**REGISTRATION OF PHARMACISTS**

**29. Preparation and maintenance of register:-**

**(**1) As soon as may be after this chapter has taken effect in any State, the State Government shall cause to be prepared in the manner hereinafter provided a register of pharmacists for the State.

(2) The State Council shall as soon as possible after it is constituted assume the duty of maintaining the register in accordance with the provisions of this Act.

(3) The register shall include the following particulars, namely:-

(a)   the full name and residential address of the registered person;

(b)   the date of his first admission to the register;

(c)   his qualifications for registration;

(d)   his professional address, and if he is employed by any person, the name of such person;

(e)   such further particulars as may be prescribed.

**30. Prepar****ation of first register:-**

(1) For the purpose of preparing the first register, the State Government shall by notification in the Official Gazette constitute a Registration Tribunal consisting of three persons, and shall also appoint a Registrar who shall act as Secretary of the Registration Tribunal.

(2) The State Government shall, by the same or a like notification, appoint a date on or before which applications for registration, which shall be accompanied by the prescribed fee, shall be made to the Registration Tribunal.

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and if it is satisfied that the applicant is qualified for registration under section 31, shall direct the entry of the name of the applicant on the register.

(4) The first register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal expressed or implied in the register as so published may, within sixty days from the date of such publication, appeal to an authority appointed by the State Government in this behalf by notification in the Official Gazette.

(5) The Registrar shall amend the register in accordance with the decisions of the authority appointed under sub-section (4) and shall thereupon issue to every person whose name is entered in the register a certificate of registration in the prescribed form.

(6) Upon the constitution of the State Council, the register shall be given into its custody, and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the State Council.

**31. Qualifications****for entry on first register:-**

[**1**](http://www.pci.nic.in/pharmaact_chapter4.html#1)[A person who has attained the age of eighteen years shall be entitled] on payment of the prescribed fee to have his name entered in the first register if he resides, or carries on the business or profession of pharmacy, in the State and if he-

(a)holds a degree or diploma in pharmacy or pharmaceutical chemistry or a chemist and druggist diploma of an Indian University or a State Government, as the case may be, or a prescribed qualification granted by an authority outside[**2**](http://www.pci.nic.in/pharmaact_chapter4.html#2)[\*\*\*] India,

      or

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

      or

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

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

**32. Qualifications for subsequent****registration.** -

(1) After the date appointed under sub-section (2) of section 30 and before the Education Regulations have, by or under section 11, taken effect in the State, [**3**](http://www.pci.nic.in/pharmaact_chapter4.html#3)[a person who has attained the age of eighteen years shall on payment of the prescribed fee] be entitled to have his name entered in the register if he resides or carries on the business or profession of pharmacy in the State and if he-

(a)  satisfies the conditions prescribed with the prior approval of the Central Council, or where no conditions have been prescribed, the conditions entitling a person to have his name entered on the first register as set out in section 31, or

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

(c)    possesses a qualification approved under section 14:

Provided that no person shall be entitled [**4**](http://www.pci.nic.in/pharmaact_chapter4.html#4)[under clause (a) of clause (c)] to have his name entered on the register unless he has passed a matriculation examination or an examination prescribed as being equivalent to a matriculation examination.

(2.)        After the Education Regulations have by or under section 11 taken effect in the State, a person shall on payment of the prescribed fee be entitled to have his name entered on the register if he has attained the age of [**5**](http://www.pci.nic.in/pharmaact_chapter4.html#5)[eighteen years], if he resides, or carries on the business or profession of pharmacy, in the State and if he has passed an approved examination or possesses a qualification approved under section 14[**6**](http://www.pci.nic.in/pharmaact_chapter4.html#6)[or is a registered pharmacist in another State.]

[**7**](http://www.pci.nic.in/pharmaact_chapter4.html#7)**[32A.Special provisions for registration of certain****persons. -(**1) Notwithstanding anything contained in section 32, a State Council may also permit to be entered on the register-

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

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

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

(d)    the names of persons who carry on the business or profession of pharmacy in the State, and

(i)     would have satisfied the conditions for registration as set out in section 31, on the date appointed under sub-section (2) of section 30, had they applied for registration on or before that date; or

(ii)    have been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescriptions of medical practitioners as defined in sub-clause (iii) of clause (f) of section 2 for a total period of not less then five years prior to the date appointed under sub-section (2) of section 30;

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

(f)     the names of persons–

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

(g) the names of persons who reside or carry on their business of profession or pharmacy in an area in which this Chapter takes effect after the commencement of the Pharmacy (Amendment ) Act, 1959 (24 of 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 (24 of 1959).

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

Explanation 1.-For the purpose 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. ]

 [**8**](http://www.pci.nic.in/pharmaact_chapter4.html#8)[**32B. Special provisions****for registration of displaced persons, repatriates and other persons:-**

**(**1) Notwithstanding anything contained in section 32 or section 32A, a State Council may permit to be entered on the register-

(a) the names of persons who posses the qualifications specified in clause (a) or clause (c) of section 31 and who were eligible for registration between the closing of the First Register and the date when the Education Regulations came into effect.

(b) the names of persons approved as "qualified persons" before the 31st December, 1969 for compounding or dispensing of medicines under the Drugs and Cosmetics Act, 1940 (23 of 1940) and the rules made thereunder;

(c) the names of displaced person or repatriates who were carrying on business or profession of pharmacy as their principal means of livelihood in any country outside India for a total period of not less than five years from a date prior to the date of application for registration.

Explanation.-In this sub-section,-

 (i.) "displaced persons" means any persons who, on account of civil disturbances or the fear of such disturbances in any area now forming part of Bangla Desh, has, after the 14th day of April , 1957 but before the 25th day of March , 1971 , left , or has been displaced from , his place of residence in such area and who has since then been residing in India;

 (ii.) "repatriate" means any person of Indian origin who , on account of civil disturbances or the fear of such disturbances in any area now forming part of Burma , Sri Lanka or Uganda, or any other country has after the 14th day of April , 1957 , left or has been displaced from , his place of residence in such area and who has since then been residing in India.

(2.)  The provisions of clauses (a) and (b) of sub–section (1) shall remain in operation for a period of two years from the commencement of the Pharmacy (Amendment )Act , 1976.]

33.    **Scrutiny of applications****for registration:-**

**(**1) After the dateappointed under sub-section (2) of section 30 , applications for registration shall be addressed to the Registrar of the State Council and shall be accompanied by the prescribed fee.

(2.)  If upon such application the Registrar is of opinion that the applicant is entitled to have his name entered in the register under the provisions of this Act for the time being  applicable , he shall enter the name of the applicant in the register:

Provided that no person whose name has under the provisions of this Act been removed from the register of any State shall be entitled to have his name entered in the register except with the approval of the State Council recorded at a meeting.

(3.)  Any persons, whose application for registration is rejected by the Registrar, may within three months from the date of such rejection appeal to the State Council, and the decision of the State Council thereon shall be final.

(4.)  Upon entry in the register of a name under section, the Registrar shall issue a certificate of registration in the prescribed form.[**9**](http://www.pci.nic.in/pharmaact_chapter4.html#9)

34.    **Renewal****fees:-**

(1) The State Government may, by notification in the Official Gazette, direct that for the retention  of a name on the register after the 31st day of December of the year following the year in which the name is first entered on the register , there shall be paid annually to the State Council such renewal fee as may be prescribed , and where such direction has been made, such renewal fee shall be due to be paid before the first day of April of the year to which it relates.

(2)    Where a renewal fee is not paid by 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 on such conditions as may be prescribed.

(3)    On payment of the renewal fee, the Registrar shall [**10**](http://www.pci.nic.in/pharmaact_chapter4.html#10)[issue a receipt therefor and such receipt shall be proof of renewal of registration.]

35.    **Entry of additional****qualifications:-**

A registered pharmacist shall on payment of the prescribed fee be entitled to have entered in the register any further degrees or diplomas in pharmacy on pharmaceutical chemistry which he may obtain.

36.    **Removal from****register:-**(1) Subject to the provisions of this section, the Executive Committee may order that the name of a registered pharmacist shall be removed from the register, where it is satisfied, after giving him a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make,-

(i) that his name has been entered into the register by error or on account of misrepresentation or suppression of a material fact, or

(ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any professional respect which in the opinion of the Executive Committee, renders him unfit to be kept in the register, or

(iii) that a person employed by him for the purposes of his business of pharmacy [**11**](http://www.pci.nic.in/pharmaact_chapter4.html#11)[or employed to work under him in connection with any business of pharmacy] has been convicted of any such offence or has been guilty of any such infamous conduct as would, if such person were a registered pharmacist, render him liable to have his name removed from the register under clause (ii):

Provided that no such order shall be made under clause (iii) unless the Executive Committee is satisfied-

(a) that the offence or infamous conduct was instigated or connived at by the registered pharmacist, or

(b) that the registered pharmacist has at any time during the period or twelve months immediately preceding the date on which the offence or infamous conduct took place committed a similar offence or been guilty of similar infamous conduct, or

(c) that any person employed by the registered pharmacist for the purposes of his business of pharmacy [**11**](http://www.pci.nic.in/pharmaact_chapter4.html#11)[or employed to work under him in connection with any business of pharmacy] has at any time during the period of twelve months immediately preceding the date on which the offence or infamous conduct took place, committed a similar offence or been guilty of similar infamous conduct, and that the registered pharmacist had, or reasonably ought to have had, knowledge of such previous offence or infamous conduct , or

(d) that where the offence or infamous conduct continued over a period, the registered pharmacist had, or reasonably ought to have had, knowledge of the continuing offence or infamous conduct, or

(e) that where the offence is an offence under the[**12**](http://www.pci.nic.in/pharmaact_chapter4.html#12)[Drugs and Cosmetics Act, 1940 (23 of 1940)], the registered pharmacist has not used due diligence in enforcing compliance with the provisions of that Act in his place of business and by persons employed by him [**11**](http://www.pci.nic.in/pharmaact_chapter4.html#11)[or by persons under his control].

(2) An order under sub-section (1) may direct that the person whose name is ordered to be removed from the register shall be ineligible for registration in the State under this Act either permanently or for such period as may be specified.

(3) An order under sub-section (1) shall be subject to confirmation by the State Council and shall not take effect until the expiry of three month from the date of such confirmation.

(4) A person aggrieved by an order under sub-section (1) which has been confirmed by the State Council may, within thirty days from the communication to him of such confirmation, appeal to the State Government, and the order of the State Government upon such appeal shall be final.

(5) A person whose name has been removed from the register under this section or under sub-section (2) of section 34 shall forthwith surrender his certificate or registration to the Registrar, and the name so removed shall be published in the Official Gazette.

**37.Restoration****to register:-**

The State Council may at any time for reasons appearing to it sufficient order that upon payment of the prescribed fee the name of a person removed from the register shall be restored thereto:

Provided that where an appeal against such removal has been rejected by the State Government, an order under this section shall not take effect until it has been confirmed by the State Government.

**38.Bar****of other jurisdiction:-**

No order refusing to enter a  name on the register or removing a name from the register shall be called in question in any Court.

**39.  Issue****of duplicate certificate of registration:-**

 Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the prescribed form.

[**13**](http://www.pci.nic.in/pharmaact_chapter4.html#13) **[40. Printing****of register and evidentiary value of entries therein:-

(**1) As soon as may be after the 1st day of April subsequent to the commencement of the Pharmacy (Amendment) Act, 1959 (24 of 1959), the Registrar shall cause to be printed copies of the register as it stood on the said date.

(2) The Registrar shall thereafter cause to be printed as soon as may be after the 1st day of April in each year copies of the annual supplement to the register referred to in sub-section (1), showing all additions to and other amendments in, the said register.

(3) (a)   the register shall be brought up-to-date three months before ordinary elections to the State Council are held and copies of this register shall be printed.

(b) The provisions of sub-section (2) shall apply to the register as so printed as they apply to the register referred to in sub-section (1).

(4) The copies referred to in sub-section (1) or sub-section (2) or sub-section (3) shall be made be available to persons applyingtherefor on payment of the prescribed charge and shall be evidence that on the date referred to in the register or annual supplement, as the case may be, the persons whose name are entered therein were registered pharmacists.]