

# MIZORAM STATE PHARMACY COUNCIL



# RULES



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## **NOTIFICATION**

No. B. 12012/6/2003-HFW, the 21st July, 2003. In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948 (Central Act No 8 of 1948), the Governor of Mizoram hereby makes the following rules, namely:-

### **PART - 1**

#### **PRELIMINARY**

- Short title, 1. (1) These rules may be called the Mizoram State Pharmacy Council Rules 1997.
- extent and commencement (2) They shall extent to the whole of the State of Mizoram.
- (3) They shall come into force on the date of publication in the Official Gazette.
- Definitions (2) In these rules, unless the context otherwise requires:-
- 1) "Act" means the Pharmacy Act, 1948 (Central Act No. 8 of 1948);
  - 2) "Council" means the Mizoram State Pharmacy Council duly constituted under the Act;
  - 3) "Executive Committee" means the Executive Committee constituted under section 27 of the Act;
  - 4) "Inspector" means the Inspector appointed under section 26 A of the Act;
  - 5) "Officers and servants" means Officers and servants appointed under clause (b) 26 of the Act;

- 6) "Official Gazette" means the Mizoram Gazette;
- 7) "President and Vice-President" means the President and Vice-President elected under sub-section (1) of section 23 of the Act;
- 8) "Registrar" means a Registrar appointed under clause (a) of section 26 of the Act;
- 9) "Secretary" means Secretary appointed under clause (a) of section 26 of the Act;

## PART - II

### THE COUNCIL

- Formation of the Council
3. (1) The State Government shall constitute as per provision of section 19 of the Act, a Council which shall be known as the Mizoram State Pharmacy Council which shall have its registered office at the capital town of the State Government of Mizoram.
  - (2) The Council shall consist of-
    - (a) six members elected from amongst themselves registered pharmacist of the State under the arrangement of the Mizoram Pharmacist's Association;
    - (b) five members of whom at least three shall be persons possessing a prescribed degree or diploma in pharmacy or pharmaceutical chemistry or (registered pharmacist), nominated by the State Government;
    - (c) one member shall be elected from amongst themselves by the Council of Medical Registration of the State:

Provided that until such time as the State Medical Registration Council is formed in the State, one member from amongst themselves shall be elected by the Registered Medical Practitioners of the State under the arrangement of the Indian Medical Association, Mizoram Branch;

- (d) the Chief Administrative Medical Officer of the state, that is the Director of Health Services, Mizoram shall be an ex-officio member;
- (e) the officer-in-charge of the Drug Control Organisation of the State under the Drugs and Cosmetics Act, 1940 (23 of 1940), who is known as the Drug Controller shall be an ex-officio member;

- (f) the Government Analyst under Drugs and Cosmetics Act, 1940 (23 of 1940) shall be an ex-officio member; or where there is more than one, such one as the State Government may appoint in this behalf.

#### ELECTION OF MEMBERS OF THE COUNCIL

- Mode of Election in the Council 4. (1) Election under these rules shall be conducted by secret ballot.
- (2) Unless a Returning Officer and other Officers have been appointed to conduct the election from outside, such election shall be conducted under the supervision of the person who may be elected to preside over the meeting and, if necessary, by other members also.
- (3) When there are more than one candidate for an office, an election shall be held by secret ballot, and a candidate who has secured the highest numbers of valid votes shall be declared elected.
- (4) In case of an equality of votes secured in an election, lots shall be drawn for a decision.
- Election of President and Vice President 5. As provided in section 23 of the Act, the President and the Vice-President shall be elected by members of the Council from amongst themselves, at a meeting specially convened for the purpose.

Provided that for 5 years from the first constitution of the Council, the President shall be a person nominated by the State Government who shall hold office at the pleasure of the State Government when he is not already a member, he shall be a member of the State Council in addition to members referred to in section 19 of the Act.

#### PART - III

#### TERM OF OFFICE AND CASUAL VACANCIES

- Term of Office 6. (1) Subject to the provisions of this rule, a nominated or elected member, other than a nominated President, shall hold office for a term of five years from the date of his election or nomination or until his successor has been duly nominated or elected, which ever is later.
- (2) A nominated or elected member may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall there upon become vacant.

- (3) A nominated or elected member shall be deemed to have vacated his seat if he is absent without excuse sufficient in the opinion of the State Council from three consecutive meetings of the State Council, or if he is elected under clause (a) or clause (c) of section 19 or section 21, if he ceases to be a registered Pharmacist or ceases to be a member of the Medical Council or Council of Medical Registration of the States, as the case may be.
- (4) A casual vacancy in the State Council shall be filled by fresh nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term of the member whose seat was lying vacant owing to any reason whether such a member was nominated or elected.
- (5) No act done by the State Council shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the State Council.
- (6) Members of the State Council shall be eligible for re-nomination or re-election.

#### PART-IV

#### POWERS AND RESPONSIBILITIES OF OFFICERS

- Powers and responsibilities of the office bearers of the Council.
- (1) The President is responsible for an over all efficiency of the Council. He shall preside over and conduct all the meetings of the Council and the Executive Committee. He shall also carry put any other duties assigned to him by the Council from time to time.
  - (2) The Vice-President shall assist the President in his duties and perform the duties of the President in absence of the President. He shall also perform any other duties assigned to him by the Council from time to time.
  - (3) The Registrar duly appointed by the Council under the provision of clause (a) of Section 26 of the Act, shall be the main functionary of the Council. He shall also act as Secretary of the Council. His main function shall be-
    - (a) to administer the Council's office and supervise the day to day work of the office;
    - (b) to safeguard the properties of the Council and to maintain an up to date inventory;

- (c) to keep a corret record of the proceeding of the Council meetings as well as the Executive Committee;
  - (d) to follow up the decision taken by the Council as well as the Executive Committee;
  - (e) to convene the meeting of the Council and the Executive Committee in consultation with the President;
  - (f) to receive application for registration and to take decision in consultation with the Executive Committee;
  - (g) to maintain office and correspond with other Bodies on behalf of the Council;
  - (h) to prepare budget and submit necessary report and return the Government;
  - (i) to maintain an up to date register of the registered Pharmacists of the State;
  - (j) to liaise with the State Government as well as with the Pharmacy Council of India;
  - (k) to carry out any other duties assigned to him by the Council or the Executive Committee from time to time.
- (4) The State Council shall appoint a Treasurer for a term of four years from the date of his appointment, to look after the funds of the Council.
- (5) The Treasurer shall function under the supervision of the Executive Committee. His main duties shall include—
- (a) to keep an up to date account of the Council's fund;
  - (b) to operate the Bank account of the Council jointly with the officers appointed from time to time;
  - (c) to ensure safe keeping of the Council's funds;
  - (d) to prepare a detailed estimate of income and the expenditure for every financial year and submit the same for the approval of the Executive Committee;
  - (e) to maintain the account register listed under rule 27;
  - (f) to receive benefaction and contributions from individuals and Bodies on behalf of the Council and to issue proper receipt;
  - (g) to carry out any other duties assigned to him by the Council or the Executive Committee from time to time.

PART - V

QUORUM

- Quorum for meeting of the Council
8. 1) Quorum for meeting of the Council shall be one-third of its total membership.
  - 2) Quorum for the meeting of the Executive Committee shall be one-third of the current existing members.
  - 3) Quorum for the meeting of any other committee shall be determined at the time of forming such committee.
  - 4) There shall be no quorum for any adjourned meetings.

PART - VI

INCORPORATION OF THE COUNCIL

- Incorporation of the Council
9. The Mizoram State Pharmacy Council shall be a perpetual corporate body having a common seal, with power to hold properties both movable and immovable, which shall sue and be sued in the name of the President of the Council.

PART - VII

FORMATION OF THE COMMITTEE

- Formation of Executive Committee
10. Under the provision of section 27 of the Act, the State Council shall constitute an Executive Committee consisting of the President as the Chairman, and the Vice-President as an ex officio member and four other members elected by the State Council from amongst themselves.
- Formation of other Committee
11. The Council, may, at any time, on adoption of a motion to this effect, appoint a committee consisting of any number of its members for specific purpose. The findings and recommendation of such committee shall be placed before the Council or its Executive Committee, as the case may be.  
Members and Officers for such committee shall be named and terms of reference and mode of conducting the meeting shall be made at the time of forming such committee. The term of such committee shall not exceed the term of the existing Council.

PART - VIII

MANAGEMENT

- Role of the Executive Committee
12. The Executive Committee of the Council constituted under the provision of section 27 of the Act shall be a Governing Body of the Council. It shall manage and administer the affairs of the Council. Its main function shall be-

- a) to carry out the policy and programme of the Council;
- b) to maintain an up to date register of the registered Pharmacists of the State;
- c) to control the funds of the Council and ensure proper and economical utilisation of the Council's fund;
- d) to establish and manage Pharmacy Institute in the State as and when necessary, on behalf of the Council;
- e) to raise funds with prior permission of the State Government, to fulfil the aim and objectives of the Council;
- f) to liaise with the State Government, Pharmacy Council of India and other State Pharmacy Councils in India;
- g) to print necessary forms and certificates for the Council;
- h) to look after the interest of the Council in between the session of the Council;
- i) to acquire, hold and manage properties, movable and immovable on behalf of the Council; and
- j) to carry out any other duties assign to it by the Council from time to time.

#### PART - IX

#### MEETING AND BUSINESS OF THE COUNCIL

Meeting of the Council 13. 1) The Council shall, ordinarily meet once in a calendar year on such date, time and place as may be fixed by the President:

Provided that the President may -

- a) call a special meeting on ten days notice to deal with an urgent matter requiring the attention of the Council;
- b) call a special meeting on ten days notice if he received a requisition in writing signed by not less than members of the Council, stating the purpose for which they desire to call a meeting:

Provided that the matter to be considered in that meeting is within the jurisdiction of the Council and is admissible under these rules.



- 2) Notice for the meeting of the Council, along with the matter to be considered shall be sent to all members at least 15 days before date of the proposed meeting, Date of posting the notice shall be considered as date of serving notice.
- 3) The first meeting of the Council, other than special meeting summoned under sub-rule (1), held in calendar year shall be the Annual meeting of the Council for that year.
- 4) No other business shall be transacted at any special meetings except the business for which special meeting was convened.

Meeting of  
Executive  
Committee

14. 1) Meeting of the Executive Committee shall be held whenever necessary. It shall, however, meet at least twice in a year.
- 2) Notice summoning a meeting of the Executive Committee shall be issued by the Secretary after due consultation with the President and send to all members alongwith the matter to be transacted in that meeting, including the date, time and place of the meeting, at least seven days in advance. Date of posting the notice shall be considered as date of serving notice.
- 3) Proceedings of the meeting and the decision made therein shall be recorded in an appropriate Minutes Book and shall be signed by the Presiding Chairman and the Secretary of the meeting concerned.

Motion

15. 1) A motion shall not be admissible -
  - a) if the matter which it relates is not within the scope of the Councils' function;
  - b) if it raise substantially the same question as a motion under amendment with the leave of the Council within one year 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 this rule shall operate to prohibit further discussion of any matter referred the Council by the Central or State Government in exercise of any of its function under the Act;

- c) unless it is clearly and precisely express and raises substantially one definite issue;
  - d) if it contains inference, ironical expression of defamatory statement.
- 2) The Chairman shall have the power to disallow any motion which in his opinion is admissible under clause (a), (b), (c) and (d) under sub-rule (1) of rule 15.

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

- 3) When the Chairman disallow or amend a motion, the Secretary shall inform the members who gave notice of the motion, of the order of disallowance or as the case may be, of a form in which the motion has been admitted.

Provision for accepting matter not listed in the agenda 16. The Chairman of the meeting may at his own discretion, allow any matter to be discussed at a meeting notwithstanding the fact that the item was not listed in the agenda.

Conduct of Bussiness Meeting 17. 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 the Chairman to be elected by the members present from amongst themselves:

Provided that the Secretary of the Council, if present, shall conduct such election.

Voting Procedure 18. (1) Votes shall be taken by show of hand or by division or by ballot, as the Chairman may direct:

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

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

- (2) The result of the vote shall be announced by the presiding Chairman.
- (3) In the event of the an equality in votes, the Chairman shall have second or casting vote.

Procedure 19. When motion identical in purpose stand in the name of two for disposal of identical motion. or more members, the Chairman shall decide whose motion shall be moved and the other motion shall, thereupon be deemed to be withdrawn.

Validity of 20. (1) Every motion or amendment shall be seconded, and if not the motion of amendment seconded, shall be deemed to have withdrawn.

(2) 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 sub-rule (2) of rule 21 move an amendment to the motion.

Provided that the Chairman shall not allow an amendment to be moved which, if it has been substantive motion, and would have been inadmissible under rule.

Conditions 21. (1) A motion may be amended by emission, insertion or addition for amend- of words or substitution of words for any of the ment of motion original words.

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

(3) Amendment may not be moved if it has merely the effect of negative vote.

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

Motion 22. (1) Members shall have the right to move for closure, namely for closure a motion that the question be now put or a motion for the adjournment of the debate on the motion of amendment either a specified date and hour or sine die.

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

Provided that the Chairman may allow the mover of the substantive motion to exercise his right of reply the substantive motion or amendment under debate, shall be put forthwith.

Disposal of 23. 1) When any motion involving several points motion invol-ving several points cussed, it shall be put in the discretion of the Chairman to divide the motion and put each or any point separately to vote as he think fit.

- 2) The mover of an original motion, and if permitted by the Chairman, the mover of any amendment shall be entitled to the right of final reply.
- 3) Any motion 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 Chairman.
- Adjour-  
nm-nt of  
the  
meeting
24. 1) The Chairman may, at any time, adjourn the meeting to any future or to any hour of the same date.
- 2) When a meeting is adjourned to a future date, the Secretary shall, if possible, send notice of the adjournment to every member who were not present at such meeting.
- 3) When a meeting is adjourned to a future date, the President may change any other date and the Secretary shall send written notice of the change to each member of the Council.
- 4) At a meeting adjourned to a future date any motion standing over the previous day shall, unless the President direct otherwise, take precedence over matter on the agenda.

#### PART - X

#### FINANCE AND ACCOUNT

- Council's  
Funds
25. 1) The council may receive for the purpose of the fulfilling its aim and objectives, benefactions and contributions from individuals and bodies and from the proceeds of sale or report and other publication.
- 2) Any investment of the funds of the council shall be made in the name of the council and be verified once in every six months with the register of the investment certificate or verification shall be countersigned by the President.
- 3) The Banker of the council shall be the State Bank of India and all funds of the council shall be paid into the council's account.
- 4) Bank account shall be opened in the name of the council and shall be operated, jointly, by the treasurer with either the President or the Vice-President.
- 5) The primary unit of appropriation shall be salary of the officers and servants, establishment, allowances and honoraria, contingency and leave, pension and provident funds contribution.

- 6) Monthly account shall be compiled in the classified abstract according to the primary unit of appropriation.
  - 7) The funds of the council shall not be appropriated for expenditure on any item which has not been duly sanctioned by the council or the Executive Committee.
  - 8) In between the session of the council or executive committee, the President shall have power to re-appropriate funds from one unit to another within the total sanctioned estimate.
  - 9) The Secretary shall have the power to sanction expenditure of miscellaneous contingent nature upto an amount not exceeding Rupees one thousand in each case, expenditure in excess of this amount shall require the sanction of the President.
  - 10) A permanent advance of Rupees one thousand only shall be made to the Secretary.
- Travelling and Daily allowance
26. 1) Travelling and daily allowance will be admissible to members of the council while on council's duty. The existing rate for Class I officers under the State Govt. shall apply to members.
  - 2) The Secretary shall be certifying officer for members, inspectors and other employees of the council and the president for Secretary.
- Account Register to be maintained
27. 1) The following account registers of the council shall be maintained, namely :-
    - a) the Cash Book
    - b) the Classified Abstract
    - c) the Register of Investment
    - d) the Register of Stock Cheque Book
    - e) the Register of permanent advances
    - f) the Annual Register of Account
    - g) the Register of leave, pension and Provident funds contribution
    - h) the Inventory of the Council.
- Financial year
28. The financial year of the council shall be from 1st April to 31st March.

- Appointment of Inspector**
29. The council may, with the prior sanction of the State Government, appoint inspector having the prescribed qualification, for the purpose of Chapters III, IV and V of the Act.
30. The inspector appointed by the State Council shall be person who-
- (a) has a degree in Pharmacy or Pharmaceutical Chemistry or a post graduate degree in Chemistry with Pharmaceutics as special subject of the Indian University or equivalent examinations approved by the Central or State Government.
  - (b) is a graduate in Medicine or Science of a University recognised for the purpose by the Govt. and has at least one year's post graduate training in a laboratory under the Govt. Analyst or Chemical Examiner or Head of an institution recognised by the Govt.
- Duties of Inspector**
31. (1) Duties of an Inspector appointed by the council under the provision of section 26A of the Act shall be:-
- (a) To inspect any premises where drugs are compounded or dispensed and submit a written report to the Registrar.
  - (b) to acquire whether a person who is engaged in compounding or dispensing drugs is a registered pharmacist.
  - (c) investigate any complaint made in written in respect of any contravention of this Act and report to the registrar.
  - (d) to institute prosecution under the order of the Executive Committee of the State Council.
  - (e) to exercise such other powers as may be necessary for carrying out of the purpose of Chapters III, IV and V of this Act or any rules made thereunder,
- (2) Any person wilfully obstructing an Inspector in the exercise of the power conferred on him this Act or any rules made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.
  - (3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).
- Power to make Standing Order**
32. The council shall have the power to issue standing order to carry out the purpose of the Chapters III, IV or V of the Act.

- Form of Certificate and fees payable
33. The following shall be rate of fees payable under Chapter IV of the Act.
- |   |            |
|---|------------|
| (a) Application form for registration     | Rs. 10.00  |
| (b) First Registration fee                | Rs. 100.00 |
| (c) Fee for additional qualification      | Rs. 25.00  |
| (d) Fee for every certified copy          | Rs. 20.00  |
| e) Fee for Registration of change of name | Rs. 20.00  |
| f) Fee for duplicate certificate          | Rs. 25.00  |
| g) Fee for defaulters                     | Rs. 100.00 |
| h) Fee for renewal of registration        | Rs. 20.00  |
- Conduct of Pharmacists
34. 1) Every Pharmacists shall be subordinate to medical practitioners and shall dispense under the control of medical practitioners. They shall be courteous and helpful to all the patients and their relatives and under no circumstances enter into argument with them.
- 2) The main function of the Pharmacists shall be :-
- a) to maintain high class cleanliness in the drugs store, particularly in the Dispensing Room
  - b) to procure medicine and maintain proper day to day account
  - c) to dispense and issue drugs according to doctor's prescription
  - d) to safeguard the medicine, especially all rules and regulations regarding sale of drugs
  - f) to comply with instruction from the Drugs Controller.