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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIATô HEALTH AND MEDICAL EDUCATION  
DEPARTMENT

## Notification

Jammu, the 13th November, 2020.

SO-347. In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948, the Lieutenant Governor of Union Territory of Jammu and Kashmir is pleased to make the following rules, namely :—

## CHAPTER I

## Preliminary

1. **Short title.** (1) These rules may be called the Jammu and Kashmir Pharmacy Council Rules, 2020.

(2) They shall come into force from the date of their publication in the Official Gazette.

- (a) "Act" means the Pharmacy Act, 1948 (8 of 1948) ;
- (b) "Council" means the Jammu and Kashmir Pharmacy Council constituted under Section 19 of the Act ;
- (c) "Executive Committee" means the Executive Committee under Section 27(1) of the Act ;
- (d) "Government" means the Government of Union Territory of Jammu and Kashmir ;
- (e) "Ministerial Staff" mean the functionaries engaged/appointed by the Council under clause (b) of Section 26 of the Act ;
- (f) "President" means the President elected/nominated under Section 23 of the Act ;
- (g) "Registrar" means Registrar appointed by the Council under Section 26 of the Act;
- (h) "Section" means a Section of the Act ;
- (i) "Treasurer" means the President acting as a Treasurer under sub-section (a) of Section 26 of the Act.

3. **Place of office.** The office of the Council shall be situated at Jammu and Srinagar or any other place as prescribed by the Government from time to time.

## Election Representatives of Registered Pharmacists

**4. Preparation of Electoral Rolls.** (1) For the purpose of election under clause (a) of section 19, the President shall prepare the electoral roll of registered pharmacists from the register of registered pharmacists. The

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 3  
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 electoral roll shall include the name, qualifications and residential addresses  
 of all registered pharmacists on such date prior to the date of election as  
 may be fixed by the Council for each election.

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

(3) Any registered pharmacist aggrieved by the decision of the President may within five days from the date of receipt of the order, prefer an appeal to Administrative Secretary, Health and Medical Education Department.

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

5. **Returning Officer.** The President or person authorized by the Government shall be the Returning Officer.

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

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

7. **Notice of election.** At least thirty days before the date fixed for the receipt of nomination papers, the Returning Officer shall publish in the Official Gazette and in at least four newspapers selected by him, a

4 The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. [No. 33-e  
notice in Form 2 notifying the dates fixed under rule 6 and calling upon the  
electors to elect new members and to send nominations for the purposes.

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

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

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

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

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

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

- (a) that the candidate or his proposer or his seconder is not an  
elector ;
- (b) that there has been any failure to comply with the provisions of  
the Act or the rules made thereunder ; and

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 5  
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(c) that the signature of the candidate or his proposer or his seconder is not genuine or has been obtained by fraud.

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

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

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

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

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

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

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

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

**16. Printing of voting papers.** The Returning Office shall arrange for the printing of papers in Form 4 with the name of the contesting candidates entered therein in alphabetical order according to the official language.

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

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

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

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 7  
ô ô

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

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

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

ôI.....hereby certify

(Name of the officer )

that.....being incapable

(Name of the Elector)

of recording his votes due to.....requested (cause of incapacity) me to record his votes and I have recorded his votes according to his desire and in his presence.ô

Signature .....

Designation.....

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





No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 9  
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(3) After the result of the election has been declared by him, the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain the same with himself in safe custody for a period of six months, and thereafter cause them to be destroyed.

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

#### REPRESENTATIVE OF MEMBERS OF JAMMU AND KASHMIR MEDICAL COUNCIL

**25. Representatives of Members.**ô (1) The President shall by notice in writing inform the Medical Council for the Union Territory of Jammu and Kashmir duly constituted under an enactment or if it is not so constituted, any other authority exercising the functions of Medical Council till it is constituted, that the term of office of the member is due to expire on the date specified in the notice, such notice being given not later than sixty days before the expiry of such term.

(2) The notice shall be sent by registered post.

(3) The name of the person elected shall within seven days of the date of election, be communicated by Medical Council duly constituted under an enactment or any other authority exercising the functions of Medical Council till it is constituted, to the Union Territory Government, and to the President.

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

**27. Record to be maintained by President.**ô The Registrar shall maintain an up-to-date record book, containing the names of the members elected or nominated on the Council the date of election or nomination of each such Member, the terms of his office, and the date of death or resignation, if any, of such member.

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

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

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

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

**30. Notices of meetings.** (1) All Members of the council shall be given thirty clear days notice of an ordinary meeting. Every notice shall also be posted at the office of the Council. Such notice shall specify the date, time and place of the meeting and business to be transacted thereat.

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

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

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

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 11  
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**33. Business to be transacted at meetings.**ô At an ordinary meeting no business or proposition other than that specified in the Agenda and in the case of an extraordinary meeting in the written request made for convening such meeting shall be transacted :

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

#### CHAPTER IV

##### **Conduct of Business at Meetings**

**34. Presiding Authority.**ô (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 President and the Vice President are absent, by a member to be elected by the members present from among themselves.

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

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

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

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

**37. Minutes of meetings.**ô (1) The proceedings of the meeting of the Council shall be preserved in the form of typed or cyclostyled or printed minutes, which shall be authenticated after confirmation, by the signature of the President.

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

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

Provided that, if no objection regarding the correctness of the minutes is received by the Registrar within thirty days of the dispatch of the copy of the minute, 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.

## Executive Committee

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

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

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 13  
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41. **Casual vacancies.**ô (1) The Council shall as soon as there is a casual vacancy in the office of a member of the Executive Committee fills it up by electing a member from amongst its members :

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

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

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

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

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

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

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

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

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

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

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

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

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 15  
ô ô

(2) Subject to the provisions of the Preceding rule, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid upon the table.

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

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

(5) The Executive Committee shall superintend the publication of the Register of Pharmacists which shall be prepared by the President who shall cause it to be printed. A statement of the distribution of the copies of the Register to the Government Offices as approved by the Government and to others as may be directed by the Executive Committee shall be added annually to the Register as printed.

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

## CHAPTER VI

### **Powers and Duties of President and Vice-President**

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

**52. Powers and duties of Vice-President.**ô If the Office of the President is vacant or if the President for any reason is unable to exercise the powers to perform the duties of his/her office, the Vice-President will act in her/his place and shall exercise the powers and perform the duties of the President.





No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 17  
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(2) A person desiring to continue her/his registration after the date mentioned in sub-rule (1), shall remit to the Council the fee prescribed under rule 62 not later than 3 months of such validity. The person may remit the fee for 05 years for which she/he desires to have her/his registration renewed after paying the requisite fees prescribed in rule 62.

(3) If the registered pharmacist fails to pay retention fee on or before the due date as referred to in Rule 62, she/he shall be liable to pay certificate retention/late fee calculated at the rate of Rs. 100/- as prescribed in rule 62 for every month or part thereof up to six months, and in the event of non-payment of such fee, the certificate shall deemed to have been cancelled :

Provided that in case of such candidates who were holding registration as Pharmacist under the repealed Jammu and Kashmir Pharmacy Act, Samvat, 2011, (1955 A. D.), the validity/extension of their registration shall be governed in terms of Executive Order issued by the competent authority (Union Territory of J&K/J&K Pharmacy Council).

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

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

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

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

**60. Change of address.**ô It shall be the duty of every registered person who changes his address to intimate that fact to the President within one month after such change.

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

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

## Fees

- i. For the first registration in the Register @ 3000/- (for first five years perpetually) ;
- ii. For the first registration in the Register for non-Residents @ 3500/- (for first five years perpetually) ;
- iii. For the first registration for passing outside the @ 3500/- (for first five years perpetually) ;
- iv. For the first registration from Abroad @ 3500/- (for first five years perpetually) ;
- v. For every additional qualification or status subsequently registered @ 1000/- ;
- vi. For every Good standing Certificate @ 3,500/- ;
- vii. For restoration to the Register after removal @ 3000/- ;

The modalities for any discrepancy observed to decide the fee for periods not following within the meaning of provisions mentioned in Rule, the competence shall rest with Executive

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 19  
Committee of the Council whose decision shall be final and  
conclusive.

- viii. For annual renewal/retentions @ 600/- ;
- ix. For retention late fee @ 100/- per month up to 6 months ;
- x. For registration of a change of name @ 500/- ;
- xi. For every certified copy of an entry in Register @ 500/- ;
- xii. For a "Duplicate" Certificate under Rule 55 (2) 1000/- for first time, 2000/- for second time and 5,000/- for third time together with stamp duty leviable under the Indian Stamp Act, 1899, or any other Law for the time being in force relating to the levy of the Stamp Duty.

## CHAPTER IX

### Penal Removal from the Pharmacy Register

63. **Complaints against registered Pharmacists.** (1) The Council may *suo moto* or any complaint made to it in that behalf hold an enquiry with respects to conduct of any registered Pharmacist for the purposes of section 36.

(2) Whenever information is received that the name of a person has been in the register of Pharmacist by error or on account of misrepresentation of a material fact or that a registered pharmacist or a person employed by him for the purpose of his business has been guilty of conduct which *prima facie* constitutes infamous conduct in a professional respect, if such person were a registered pharmacist, the President shall make an abstract of such information and of any further information he may have subsequently obtained.

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

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

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

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

(4) If the Committee resolves that the case is one in which an enquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Executive Committee.

66. **Enquiries.** (1) An enquiry directed under the foregoing rule shall be instituted by the issue of a notice in writing on behalf of the Executive Committee by the Registrar/President addressed to the Pharmacist, such

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 21  
notice shall specify the nature and particulars of the charge and inform him  
of the day on which the Executive Committee intend to deal with the case  
and shall call upon the Pharmacist to answer the charge in writing and to  
attend before the Executive Committee on such day. The notice shall be in  
Form 12 with such variation as circumstances may require and shall be  
sent at least three weeks before the date of enquiry. The Registrar /  
President shall also inform the complainant of the date so appointed, when  
the case is one under rule 63 (3).

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

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

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

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

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

- (a) The Registrar will read to the Executive Committee the notice  
of the enquiry addressed to the Pharmacist.
- (b) The complainant or his authorized representative will then be  
invited to state his case and to produce evidence in support of it.
- (c) The Registered Pharmacist or his authorized representative will  
then be invited to state his case and to produce his evidence in



No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 23  
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**70. Adjournment of meetings.**ô The Executive Committee may, if they think it necessary adjourn the hearing or further hearing of a case to another date, and inform accordingly the Pharmacist and the complainant, where any, when they are present ; and when they are not present or when the date to which the hearing or further hearing is adjourned is not fixed forthwith, the Registrar shall intimate to them the date, by a letter to be sent by Registered post at least 28 days before that date.

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

- (a) Whether the Pharmacist or the person employed by him for the purpose of his business of Pharmacy, has been convicted of the offence stated in the charge ;
- (b) Whether the Pharmacist has been guilty of an infamous conduct in a professional respect ;
- (c) Whether the conduct of a person employed by him for the purpose of his business of Pharmacy has been such as would constitute infamous conduct if such person were a Registered Pharmacist ;
- (d) Whether the name of the Pharmacist has been entered in the register by error or on account of misrepresentation or suppression of a material fact.

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

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

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

(5) The President shall upon the removal of any name from the Register pursuant to the provisions of the preceding clauses or section 36 forthwith send notice of such removal to the Pharmacist and such notice shall be sent by a registered letter addressed to the last known address or the registered address of the Pharmacist. The President shall also send forthwith intimation of any such removal to the Licensing Authority of the Union Territory under the Drugs and Cosmetic Act, 1940, and also the Dean or Secretary or other proper Officer of any body or bodies from which the Pharmacist has received his qualifications as well as to the President of all the State/Union Territory Councils.

### Restoration and Re-entry or Name in the Register in Pharmacists

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

- (a) applicant's diploma, degree or experience certificate or certificate of educational qualification ; and
- (b) his certificate of registration in original if the same has not been already returned under sub-section (5) of section 36.



No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 25  
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74. **Restoration of name.**ô Any person whose name has been removed from the Register under section 36 but who still possesses a qualification entitling him to be registered under the Act, may make an application to the Council for the restoration of his name in the Register and the following procedure shall be followed in the case of every such application, namely :ô

- (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,ô
  - (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 documentsô
    - (i) applicant's diploma/degree ;
    - (ii) his certificate of registration in original if the same has not been already returned by him in accordance with the provisions of sub-section (5) of section 36 ;
    - (iii) a certificate in Form 14 from two Pharmacists registered under the Act as to his identity.

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

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

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

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

## CHAPTER XI

75. **Registrar.** The post of the Registrar shall be of a permanent tenure. To be eligible for appointment to that Post, a candidate must possess a degree either Pharmacy or Science of a University established by Law and must have adequate administrative experience. Preference will be given to a candidate possessing a degree in Pharmacy. Possession of a degree in Law of a University established by law shall be considered as an additional qualification. In the case of new appointment there shall be a probationary period of one year. The Registrar shall be full-time Officer of the Council :

Provided that the President of the Council may authorize any Member to discharge the duties for the said post, till such time a permanent arrangement for the post of Registrar is made or perform such duties from his own.

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 27  
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**76. Duties of Registrar.**ô (1) The Registrar shall keep the Pharmacy Register in accordance with the provisions of the Act and these rules.

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

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

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

**77. Office hours and leave to Registrar.**ô Public holidays except the Office of the Registrar shall be kept open during the days when Union Territory Government Office are kept open with 5 days a week from Monday to Friday. The Registrar shall not absent himself from duties except with the permission from the President. The President shall grant leave to the Registrar in accordance with the principles laid down in the Jammu and Kashmir Civil Service Rules, 1956.

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

(2) The Registrar shall have the general control of the management of the Office, authority over the Treasurer, Section Officer, Clerks and other servants.

**79. Term of office and casual vacancies.**ô (1) Subject to the provisions of this section, a nominated or elected member, other than a nominated President shall hold office for a term of five years from the date of his nomination or election or until his successor has been duly nominated or elected, whichever is longer.

(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 thereupon 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 Union Territory Council from three consecutive meetings of the Union Territory Council, or if he is elected under clause (a) or (c) of section 19 or 21 of the Pharmacy Act, 1948 or if he ceases to be a registered pharmacist or causes to be a member of the Medical Council duly constituted under an enactment or Council of Medical Registration for the Union Territory of Jammu and Kashmir, as the case may be.

(5) No act done by the 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 Council.

80. **Staff, remuneration and allowances.**ô The Council may, with the previous sanction of the Government,ô

- Provided that for the first four years from the first constitution of the Council, the Registrar shall be a person appointed by the Government, who shall hold office during the pleasure of the Government.

## CHAPTER XII

### Common Seal

81. **Custody of seal.**ô The common seal of the council shall be kept in a box having two different locks and the key of one of these locks be in the custody of the President and the key of the other lock in the custody of the Registrar who shall further authorize any responsible person from the ministerial staff for holding the same in a safe custody.

82. **Affixing of seal.**ô (1) The seal shall be affixed only by the Council or, when the Council is not sitting, by order of the Executive Committee, but its use by such committee shall be limited to such acts as may be necessary to carry into effect the powers delegated and duties entrusted to it by the Council.

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

## CHAPTER XIII

### Accounts

83. **Donations.**ô The Council is authorized to receive for the purpose of its expenses, benefactions and contribution from private persons and bodies already proceeds of the sale of reports and other publications. All credits/debits in the account (Revenue/Donations/Fee) shall be made through online module i. e. (Internet Payment Gateway). Bank charges on account of transactions shall be borne by the Bank/end-users.

84. **Opening of bank accounts.**ô An account shall be opened in the Jammu and Kashmir Bank or State Bank of India (any nearest branch) located in the name of the Council and such of its money may be invested also in Government as the Executive Committee thinks fit.

85. **Security for fidelity bond.**ô The treasurer appointed under section 26 shall furnish a security for 1,000/- or shall execute a fidelity bond for a similar amount to the satisfaction of the Council. He shall receive all moneys payable to the Council, or deposited in the manner provided in rule 83.

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

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

**87. Annual audit of accounts.** As soon as possible after the statements of income and expenditure of the preceding financial year ending 31st March are approved, the President of the Council are authorized to audit the accounts from the empaneled Chartered Accountant.

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

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

(3) Such estimate shall make provision for the fulfillment of the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as Government may allot and all fees received from registration and other sources.

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

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 31  
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90. **Scrutiny of claims.**ô A bill or either voucher presented as a claim for money shall be received and examined by the treasurer. If the claim be for a sum not exceeding Rs. 500/- and the bill is in order, he shall pay it. If the claim be for a sum exceeding Rs. 500/- payment shall be made after it is sanctioned by the President.

91. **Accounting of all sums received or spent.**ô The treasurer shall immediately bring into account in the general cashbook all money received or spent by the Council.

92. **Signing of Cheques/Invoices.**ô All Cheques/Invoices on the Bank shall be signed by the President or his nominee.

By order of the Government of Jammu and Kashmir.

(Sd.) ATAL DULLOO, IAS,

Financial Commissioner,  
Health and Medical Education Department, J&K.

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## Annexure

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No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 33  
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### FORM 3

#### RULE 6

##### *Form of nomination paper*

Election of member or members of the \_\_\_\_\_ Pharmacy  
Council of Union Territory of Jammu and Kashmir.

1. I the undersigned being a Registered Pharmacist, hereby nominateô

- (a) Registered as a Pharmacist his registered number being ;
- (b) \_\_\_\_\_ as a candidate for election as a member  
of the \_\_\_\_\_ State Pharmacy Council at the  
forthcoming election.

Signature\_\_\_\_\_

Address\_\_\_\_\_

Registration No.\_\_\_\_\_

Date\_\_\_\_\_

We the undersigned second the proposal of Shri\_\_\_\_\_

Signature\_\_\_\_\_

Signature\_\_\_\_\_

Address\_\_\_\_\_

Address \_\_\_\_\_

Registration No.\_\_\_\_\_

Registration No.\_\_\_\_\_

Date\_\_\_\_\_

Date\_\_\_\_\_

I the undersigned hereby consent to accept nomination as a candidate  
for election to the \_\_\_\_\_ J&K Pharmacy Council.

Signature\_\_\_\_\_

Address\_\_\_\_\_

Registration No.\_\_\_\_\_

Date\_\_\_\_\_

(a) State name and full address

(b) State Registration number.

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- (a) Number of candidates to be elected.
  - (b) Names to be printed in a alphabetical order.
- Instructions
- (1) Each elector has\_\_\_\_\_votes.
  - (2) He shall vote by placing the mark X opposite the names of the candidates 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 in the identification cover and then enclose that cover in a bigger cover in 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 will be invalidated 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 any elector, all such voting papers shall be invalid.
- (8) If more than one mark is placed before the name of any candidate, the whole voting paper will be disqualified.
- (9) This paper must be folded öFace Inwardsö and placed in the accompanying öIdentification Envelopeö which must be securely closed and then placed in a covering envelope.

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**FORM 6**

*RULE 53*

*Form of Register of Pharmacist*

- 1. Serial number\_\_\_\_\_
- 2. Name in full\_\_\_\_\_
- 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 names with dates)  
\_\_\_\_\_

1. This certificate is the property of\_\_\_ Jammu and Kashmir Pharmacy Council\_\_\_\_\_and is issued to the above named Pharmacist in accordance with rule 55(1) of the Jammu and Kashmir Pharmacy Rules.

2. In case of removal of name from Register, this certificate shall forthwith be surrendered.
3. Every Registered Pharmacist shall notify the Registrar/President about any change in his address.
4. This certificate shall remain in force till \_\_\_\_\_ days of grace up to\_\_\_\_\_.

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1. All particulars of the application must be filled in by the applicant in neat legible hand.
2. The names and particulars entered in this application must correspond with the name and particulars of the applicant entered at the University or other examination.



No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 41  
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3. Registration fee of Rs. 3000/- in case of Fresh Registration and Rs. 3500/- in case of Migration of Registration/Non-Residents is to be deposited in the Bank through online mode, Registration fee is not refundable whether the application for registration is accepted or rejected.
4. Under the Pharmacy Act, 1948 as it stands at present only persons who have passed the Matriculation, 10+2 examination and professional qualification or their equivalent examination are eligible for registration.
5. Sections 31, 32 and 41 of the Pharmacy Act are attached with this application for the information of the application.
6. A copy of rule 57(1) and (2) regarding renewal of registration is attached for information.

- (1) Name in full\_\_\_\_\_
- (2) Father's Name\_\_\_\_\_
- (3) Place and Date of Birth (proof of age to be attached)\_\_\_\_\_
- (4) Nationality\_\_\_\_\_
- (5) Permanent Residential Address\_\_\_\_\_
- (6) Address of the Hospital, Dispensary or other place in which employed at present\_\_\_\_\_
- (7) Year of passing the Matriculation Examination or an examination prescribed as being equivalent to Matriculation Examination\_\_\_\_
- (8) Years of passing 10+2 Examination or an Examination prescribed as being equivalent to 10+2 Examination\_\_\_\_\_
- (9) Description of qualification as a Pharmacist\_\_\_\_\_
- (10) Name of the examining body\_\_\_\_\_
- (11) Name of the institution under which training undergone\_\_\_\_\_
- (12) Year of passing the examination\_\_\_\_\_

Date \_\_\_\_\_ Signature\_\_\_\_\_

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**Note :**ô

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**FORM 9**

### *Application for Registration of Additional Qualification*

The Registrar/President,  
Jammu and Kashmir Pharmacy Council.

I beg to apply for the registration of the additional qualifications of \_\_\_\_\_ which I have obtained from \_\_\_\_\_ in \_\_\_\_\_.

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

Yours faithfully

(Signature of the applicant)

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No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 43

**FORM 10**

*RULE 58 (2)*

### 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 \_\_\_\_\_ Union Territory against names of Shri/Shrimati \_\_\_\_\_ Registration No. \_\_\_\_\_

Diplomas or Certificates already Diplomas or Certificates now

Registered

Registered

Date\_\_\_\_\_

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Registrar/President

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**FORM 11**

*Certified copy of entries in the Register*

## No.

Name	Address	Date of Registration	Qualification
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**N. B. :** This certified copy remains evidence of registration only until the publication of the printed Pharmacist Register for 19. It is not nor must it be used as evidence of the identity of the holder with the person named therein.

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(d) Insert qualifications

No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 47  
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(e) Insert additional qualifications

(f) Insert date of removal

(g) State address

(h) Give Particulars

(i) Insert particulars as to proposed future profession

(j) A registered pharmacist

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- (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 date of enquiry
- (g) Insert name and address of the complainant
- (h) Insert charge on which name was removed
- (i) The blanks in this paragraphs must be filled in accordance to circumstances
- (j) Insert particulars as to propose future professional occupation.
- (k) All facts and grounds on which the application is made should be clearly and concisely stated.

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**FORM 16**

*RULE 74 (III)*

*Certificate in support of application*

I \_\_\_\_\_ of \_\_\_\_\_ certify  
as follows :ô

- (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\_\_\_\_\_ both before and since his name was removed from the Register that I believe him to be now a person of good character and that the statements in the said paragraphs are to the best of my knowledge, information and belief true.

Address:

Signature  
Registration No.

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