

**PROVINCIAL ASSEMBLY OF SINDH  
NOTIFICATION  
KARACHI, THE 21<sup>ST</sup> OCTOBER, 2014.**

**NO.PAS/Legis-B-28/2014**-The following Bill is hereby published for general information as required by Rule 98 of Rules of Procedure of the Provincial Assembly of Sindh.

**THE SINDH PHARMACY COUNCIL BILL, 2014.**

**SINDH BILL NO. 28 OF 2014.**

**A  
BILL**

to provide for establishment of the Council known as the Sindh Pharmacy Council to regulate the practice of pharmacy in the Province of Sindh;

**WHEREAS** it is expedient to provide for establishment of the Council known as the Sindh Pharmacy Council to regulate the practice of pharmacy in the Province of Sindh and to provide for matters connected therewith and incidental thereto; **Preamble.**

1. (1) This Act may be called the Sindh Pharmacy Council Act, 2014. **Short title extent and commencement.**
- (2) It extends to the whole of the Province of Sindh.
- (3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context – **Definitions.**

- (a) "*approved*" means approved under section 14 or, as the case may be, section 15;
- (b) "*Association*" means the Sindh Pharmacist Association registered under the Societies Registration Act 1860 (XXI of 1860);
- (c) "*Council*" means the Sindh Pharmacy Council established under section 3;
- (d) "*Government*" means the Government of Sindh;
- (e) "*Medical Institution*" means an institution whose medical qualifications are recognized under the Medical Council Ordinance, 1962 (XXXII of 1962);
- (f) "*Pharmacist*" means a person registered under section 20;
- (g) "*Assistant Pharmacist*" means the Assistant Pharmacist registered under section 20;
- (h) "*Pharmacy Institution*" means an institution whose qualifications of Pharmacy are recognized under this Act;
- (i) "*Prescribed*" means prescribed by the rules or regulations;

- (j) "President" means the President of the Council;
- (k) "register" means register maintained under section 19;
- (l) "regulations" means regulations made under this Act;
- (m) "Schedule" means Schedule to this Act;
- (n) "university" means a university established under the law which impart education and training;
- (o) "Vice President" means the Vice President of the Council.

3. (1) Government shall, by notification in the official Gazette, establish a Council by the name of the Sindh Pharmacy Council. **Establishment Sindh Pharmacy Council.**

(2) The Council shall be a body corporate having perpetual succession and common seal, with power, among others, to acquire, hold and dispose of property both movable and immovable, and shall by the said name sue and be sued.

4. (1) The Council shall consist of following members, namely:- **Composition of Sindh Council.**

- (a) Secretary Health, Government of Sindh Ex-officio Member
- (b) Director General Health, Sindh. Ex-officio Member
- (c) Dean of Pharmacy from public sector university. Member
- (d) Dean of Pharmacy from private sector university. Member
- (e) four persons to be nominated by Government, atleast one of whom shall be from civil society and two shall be women. Members
- (f) Chairperson Sindh Higher Education Commission or his nominee. Member
- (g) one person to be nominated by Government. Member
- (h) two professors of Pharmacy to be elected from amongst themselves from all Universities. Member.
- (i) two registered pharmacists nominated by Government. Member
- (j) Chief Drug Inspector, Sindh. Member

(2) The nominated members shall hold office for a period of three years from the date of his nomination.

(3) The nominated member may at any time resign his office by writing under his hand addressed to the President of the Council and the seat of such member shall thereupon become vacant from the date of acceptance of such resignation.

(4) The nominated member shall be deemed to have vacated his seat -

(a) if he ceases to represent the particular interest which he was nominated to represent or to hold any office or appointment by virtue of which he was qualified to be nominated; or

(b) if he is declared by the Council to have been absent without sufficient cause from three consecutive meetings of the Council.

(5) The nominated member shall be eligible for re-nomination but not for more than two consecutive terms.

(6) A casual vacancy in the office of a member shall be filled for the remained term of such member not being less than six months, by nominating another person in his place, in the same manner in which such a member was nominated.

5. No act or proceedings of a Council shall be valid merely on the ground of the existence of any vacancy in, or any defect in the composition of the Council.

**Vacancy not to invalidate the proceedings of a Council.**

6. (1) A Council shall every three year elect one of its members to be the President and Vice President of the Council and the President and Vice-President so elected shall hold office for a period of three years and shall be eligible for re-election.

**Election of President and Vice- President.**

(2) The President shall exercise such powers and perform such functions as assigned to him by the Council.

(3) The Vice-President shall perform such functions as may be assigned to him by the Council and in the absence of the President, he shall exercise powers and perform functions of the President.

7. (1) The Council may constitute such committees as it deems fit for the purpose of advising and assisting it in the performance of its functions. **Committees.**

(2) A committee constituted under sub-section (1) may co-opt any person as its member for expert advice but such person shall not have right of vote.

8. (1) The meetings of the Council shall be held in such manner as may be prescribed by the regulations. **Meeting of the Council.**

Provided that until such regulations are framed, the President may, by notice addressed to each member summon and conduct a meeting at such time and place and in such manner as he may deem expedient:

(2) Special meetings may be held at such times and places as the Council may deem fit or as the President of the Council may determine.

(3) The meetings of the Council shall be presided by the President or, in his absence, the Vice-President or in absence of both, the members present shall elect from themselves one of its members to preside the meeting.

(4) The quorum for a meeting of the Council shall be half third of the total numbers or nominated members a fraction being counted as one.

9. As soon as may be after the close of every year, the Council shall submit to Government an annual report giving an account of its proceedings together with a statement of moneys received and expenses incurred by it during that year. **Annual Report.**

10. (1) The Council shall, with the approval of Government, appoint a Secretary, Registrar and Treasurer from amongst persons eligible for appointment: **Appointment of Secretary, officers and staff of the Council.**

Provided that the Council may, if it thinks fit, require the Registrar to perform the functions of Secretary and the Treasurer or any of them.

(2) The Council may also appoint such officers and staff as may be necessary for the efficient performance of its functions.

(3) The Council shall, with the previous sanction of Government, determine the terms and conditions of service and fix the pay and allowances of the officers and employees.

11. (1) The Fund of the Council shall consist of such moneys as may be placed at its disposal by Government and fees received by it under this Act. **Fund.**

(2) The Fund shall be utilized for meeting the expenditure and re current expenditure of the Council which may include furnishing of office premises, remuneration for its members, salaries and allowances of employees of the Council and exchange programs with foreign universities and World Health Organization and to achieve the objectives of this Act.

(3) The sources of the Fund shall include the sum of money allocated by Government, grant-in-aid from Federal Government, Local Government, multi-lateral and bilateral donors, national or international organizations, civil societies or from any other source.

(4) The Council may, with the previous approval of Government, invest the Fund in any scheme including Government securities for raising funds.

(5) The Fund shall be managed and operated in the manner as may be prescribed by regulations.

12. The Fund shall be maintained in accordance with the regulations and shall be auditable annually through Auditor or a firm to be appointed by the Council and the report of the audited accounts shall be presented to Government. **Audit and Account.**

13. (1) The functions of the Council shall be –

- (a) to approve examinations in pharmacy by universities for the purpose of qualifying persons for registration as Pharmacists and Assistant Pharmacist;
- (b) to prescribe the subjects in which approved examinations shall be held;
- (c) to approve the courses of study and practical training in pharmacy for the purpose of admission to approved examination;
- (d) to prescribe the conditions and procedure for admission of candidates to an approved examination;
- (e) to lay down the standard of teaching to be maintained by institutions conducting the approved courses of study;

**Functions of the Council.**

- (f) to prescribe the equipment and facilities to be made available to the students;
- (g) to recognize degree or diplomas in pharmacy for the purpose of registration as Pharmacists and Assistant Pharmacists;
- (h) to prepare and maintain registers of pharmacists and Assistant Pharmacist in pharmacy;
- (i) to conduct Qualifying Provincial Examination and CME and re-certification;
- (j) to cause inspection of institutions which conduct any course of study in pharmacy and of the teachings imparted and examinations held by them; and
- (k) to do such other acts and things as it may be expedient or required to do by this Act.

(2) The Council, with the previous approval of Government may, by notification in the official Gazette, make regulations for the purposes of sub-section (1).

14. (1) Any institution or authority which holds an examination in pharmacy, may apply to the Council for approval of the examination for the purpose of qualifying a person for registration as a Pharmacist or Assistant Pharmacist under this Act.

**Approval of examinations.**

(2) The Council, if it is satisfied after such inquiry as it may think fit that the examination for the approval of which an application has been made under sub-section (1), is in conformity with this Act and the regulations, shall approve the examination and send it to Sindh Higher Education Commission which shall notify in the official Gazette and entered in Schedule-IV, declare it to be an approved examination for the purpose of qualifying a person for registration as a Pharmacist or Assistant Pharmacist under this Act.

15. (1) Any institution or authority which conducts a course of study in pharmacy may apply to the Council for approval of such course of study for the purpose of admissions to an approved examination.

**Approval of Institutions.**

(2) The Council, if is satisfied after such inquiry as it may think fit that the course of study for the approval of which an application has been made under sub-section (1), is in conformity with this Act and the regulations, shall send it to

Sindh Higher Education Commission which shall approve the institution and entered in Schedule-III for award of degree or diploma as mentioned in Schedule-II.

16. Every institution or authority which applies for the approval of an examination under section 14 or of a course of study under section 15, or holds an approved examination, or conducts an approved course of study, shall furnish to the Council such information as the Council may, from time to time, require relating to –

**Furnishing of information.**

- (a) the course of study conducted and training given;
- (b) the examination held;
- (c) the ages at which the students may undergo the course of study;
- (d) the equipment and facilities provided for the students; and
- (e) matters generally pertinent to the course of study, training and examinations and standard of teaching.

17. (1) The Council may appoint such Inspectors for the inspection of institutions as it may consider necessary.

**Appointment of Inspectors.**

(2) An Inspector appointed under sub-section (1) may, if he is so authorized in writing by the President of the Council –

- (a) inspect any institution which holds an approved examination or conducts an approved course of study and may attend any such examination held by such institution;
- (b) inspect any institution which has applied for the approval of the examination held, or course of study conducted, by it and attend any examination held by such institution.

(3) An Inspector who attends any examination shall not interfere with the conduct thereof but shall submit to the Council, a report on the sufficiency or otherwise of such examination and on any other matter in regard to which the Council may require him to report.

18. (1) Where, upon a report by an Inspector, it appears to the Council that an approved course of study or an approved examination does not continue to be in conformity with this Act and the regulations, the Council shall give notice to the institution or authority concerned calling upon it to explain in writing why the approval of such course of study or examination should not be withdrawn.

**Withdrawal of approval.**

(2) The institution or authority to whom a notice has been given under sub-section (1) shall, within thirty days from the receipt of such notice, comply with the notice and may make representation to Government through the Council.

(3) The Council, after considering the explanation given and any representation made under sub-section (2) and any observations by the Council on the representation which Government may think fit to make may, by notification in the official Gazette, declare that its approval of the course of study or examination conducted or held by the institution or authority concerned shall stand withdrawn with affect from such date as may be specified therein, and every such declaration shall state that the course of study or examination conducted or held by such institution or authority shall be deemed to be approved only when completed or passed, as the case may be, before the date so specified only if approved by the Sindh Higher Education Commission and denotified.

19. (1) The Council shall prepare and maintain or cause to be prepared and maintained the following registers of Pharmacists and Assistant Pharmacist, namely:-

**Preparation  
maintenance  
Registers.**                      **and  
of**

- (a) **Schedule-I** in which persons specified in section 2, shall be registered;
- (b) **Schedule II** - in which persons specified in section 2, shall be registered;
- (c) **Schedule III** - in which institution in section 2 shall be registered;
- (d) **Schedule IV** - approved university under section 2;

(2) Every register prepared and maintained under sub-section (1) shall include the following particulars relating to a person registered, namely;

- (a) full name;
- (b) residential address;
- (c) professional address;
- (d) father's name;
- (e) date and place of birth;
- (f) nationality;
- (g) qualification;
- (h) date on which registered; and
- (i) such other particulars as may be prescribed by regulations.



20. (1) The following persons shall, subject to the provision of sub-section (2), be qualified for registration as Pharmacists or Assistant Pharmacist under this Act, namely;

**Qualifications for registration as a Pharmacist or Assistant Pharmacist in pharmacy.**

- (a) persons who hold a degree in pharmacy conferred by a university or an institution affiliated thereto, where the degree is recognized by the Council;
- (b) persons who hold a diploma in pharmacy granted by any institute recognized by the Council;
- (c) persons who pass the examination in pharmacy held by a Provincial Council; and
- (d) any other person already registered in any other law;

(2) No person shall be qualified for registration as a Pharmacist or Assistant Pharmacist as an apprentice in Pharmacy -

- (a) if he is of unsound mind and stands so declared by a court of law; or
- (b) if he has been convicted by a court of law of any offence which in the opinion of the Council involves moral turpitude.

21. (1) As soon as may be after the opening of the registers, the Council shall invite applications from persons desirous of being registered as Pharmacists and Assistant Pharmacists practicing in the Province of Sindh.

**Procedure for registration.**

(2) An application for registration shall contain such particulars and be made in such form as may be specified by the Council and shall be accompanied by such fee as may be prescribed.

(3) The Council shall examine every application received by it and, if it is satisfied that the applicant is qualified for registration under relevant Schedule, the entry of the name of the applicant in the appropriate register.

(4) The Council shall, if it rejects the application of any person, inform the applicant in writing of such rejection within thirty days from the date of receipt of the application, and the applicant may, within thirty days of the receipt of the information, appeal against such rejection to Government whose decision shall be final.

22. (1) The Council shall issue a certificate of registration to a person who has been registered in Schedule-I or II.

**Certificate of registration.**

(2) A certificate of registration issued under sub-section (1) shall bear a number and the official seal of the Council and be signed by its President and the Secretary and shall contain the following, namely;-

- (a) a passport size photograph of the person registered;
- (b) the full signature of the person registered; and
- (c) an endorsement of any mark of identification of the person registered.

(3) A copy of the certificate with all the particulars specified in sub-section (2) shall be kept in the official record of the Council.

(4) A person to whom a certificate of registration has been issued may, if the original is lost, defaced or mutilated or for any other reason, obtain a duplicate thereof on payment of the same fee as was paid for the original.

23. The institutions and degrees or diplomas approved by Pakistan Pharmacy Council immediately before the commencement of this Act, shall be deemed to be registered by the Council.

**Institutions and Degrees or Diplomas approved by Pakistan Pharmacy Council.**

24. (1) Subject to the provisions of sub-section (3), no person shall, from the commencement of this Act or such later date as Government may, by notification in the official Gazette, specify in this behalf, practice as a Pharmacist or Assistant Pharmacist unless he is a registered Pharmacist or Assistant Pharmacist and displays his certificate of registration in a conspicuous place within the premises in which he so practices.

**Prohibition of practice without registration.**

(2) Whoever employ any Pharmacist or Assistant Pharmacist for the purpose of any business in pharmacy shall cause the certificate of registration of the Pharmacist or Assistant Pharmacist so employed to be displayed in a conspicuous place within the premises in which such business is carried on.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to forty five thousand rupees, or with both.

25. No court shall take cognizance of an offence under this Act except upon a complaint in writing made by an Inspector appointed under the Drugs Act 1940 (XXIII of 1940), or an officer specially empowered in this behalf by Government. **Cognizance of offence.**

26. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. **Indemnity.**

27. (1) The Council may, with the previous approval of Government, make regulations for carrying out the purposes of this Act. **Power to make regulations.**

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

- (a) the procedure for the meetings of the Council and of its committees;
- (b) the management of the property of the Council;
- (c) maintenance and audit of the accounts of the Council;
- (d) the procedure for election of the Vice-President;
- (e) the powers and duties of the President, Vice-President and other members of the Council;
- (f) the terms and conditions of the service of the Registrar, Treasurer or Secretary and such other officers and staff of the Council;
- (g) fees to be prescribed under this Act; and
- (h) such other matters as are required by this Act to be provided for by regulations or are considered necessary for the efficient performance of the functions of the Council.

28. Nothing in this Act shall be deemed to affect the registration of any person who is registered under any other law, for the time being in force, immediately before the commencement of this Act. **Saving.**

29. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty. **Removal of difficulty.**

**STATEMENT OF OBJECTS AND REASONS**

In view of the eighteenth amendment, the subject "health" is devolved to the Provinces. In order to regulate the matters relating to the pharmacy, it is expedient to establish the Sindh Pharmacy Council at provincial level and enact a law in the matter.

**MEMBER-IN-CHARGE**

---

**G.M.UMAR FAROOQ**  
SECRETARY  
PROVINCIAL ASSEMBLY OF SINDH