as an Inspector, either on full time or part time basis under the Act, unless he/she—

(a) possess a degree in Pharmacy or a Diploma in Pharmacy with a degree in any discipline; and has 10 years experience in the Govt. sector or public sector undertaking and

(b) is registered with the Kerala State Pharmacy Council.

158. *Powers of Inspectors.*—The Inspectors appointed by the Pharmacy Council under section 26A of the Act are empowered to—

(a) inspect any premises where drugs are stocked, compounded, mixed or dispensed and submit a written report to the registrar;

(b) examine any records, registers, documents or any other material objects available in the premises for the purpose of examination;

(c) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under the act has been or is being committed and seize any material objects which shall constitute evidence in a court of law;

(d) enquire whether a person who is engaged in compounding or dispensing of drugs, is a Registered Pharmacist or not;

(e) inspect any premises or institutions, where pharmacy education is imparted to students and ensure whether the course of study is approved by the Pharmacy Council of India and the provisions of Education Regulations of Pharmacy Council of India are complied with; and

(f) to exercise such other powers as may be necessary for carrying out the purpose of Chapters III, IV and V of the Act or any rules made thereunder.

(g) Any person willfully obstructing any inspector in the exercise of the powers conferred upon him by or under the Act or any rules made thereunder shall be punishable with imprisonment for a term, which may extend to six months or with a fine of rupees one thousand or with both.

159. *Duties of Inspectors.*—Subject to the Instructions of the Registrar shall be the duty of the Inspector, —

(a) to inspect the premises where drugs are stocked, compounded or dispensed and institutions imparting Pharmacy Education;

(b) to enquire into the complaints received by him from the Pharmacy Council and submit a report to the Registrar;

(c) to maintain a record of all inspections made and actions taken by him in the performance of his duties and submit copies of such records to the Registrar;

(d) to investigate any complaint made in writing in respect of an contravention of the Act and the Rules thereunder and submit report to the Registrar;

(e) to institute prosecutions under the order of the Executive Committee of the Pharmacy Council;

(f) to obtain, as soon as possible, the order of the Judicial Magistrate for the seizure of any article which shall constitute evidence for the case;

(g) to ensure that drugs are handled only by registered pharmacists in all the hospitals, dispensaries, clinics and medical stores within his jurisdiction; and

(h) to ensure that the registered pharmacists follows the code of ethics.

By order of the Governor,

RAJEEV SADANANDAN,
Principal Secretary to Government

APPENDIX

FORM 'A'
(See Rule 5)

NOTICE OF ELECTION

Election of a member/members of the Kerala State Pharmacy Council

Notice is hereby given pursuant to the provisions of Rule 5 of the Kerala State Pharmacy Council Rules, 2012 that the election of members to the Kerala State Pharmacy Council to serve during the period expiring.....day.....of is about to be held.

Nominations of eligible persons to fill the vacancy are invited.

Each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may sign the nomination paper of any number of candidates not exceeding the number to be elected.

Every nomination paper must be in the Form 'B' in the Appendix to the Kerala State Pharmacy Council Rules, 2012, giving all the details required therein.

The nomination paper must reach the undersigned on or before.....during office hours.

Nomination papers in respect of which the provisions of Part I of the Rules have not been complied with, or which are not received by the Returning Officer by the aforesaid date will be invalid.

The forms of nomination may be obtained from the undersigned on application.

Address.....

Date.....

Returning Officer.

FORM 'B'
[See Rule 7 (3)]

FORM OF NOMINATION PAPER

Election of member or members to the Kerala State Pharmacy Council

I, the undersigned, being a Registered Pharmacist hereby nominate
(a).....registered as a Pharmacist, number being
(b).....as a candidate for election as a member of the
Kerala State Pharmacy Council at the forthcoming election from the Registered
Pharmacists Constituency.

Signature.....

Address.....

Registration No.

Date.....

We, the undersigned, second the proposal of Shri.....

Signature.....

Address.....

Registration No.

Date.....

I, the undersigned, hereby consent to accept nomination as a candidate for
election to the Kerala State Pharmacy Council from the Registered Pharmacists
Constituency and am willing to serve on the council if elected.

Signature.....

Address.....

Registration No.

Date.....

(a) State Name and Full Address :

(b) State Registration Number :

FORM 'C'
[See Rule 7 (10)]

FORM OF VOTING PAPER

Election of member or members to the Kerala State Pharmacy Council

Official Mark of the Returning Officer.....Election of
(a).....Members.

Serial No.	Name of candidates duly nominated (b)	Vote

Returning Officer.

(a) Number of members to be elected.

(b) Names to be printed in alphabetical order.

Instructions

- (1) Each elector has vote.
- (2) He shall vote by placing the mark 'X' opposite the names of the candidate whom he prefers.
- (3) The voting paper shall be invalid if the mark 'X' is placed opposite the names of more than candidates or if the marks are so placed as to render it doubtful to which candidates they are intended to apply.
- (4) The elector shall enclose the voting paper duly filled in the identification cover and then enclose that cover in a bigger cover supplied by the Returning Officer on the left hand lower corner of which the elector shall write his full name and signature. If the elector fails to write his full name and signature the voting paper shall be invalid.

- (5) A voting paper shall be invalid if the voter returns the voting paper otherwise than in the "Identification Envelope" with the declaration thereon duly completed.
- (6) Every elector shall send his voting paper in a separate cover direct to the Returning Officer.
- (7) If the Returning Officer receives more than one voting paper from the same elector, all such voting papers shall be treated as invalid.
- (8) If more than one mark is placed against the name of any candidate the whole voting paper shall be treated as invalid.

FORM 'D'

[See Rule 7 (11)]

FORM OF DECLARATION ON IDENTIFICATION ENVELOPE
KERALA STATE PHARMACY COUNCIL.

- I, (a) _____ of _____ hereby declare that I am the person to whom the enclosed voting paper was addressed, that I am a registered pharmacist.
- (b) _____ and that I have not filled in and returned any other voting paper in this election.

Signature.....

Address.....

Date.....

* [***]

(a) Insert full name.

(b) Insert Registration Number.

(c) There must be two witnesses.

FORM OF REGISTER OF PHARMACIST

1. Registration Number :
2. Name in full :
(a) Father's Name :
3. Residential Address :
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) :

PHARMACY COUNCIL OF THE STATE OF KERALA

(Seal)

Certificate No.....

Date.....

This is certify that.....D.O.B.....
S/o / D/o.....has been duly registered as a
.....Registered Pharmacist and is entitled to all the privileges granted
under authority of an Act to regulate the practice of Pharmacy in the State of
Kerala, being Central Act 8 of 1948 as amended.

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

(Seal)

Every person receiving a certificate under the said Act shall keep the same
conspicuously exposed in his place of business and shall notify the Registrar of
the Kerala Pharmacy Council his change of place of business.

Photo

Hologram

Registrar

This certificate is the property of the Kerala State Pharmacy
Council.....and is issued to the above named Pharmacist
under sub-section (4) of section 33 of the Pharmacy Act, 1948, as amended.

Sl. No.

FORM 'G'
(See Rule 69)

FORM OF APPLICATION FOR REGISTRATION OF PHARMACISTS
(Under section 32 or 32-A of the Pharmacy Act, 1948)

To

The Registrar,
Kerala 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 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 ₹ as required under rule 79 of the Kerala State Pharmacy Council Rules, 2012, 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,

Signature

Dated.....

Instructions

- All particulars of the application must be filled in by the applicant in neat legible hand. Incomplete applications may be rejected.
- The name and particulars entered in his application must exactly correspond with the name and particulars of the applicant entered at the University or other examinations.
- Application fee of ₹ for registration should be sent to the Registrar, Kerala State Pharmacy Council. Application fee should be handed in person or sent by money order or DD only. When fee is sent by M.O. or DD full name and address of the applicant should be given, else it may be rejected.

- If the space for giving particulars is not found sufficient they may be given on a separate sheet and attached to the application.
- Sections 31, 32, 32-A and 41 of the Pharmacy Act, 1948, are produced as annexure for information of the applicant.
- If the applicant is a proprietor of any firm he should produce a declaration of his experience in dispensing.
- Dispensing experience under R. M. P. approved under section 23 (ii) of the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953), cannot be accepted for purposes of section 31 (d).
- Experience in manufacture of drugs cannot be accepted for purposes of section 31 (d).

APPLICATION

- Name in full, beginning with surname (in block capitals)
- Place and date of birth
- Nationality
- Residential address (in block capitals)
- Address of the hospital, dispensary or other place in which employed or present
- Description of qualifications of which registration is desired

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

17. (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 District 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 thatwas/has been engaged in Dispensing in my
our dispensary fromto.....

Date :

Signature

Designation

Form 'G1'

To

The Registrar,
Kerala State Pharmacy Council,
Pharmacy Bhavan,
Thiruvananthapuram-695 035.

Sub Registration as a Pharmacist under the Pharmacy Act, 1948.

Ref Your Letter No.dt.

Sir/Madam,

1. Please find enclosed herewith the duly filled in application form for registration u/s 32(2) of the Pharmacy Act, 1948.
2. D. D. No.dt.for ₹..... is enclosed herewith as registration fee for the purpose.
3. I hereby declare that I have carefully read and understood the instructions and particulars supplied to me and the information provided by me on the application form is true to the best of my knowledge and belief.
4. I hereby undertake to follow the rules/regulations/instructions of the Kerala State Pharmacy Council as issued from time to time.

Yours faithfully,

Name of Applicant :

Signature :

APPLICATION FORM

1. Name of the Candidate :
(Capital words)
(as in Degree certificate)
2. Father's Name :
(Capital words)
3. Permanent Address :
- Pincode.....
4. Contact Details : STD.....
Phone.....
Mobile.....
E-mail.....
5. Place of Birth : Place.....
D.O.B: DD...../MM...../YYYY.....
6. Nationality :
7. Blood Group :
8. If admission to Pharm.D. is on the basis of D.Pharm. qualification, please mention details of D.Pharm. qualification:—
- Name of Institution :
- Year of admission :
- Year of Passing :
- Name of the Examining Authority :

9. In case of Pharm.D. (Post Baccalaureate) please mention details of B.Pharm. qualification
- Name of Institution :
- Year of admission :
- Year of Passing :
- Name of the Examining Authority :

10. Description of qualification:

Qualification	Session of Admission	Institution: Name Address Tel. No. E-Mail	Hospital from where internship is done: Name Address Tel. No. E-Mail	Name of the Examining Authority	Year of Passing
D.Pharm.					
B.Pharm.					
Pharm.D. (Post Baccalaureate)					

11. Employment Details (if applicable):

Employer	Name	Address	Period	
			From	To
Present				
Previous				

12. Declarations

I hereby declare that I have not so far registered my name in any other State Pharmacy Council in India. This is my first application made with required enclosures for registration in this state as a Pharmacist.

I hereby declare that prior to this application I had registered my name in the State/s as detailed below from time to time.

Name of the State	Qualification	Regd. No.	Date	Duration	
I Reg.					
I Re-Reg.					
II Re-Reg.					
III Re-Reg.					
IV Re-Reg.					

I hereby declare that I desire to take up the practice of the Profession of Pharmacy in the State of Kerala by residing in this State. Hence this application is made for registration/re-registration in the Kerala State Pharmacy Council.

I hereby declare that information given in the application form is true and I understand that my application is liable to be rejected summarily or the registration is liable to be cancelled forthwith, U/s 36 of the Pharmacy Act, 1948 if the above information is proved to be false in any particular, at any stage.

Any other information by the applicant.

Please strike whichever is not applicable.

Signature of Applicant :

Date :

To

(Candidate)

.....

Sub:—Registration as a Pharmacist under the Pharmacy Act, 1948

Ref:—

Sir/Madam,

With reference to the subject cited above, please find enclosed herewith application form (Appendix B) for registration under the Pharmacy Act. Please fill in and submit the same alongwith the following documents.

For Registration

1. D. D. of ₹payable at Trivandrum drawn in favour of Registrar, Kerala State Pharmacy Council.
2. The following documents to be produced along with the application.
 - (i) S.S.L.C. Certificate (Attested copy)
 - (ii) Pre-Degree/Plus-2 Certificate (Attested copy)
 - (iii) Diploma/Degree in Pharmacy (Original and attested copy)
 - (iv) Practical Training Certificate for Diploma Holders (Attested copy)
 - (v) Course Certificate issued from the Institution where the applicant has completed Degree/Diploma in Pharmacy (Original and attested copy)
 - (vi) 2 Passport size photograph attested by a Gazetted Officer on its reverse side stating "This is the True photo of Mr./ Ms.S/o/D/o....."
(Signature, Name, Designation and office seal of the attesting officer)

- (vii) True copies of mark lists and final year original mark list.
 - (viii) Affidavit for B.Pharm holders stating that he/she has not undergone D.Pharm.
 - (ix) Declaration for B.Pharm holders stating that the original certificate will be produced within 6 months.
3. Self addressed 30cm × 26cm envelope is enclosed herewith.

Yours faithfully,

Signature

Name of Registrar

Name of State Pharmacy Council

ANNEXURE I

INDIAN 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 province 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 Provincial Government, as the case may be, or prescribed qualification granted by an authority outside the Provinces of 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 Provincial 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.

Section 32—Qualification for subsequent registration

(1) After the date appointed under sub-section (2) of section 30 and before the Education Regulations have, by or under section 11, taken effect in the Province, 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 Province 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 Province, 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 Province, 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 Province and if he has passed an approved examination or possesses a qualification approved under section 14 or is a registered Pharmacist in another State.

Section 32-A

(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 of 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 of 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

(c) 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; and
- (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 State;

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

Section 32 (2)

Who have passed the examinations for the Pharm.D. (Doctor of Pharmacy) or Pharm.D. (Post Baccalaureate) (Doctor of Pharmacy) as the case may be.

Explanation 1.—For the purposes of clause (a) of sub-section (1) "displaced person" 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 Province 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 the 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 a defense to show that the name of the accused is entered in the register of another Province and that at the time of the alleged offence under this section an application for registration in the Province had been made.

(2) For the purpose 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 a description "Pharmacist", "Chemist", "Druggist", "Pharmaceutist", "Dispenser", "Dispensing Chemist" 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 Province;

(c) The onus of proving that the name of a person is for the time being entered in the register of a Province 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 Provincial Government or the Executive Committee of the Provincial Council.

FORM 'II'

[See Rule 71 (1)]

APPLICATION FOR REGISTRATION OF ADDITIONAL QUALIFICATIONS

To

The Registrar,
Kerala State Pharmacy Council.

Sir,

I request that the additional qualifications of.....which I have obtained from.....in.....may be registered. The diplomas or certificates of 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 ₹.....is sent.....dated.....the.....

Date :

Yours faithfully

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Form 'I'

[See Rule 71 (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 Kerala State against the name of.....

Registration No.....

Diplomas or certificates already registered.....

Diplomas or certificates newly registered.....

Date :

Registrar

65

Form 'J'

(See Rule 73)

CERTIFIED COPY OF ENTRIES IN THE REGISTER

Office of the Kerala 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

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

FORM 'K'
(See Rule 86)

NOTICE TO A PHARMACIST TO ATTEND PROCEEDINGS FOR REMOVAL
OF HIS NAME FROM THE PHARMACISTS REGISTER UNDER
SECTION 36 OF THE PHARMACY ACT, 1948

Sir,

On behalf of the Executive Committee of the Kerala 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 charges against you, namely:

(here set out the circumstances briefly)

and that in relation thereto you or your employee has been guilty of infamous conduct in a professional respect,

or that you or your employee was on the.....day of
.....convicted of the following offence, namely:—

(set out particulars of the conviction)

And I am directed further to give you notice that on the.....day of
.....201.....a meeting of the Executive Committee will be held at.....O' clock in the.....to consider the above mentioned 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 above mentioned place and time to establish any denial or defence that you may have to make up to the above mentioned 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, and of rule 86 of the Kerala State Pharmacy Council Rules, to which your particular attention is invited, is enclosed herewith for your information.

Registrar.

FORM 'L'
(See Rule 102)

APPLICATION FOR RE-ENTRY IN THE REGISTER OF PHARMACISTS OF
HIS NAME REMOVED UNDER SECTION 34 (2)

To

The Kerala 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, viz., (d).....and on the date of the removal of my name, I was registered in respect of the same qualifications and also in respect of the following additional qualifications namely (d1).

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 (i)

Signature.....

Address.....

Registration No.....

- (a) Insert full name.
- (b) Insert qualifications
- (c) Insert date of registration
- (d) Insert qualifications
- (d1) Insert additional qualifications, If any
- (e) Insert date of removal
- (f) State address
- (g) Give particulars
- (h) Insert particulars as to proposed future profession
- (i) A regular Pharmacist.

Yours faithfully,

Signature.

[See Rule 103 (2) (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 Pharmacists under the Pharmacy
Act, 1948, with the following address and qualifications:—

Name.....

Address.....

Qualifications.....

Date.....

Signature of the person certifying

Registration Number.....

[See Rule 103 (6)]

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 Kerala State Pharmacy Council

- (1) I, the undersigned (a).....now holding qualifications of (b)..... do solemnly and sincerely declare that the following are the facts of my case and in reason of such I seek re-entry of my name in the State Pharmacy Register.
- (2) My name was fully registered in the Register on (c).....in respect of the following qualifications namely (d).....and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications and also in respect of the following additional qualifications, namely (e).....
- (3) At an enquiry held on the (f).....day ofthe Council directed my name to be removed from the register on the complaint made to the State Pharmacy Council by (g).....and the offence for which the Council directed the removal of my name was (h).....
- (4) Since the removal of my name from the register I have been residing at (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.....

District Magistrate or First Class Magistrate

(a) Insert full name

(b) Insert qualifications, if any

- (c) Insert date
- (d) Insert original qualifications
- (e) To be added to if necessary
- (f) Insert of date of inquiry
- (g) Insert name and address of the complainant
- (h) Insert charge on which name was removed
- (i) The blanks 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 applications is made should be clearly and concisely stated.

Form 'O'

[See Rule 103 (6)]

CERTIFICATE IN SUPPORT OF APPLICATIONS

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 am well acquainted with the said.....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 paragraphs are to the best of my knowledge, information and belief true.

Signature

Registration No.

Address.....

Date.....