
**Assam State Pharmacy Council (Reconstitution and
Reorganisation) Order, 1990**

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**Assam State Pharmacy Council (Reconstitution and
Reorganisation) Order, 1990**

Ministry of Home Affairs, Noti. No. S.O.799(E), dated October 15, 1990, published in the Gazette of India, Extra., Part II, Section 3(ii) dated 16th October, 1990, pp. 3-6 In exercise of the powers conferred by Section 4 of the Inter-State Corporations Act, 1957 (38 of 1957) and S.56 of the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), the Central Government, after consulting the Governments of the States of Assam and Meghalaya hereby approves, with certain modifications the scheme forwarded by the Government of Meghalaya relating to the reconstitution and reorganisation of the Assam State Pharmacy Council, being a body corporate constituted under the Pharmacy Act, 1948 (8 of 1948) and functioning in the States of Assam and Meghalaya and, for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following Order, namely :-

1. Short title and commencement :-

(1) This Order may be called the Assam State Pharmacy Council (Reconstitution and Reorganisa- tion) Order, 1990.

(2) It shall come into force on the First April, 1991.

2. Definitions :-

(1) In this Order, unless the context otherwise requires,-

(a) "Act" means the Pharmacy Act, 1948 (8 of 1948) ;

(b) "appointed day" means the date of commencement of this Order:

(c) "existing Council" means the Assam State Pharmacy Council, constituted under the Act and functioning and operating immediately before the appointed day, in the State of Assam as it existed immediately before the 21st day of January, 1972 ;

(d) "Meghalaya Council" means Meghalaya State Pharmacy Council constituted under the Act as from. the appointed day, for the State of Meghalaya ;

(e) "Assam Council" means the Assam State Pharmacy Council constituted under the Act as from the appointed day, for the State of Assam;

(f) "successor Council" in relation to the existing Council means the Assam Council or the Meghalaya Council.

(2) All other words and expressions used herein but not defined in this Order shall have the meanings assigned to them in the Act.

3. Dissolution of the existing Council and constitution of separate Pharmacy Councils for the States of Assam and Megha- laya :-

As from the appointed day,-

(a) the existing Council shall stand dissolved and the members thereof shall vacate their offices : Provided that any person elected by the existing Council under clause (g) of Section 3 of the Act, as a member representing the State of Assam as it existed immediately before the 21st day of January, 1972, on the Central, Council, shall continue to hold the membership of the Central Council, until the expiry of the term of his office or until the election of another person in his place by the Assam Council, whichever is later ;

(b) the Government of Assam shall constitute a Pharmacy Council for the State of Assam in the manner specified in sub-section (2) of Section 19-A of the Act as modified by this Order;

(c) the Government of Meghalaya shall constitute a Pharmacy Council for the State of Meghalaya in the manner specified in sub-section (3) of Section 19-A of the Act, as modified by this Order;

(d) the members of the Pharmacy Council constituted under clause (b) or clause (c) shall, notwithstanding anything contained in Section 25 of the Act, hold office for a period of five years from the appointed day or until such time as the said Council is duly constituted under Section 19 of the Act, whichever is earlier; and

(e) the President and Vice-President of each of the Pharmacy Councils constituted under clauses (b) and (c) shall, notwithstanding anything contained in sub-section (1) of Section 23 of the Act, be nominated from amongst the members of the Pharmacy Council by the Government of the State for which the said Council has been constituted.

4. Appointment of Registrars :-

(1) The Registrar of the existing Council, holding office immediately before the appointed day, shall as from that day, be deemed to have been appointed as the Registrar of the Assam Council and the terms and conditions of service applicable to the Registrar shall be the same as were applicable to him immediately before that day, until they are varied by a competent authority under the Act.

(2) Until a Registrar is duly appointed by the Meghalaya Council under Section 26 of the Act, the Government of Meghalaya shall appoint a Registrar for the said Council on such terms and conditions as it deems fit.

5. Provision regarding register :-

The register duly maintained under the Act in force immediately before the appointed day, shall be deemed to be the register for each of the States of Assam and Meghalaya and accordingly the names of pharmacists on such register shall, without further fee or charge, be continued thereon subject to the provisions of Section 36 of the Act for a period of six months from the appointed day and thereafter on the register of any of the said States in which the registered person concerned expresses his desire to continue his registration by a letter addressed to the Registrar of the successor

Council concerned within that period.

6. Recovery of outstanding fees and other dues :-

All fees and other dues payable to the existing Council under the Act up to the appointed day shall,-

(a) if the dues are payable by a person ordinarily residing in the area of any successor Council, be recovered by that Council; and

(b) in any other case, be recovered by the Assam Council.

7. Division of cash balance of the existing Council :-

The cash balance held by the existing Council immediately before the appointed day, shall, after deduction of all the liabilities of that Council up to that day, be apportioned among the successor Councils in proportion to the number of registered pharmacists ordinarily residing in the area of each successor Council.

8. Residuary provision :-

Any other assets or liabilities of the existing Council immediately before the appointed day, not expressly herein- before provided for, shall be apportioned in the manner indicated in para- graph 7.

9. Legal proceedings :-

Where immediately before the appointed day, the existing Council is a party to any legal proceedings instituted in any court, by or against any registered pharmacists or other person, the suc- cessor Council within whose area such registered pharmacist or other person is ordinarily residing shall be deemed to be substituted for the existing Coun- cil as a party to those proceedings and the proceedings may continue accord- ingly.

10. Contracts :-

Where immediately before the appointed day, the existing Council has made any contract which on the day is subsisting, such contract shall be deemed to have been made-

(a) if the purposes of the contract are, as from the appointed day, exclusively relatable to the area of any successor Council, by that Council;

(b) in any other case, by the Assam Council and all rights or liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been the rights or liabilities of the existing Council, be the rights or liabilities of the appropriate successor Council.

11. Transfer of certain proceedings pending before the existing Council :-

Any proceedings relating to any registered pharmacist or other person which are pending immediately before the appointed day before the existing Council, shall on that day stand transferred to that successor Council within whose area such registered pharmacist or other person is ordinarily residing, for disposal according to law.

12. Saving :-

All rules and regulations framed in respect of or by the existing Council, shall, until other provision is made under the Act in respect of the relevant successor Council, be deemed to be the rules and regulations framed in respect of or by that Council and shall continue to apply to them mutatis mutandis.

13. Exceptions and modifications in the Act :-

As from the appointed day, the Act shall, until altered, repealed or amended by the competent legislature, have effect in the States of Assam and Meghalaya subject to the exceptions and modifications specified in the Schedule annexed hereto.

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(See Paragraph 13) The Pharmacy Act, 1948 (Central Act 8 of 1948) 1. In clause (j) of Section 2 , after the word and figure Section 19, the words and figure "or Section 19-A" shall be inserted. 2. After Section 19, the following section shall be inserted, namely:- "19-A. Temporary provisions in respect of State Councils.-Notwithstanding anything contained in this Act,- (1) the Assam State Pharmacy Council constituted under Section 19 and functioning and operating in the States of Assam and Meghalaya, immediately before the appointed day as defined in the Assam State Pharmacy Council (Reconstitution and Reorganisation) Order, 1990, issued under Section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), shall, as from the day, stand dissolved and the members thereof shall, notwithstanding anything contained in Section 25, vacate their office. (2) as from the day referred to in clause (1), the Government of Assam shall constitute a Council for the State of Assam, in the manner specified in Section 19, to be known as Assam State Pharmacy Council: Provided that, the six members to be elected by registered pharmacist under clause (a) of Section 19 and the member to be elected by the Medical Council of the State under clause (c) of that section. shall also be nominated by the Government of Assam. (3) as from the day referred to in clause (1), the Government of Meghalaya shall constitute a Council for the State of Meghalaya in the manner specified in Section 19, to be known as the Meghalaya State Pharmacy Council: Provided that, the six members to be elected by registered pharmacists under clause (a) of Section 19 and the member to be elected by the Medical Council of the State under clause (c) of that section, shall also be nominated by the Government of Meghalaya. (4) the members of the Assam

State Pharmacy Council and the Meghalaya State Pharmacy Council constituted under this section shall, notwithstanding anything contained in Section 25, hold office for a period of five years from the day referred to in clause (1) or until such time as a Council is duly constituted under Section 19, whichever is earlier. (5) the President and Vice-President of each of the Councils constituted under clauses (2) and (3) shall, notwithstanding anything contained in sub-section (1) of Section 23, be nominated from amongst the members of the State Council by the Government of the State for which the Council has been constituted." 3. After Section 29, the following section shall be inserted, namely:- "29-A. Temporary provision in respect of registers.-All pharmacists who immediately before the appointed day as defined in the Assam State Pharmacy Council (Reconstitution and Reorganisation) Order, 1990 issued under Section 4 of the Inter-State Corporations Act) 1957 (38 of 1957), were on the register maintained under this Act, shall, on and from that day, without further fee or charge, continue, subject to the provisions of Section 36, to be on the register of the States of Assam and Meghalaya for a period of six months from the appointed day and thereafter on the register of any of the said States in which the registered person concerned expresses his desire to continue his registration by a letter addressed to the Registrar of the successor Council concerned with- in that period."