COUNCILS-Andhra Pharmacy Council Rules -Applicability to the Telengana area - Notification -ISSUED.

G.O.(Ms) No.2073.Health Dated: the 15th July,1963.

Read : the following.

1. G.O.(Ms) No.1021, Health, dated 9-7-1955.
2. G.O.(Ms) No.2181, Health dated 25-8-1960
3. From the Director of Medical Services, letter Ref.No. C35/APC/63. dated 29-3-1963.

ORDER

The following Notification will be published in the Andhra Pradesh Gazette.

Notification.

In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948 (Central Act VIII of 1948) as amended by central Act 24 of 1959, the Governor of Andhra Pradesh hereby orders that the Andhra Pradesh Pharmacy Council Rules 1955 (Notified at pp. 312- 352 of the Rules supplement to Part I of the Andhra Gazette dated the 28th July, 1955) be extended to the Telangana area, namely, the territories specified in sub- section (1) of section 3 of the State Reorganisation Act, 1956 (Central Act 35 of 1956) with effect from 1-9-1960, and makes the following amendments to the said Rules.

AMENDMENTS.

In the said Rules,

(i) for the expression , 'Andhra' wherever it occurs, the expression ' Andhra Pradesh ' shall be substituted;

(ii) for sub-rule (2) of Rules 72 the following shall be substituted namely:-

" A non official member should be allowed travelling allowance as for members of first class committeds, that is, single first class railway fare, daily allowance at Rs. 10-50 Np per day and mileage at 0-50 Np. If, however, the meeting is held at a place where the permanent residence of a member is situated, or at a place within a radius of five miles from such residence, the members concerned should be allowed daily allowance at Rs.7-50 Np only per day "

M.CHANDRAMOULI REDDY,
Deputy Secretary to Government.

(True Copy)

Scanned with CamScanner



THE ANDHRA
RMACY COUNCIL RULES, 1955

HEALTH, HOUSING AND MUNICIPAL
ADMINISTRATION DEPARTMENT, ANDHRA PRADESH
HYDERABAD

PRINTED AT THE GOVERNMENT PRESS
HYDERABAD
1960

Scanned with CamScanner

Andhra Pharmacy Council Rules.

(G.O. No. 1021, *Health*, 9th July 1955.)

In exercise of the powers conferred by section 46 of the Pharmacy Act, 948 (Central Act VIII of 1948), the Governor of Andhra Pradesh hereby kes the following rules for the Andhra Pharmacy Council:—

RULES.

PRELIMINARY.

1. These rules may be called the Andhra Pharmacy Council Rules, 1955.

2. In these rules, unless there is anything repugnant in the subject or ntext,—

(a) "the Act" means the Pharmacy Act, 1948 (Central Act VIII of 948);

(b) "the Council" means the Andhra Pharmacy Council constituted r section 19;

(c) "dispensing" in relation to a medicine or a poison, means supply- medicine or a poison on and in accordance with a prescription duly by a registered medical practitioner, a registered dentist or a qualified inary Surgeon;

(d) "Executive Committee" means the Executive Committee of the cil constituted under section 27 (1);

(e) "Form" means a form appended to these rules;

(f) "Government" means the Government of Andhra;

(g) "ministerial staff" means the clerks and servants appointed by the Council under section 26 (b);

(h) "President" means the President of the Council;

(i) "Registrar" means the Registrar appointed under section 26;

(j) "Returning Officer" means the Returning Officer appointed by Government for conducting elections under Chapter III of the Act;

(k) "section" means a section of the Act;

(l) "Treasurer" means the Treasurer referred to in section 26 (a).

PART I.

MODE OF ELECTION.

Election under section 19 (a).

3. (1) In the case of election held for the first time under section 19 (a), e Returning Officer shall issue a precept to the electorate apprising it of election and requiring it to elect the members within a date mentioned in the precept. Such precept shall be published in the Andhra Pradesh gette and in such other manner as the Returning Officer thinks fit. The n,

Returning Officer shall also publish, in the Andhra Pradesh Gazette notice in Form 'A' inviting the submission of nominations.

(2) In the case of elections other than those held for the first time under section 19 (a), the President shall, as soon as conveniently may be the appointment of the Returning Officer, issue a precept to the electo apprising it of the vacancy and requiring it to elect the members withi date mentioned in the precept. Such precept shall be published in the Andhra Pradesh Gazette and in such other manner as the President think fit. On the publication of such precept, the Returning Officer shall for with publish, in the Andhra Pradesh Gazette, a notice in Form 'A' inviti the submission of nominations.

(3) The Council (or the Government in the case of first election) sha appoint and shall notify in the Andhra Pradesh Gazette and in such othe manner as it thinks fit, suitable dates for—

(a) the receipt of nomination papers;
(b) the scrutiny of nomination papers;
(c) the despatch of voting papers under rule 7 (4); and
(d) the receipt of voting papers and the counting of votes.

4. (1) The first register published under section 30 (4), as amended in the manner specified in section 30 (5), shall be the final electoral roll fo the first election under section 19 (a).

(2) The register, as last printed under section 40, together wit list or lists published by the Returning Officer of pharmacists regi subsequent to the printing of the Register, shall be the final electora for the subsequent elections under section 19 (a).

5. (1) Any person who is qualified for election to the Council u section 19 (a) may be nominated as a candidate for such election.

(2) Every candidate qualified for election must be proposed an seconded by persons qualified as electors. The nomination papers should be in Form 'B'. No elector shall propose or second the nomination o more persons than are required to fill up the vacancy or vacancies:

Provided that if more nominations than are required to fill up vacancy or vacancies be subscribed by the same elector the prescribe number of nomination papers first received by the Returning Officer, or person authorized by him, shall, if otherwise in order, be held to be vali and if more than the prescribed number of nominations signed by the sam elector are received simultaneously by the Returning Officer, or a perso authorized by him, all nominations subscribed by him shall be held to b void.

(3) On receipt of each nomination paper, the Returning Officer or person authorized by him shall forthwith endorse thereon the date an hour of receipt.

(4) The candidate shall sign the nomination paper declaring that h willing to serve on the Council, if elected, failing which the nomination shall be invalid.

(5) On or before the date appointed for the receipt of nominatio every candidate wishing to stand for election shall pay the Returnin Officer or a person authorized by him, a fee of one hundred rupees in cas

d no candidate shall be deemed to be duly nominated unless such fee has 'n paid. The fee so paid shall be credited to the Council and shall ' in any circumstance be refunded.

(6) Every proposal for nomination must be in writing and must be ned by the proposer and the seconder, and sent by post or otherwise, so to reach the Returning Officer, or a person authorized by him, on or fore the date appointed in that behalf, which shall be not less than thirty ays before the date appointed for the poll.

6. (1) On the day appointed for scrutiny of nomination papers, the eturning Officer shall scrutinize the nomination papers received by him, he person authorized by him, at a place appointed by the President at noon. Any candidate may be present either in person or by an accredited representative at the time of such scrutiny. On completion of the scrutiny of nominations, and after the expiry of the period within which the candidate may be withdrawn under sub-rule (2), the Returning Officer shall forthwith declare the names of the candidates whose nomination papers are held valid by him.

(2) Any candidate may withdraw his candidature by notice in writing signed by him up to 12 noon on the first day from the last nomination day, counting that day as the fifth day. Such notice shall not be valid unless it is delivered to the Returning Officer, or a person authorized by him, or sent to him by post or otherwise and received by the Returning Officer, before the time and the date appointed by the President for such purpose. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate of the same election.

(3) The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the Andhra Pradesh Gazette.

7. (1) If the number of candidates who stand duly nominated is equal to the number of members to be elected, the Returning Officer shall, after the expiry of the time for withdrawal of candidature, declare such candidate or candidates to be duly elected.

(2) If the number of such candidates is less than the number of members to be elected, the Returning Officer shall, after the expiry of the time for withdrawal of candidature, declare such candidate, if any, or all such candidates, to be duly elected and the Registrar shall in accordance with the provisions of rule 47 take steps to fill the remaining vacancy or vacancies.

(3) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish their names and addresses in the Andhra Pradesh Gazette and shall further cause their names to be entered in alphabetical order in the voting papers in Form 'C'.

(4) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefor, send by post to each elector a letter of intimation in Form 'P' together with a numbered declaration paper in Form 'D', a voting paper in Form 'C' containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the

Scanned with CamScanner

Returning Officer) and an outer envelope also addressed to him. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector.

(5) An elector who has not received his voting paper and other connected papers sent to him by post, or whose papers, before they are despatched back to the Returning Officer, have been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers, may, on his transmitting to the Returning Officer a declaration to that effect signed by himself require the Returning Officer to send him duplicate papers in place of those not received, spoilt or lost, provided that spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt.

(6) In every case where new papers are issued under sub-rule (5), a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the outer envelope, which will bear the same serial alphabetical number as was originally given to the said elector. The voting papers issued in such cases shall also be marked "Duplicate".

(7) No election shall be invalidated by reason of an elector not receiving his voting papers provided that a voting paper has been issued to him in accordance with these rules.

8. Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost so as to reach the Returning Officer not latter than 5 p.m. on the day fixed for the poll and all such envelopes shall be kept by the Returning Officer in sealed boxes. All envelopes received after that day and hour or received by unregistered post shall be rejected.

9. On receipt of the envelopes by registered post containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.

10. The Returning Officer shall open the outer envelope immediately after 5 p.m. on the day fixed for the poll at the place to which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorized by him in writing to attend at the time the outer envelopes are opened.

11. (1) A voting paper cover shall be rejected by the Returning Officer, if—

(a) the outer envelope contains no declaration paper outside the voting paper cover, or

(b) the declaration paper is not the one sent by the Returning Officer, or

(c) the declaration paper is not signed by the elector, or

(d) the voting paper is placed outside the voting paper cover, or

(e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

Scanned with CamScanner

In each case of rejection, the word "Rejected" shall be endorsed on the voting paper cover and the declaration paper.

(2) After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 14.

12. (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes, on the date notified under rule 3 (3) and at the time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.

(2) All the voting paper covers, other than those rejected under rule 11 (1) shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinized and the valid votes counted.

A voting paper shall be invalid, if—

(a) it does not bear the Returning Officer's initials, or facsimile signature ; or

(b) a voter signs his name or writes a word or makes any mark on it by which it becomes recognizable as his voting paper ; or

(c) no vote is recorded thereon ; or

(d) the number of votes recorded therein exceeds the number of vacancies to be filled ; or

(e) it is void for uncertainty of one or more votes exercised.

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

(3) Any candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of counting.

(4) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorized representatives at the time of scrutiny and counting of votes.

(5) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(6) The President shall nominate such number of scrutinizers not exceeding four as he thinks fit. In the case of elections held for the first time under the Act, the scrutinizers shall be officers of the Government of the grade of Civil Surgeons and in the case of other elections, members of the Council.

13. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes have been given to be elected and shall forthwith inform the successful candidate by letter of his being elected to the Council. If any candidate thus shown to be elected has withdrawn from the election, or refuses to accept election, then that one of the remaining candidates to whom the next largest number of votes has been given shall be held to

Scanned with CamScanner

have been elected in the place of withdrawing candidate, and so on for as many of the remaining candidates as there may be vacancies caused in this way.

(2) When an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer, and in such manner as the President or the person authorized by him in this behalf may determine.

14. Upon the completion of the counting and after the result has been ~~destroyed the records, even after six months, without the previous con-~~ all other documents relating to the election and shall retain the same for a period of six months and the Council shall not destroy or cause to be destroyed the records, even after six months, without the previous concurrence of the Government.

15. (1) The Returning Officer shall publish the results of the election in the Andhra Pradesh Gazette in the case of first elections to the Council and also send a report to the Government about the election.

(2) In the case of elections other than those held for the first time under the Act, the Returning Officer shall inform the President of the results of the election who shall then publish the same in the Andhra Pradesh Gazette, and the Returning Officer shall also send the report to Government about the election.

Disputes regarding election.

16. (1) An election petition calling in question any election shall be presented to the Returning Officer by any candidate or elector at such election within seven days from the date of publication of the results under rule 15.

(2) An election petition shall be presented in person by the person making the petition or by any one authorized by such person in writing in this behalf, or shall be sent by registered post acknowledgment due. The Returning Officer shall give a written acknowledgment for every petition presented in person.

(3) The Returning Officer shall forward an election petition in original to the Government together with his remarks thereon, if any, within a week of its receipt by him. If he cannot offer his remarks within that period, he shall send a separate communication later on but should not on that account delay forwarding the petition to the Government.

(4) On receipt of an election petition or petitions from the Returning Officer, the Government may, if they deem fit, appoint a person to enquire into the matter and make a report to them.

(5) Before setting aside an election under section 24, the Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.

Election of President and Vice-President.

17. (1) The President and the Vice-President of the Council shall be elected at a meeting of the Council. When about to elect the President, declared by him, the Returning officer shall seal up the

the members present shall elect a temporary Chairman by a ballot if necessary, which ballot shall be taken by the Registrar. The meeting shall then proceed to the election of the President which shall be by ballot. It shall be competent for any member to nominate by ballot a member for the office of the President and the temporary Chairman shall announce the names of the members so nominated and arrange for a ballot. Every vote which shall be given at such a ballot for a person who has not been nominated shall be wholly void and ineffective. Should only two persons be nominated, the voting on the first ballot shall be final except in the case of equality of votes. If more than two persons are nominated, the candidate obtaining the lowest number of votes at the first ballot shall be eliminated until only two remain when the ballot shall be final except in the case of equality of votes, provided that if one of the candidates secures more than 50 per cent of the votes cast, he shall be elected. In the case of an equality of votes, a further ballot shall be taken and if that be indecisive, the selection shall be decided by the drawing of lots.

(2) The President having been elected will take the chair and the members will proceed to elect a Vice-President, the procedure laid down in sub-rule (1) being followed except for in the case of equality of votes, the President shall have a casting vote.

Election under section 19 (c).

18. Election of a member by the Andhra Medical Council under clause (c) of section 19 shall be conducted at a meeting of the Andhra Medical Council in accordance with the regulations of that Council.

General.

19. The notification of the election of a member shall be read by the President and he shall then be introduced to the meeting by some member of the Council. The above procedure shall be adopted also in the case of nominated members.

PART II.

Meetings of the Council.

20. (1) In every case the notice shall be sent to each member by ordinary post by the Registrar, unless the President in the exercise of his discretion shall deem shorter notice expedient in which case such notice shall be sent by telegram or other more expeditious means.

(2) The President, whenever it appears to him unnecessary to convene a meeting, may instead of so doing, circulate a written proposition with the reasons for such proposition for observations and votes of the members of the Council, such proposition being decided according to the majority of the votes and a minute regarding it being added to the minutes of the Council.

21. The Council shall ordinarily meet twice preferably in February and September in a calendar year on such date and place as may be fixed by the President, provided that the President—

(1) may call a special meeting at any time on 15 days' notice, to deal with any urgent matter requiring the attention of the Council;

(2) shall call a special meeting on 15 days' notice, if he receives a requisition in writing signed by not less than six members and stating the

purpose of the meeting other than that mentioned in rule 26 (1) (*b*) and being a purpose within the scope of the Council's function, for which they desire the meeting to be called.

22. The first meeting of the Council held in any calendar year shall be the annual meeting of the Council for that year.

23. At the special meeting called by the President in the exercise of his discretion under rule 21 (1), only the subject for the consideration of which the meeting has been called shall be discussed, unless the Council by a resolution agree to consider any other subject.

24. Notice of every meeting other than a special meeting called under rule 21 or under the first proviso to rule 26 (1) (*b*) shall be despatched by the Registrar to each member of the Council 30 days before the date of the meeting.

25. (1) The Registrar shall issue with the notice of the meeting a preliminary agenda paper showing the business to be brought before the meeting, the terms of all motions to be moved for which notice in writing has previously reached him and the names of the movers.

(2) A member, who wishes to move any motion not included in the preliminary agenda paper or an amendment to any item so included, shall give notice thereof to the Registrar not less than 20 clear days before the date fixed for the meeting.

(3) The Registrar, shall, not less than 15 clear days before the date fixed for the meeting, that is, in the case of a special meeting with the notice of the meeting, issue complete agenda paper showing the business to be brought before the meeting.

(4) A member who wishes to move an amendment to any item included in the complete agenda paper, but not included in the preliminary agenda paper, shall give notice thereof to the Registrar not less than three clear days before the date fixed for the meeting.

(5) The Registrar shall, if time permits, cause a list of all amendments of which notice has been given under sub-rule (4) to be made available for the use of every member:

Provided that the President may, if the Council agrees, allow a motion to be discussed as a meeting notwithstanding the fact that notice was received to late to admit of compliance with this rule:

Provided further that nothing in this rule shall operate to prevent the preference by the Executive Committee of any matter to the Council at a meeting following immediately or too soon after the meeting of the Executive Committee to permit of the notice required under this rule.

26. (1) A motion shall not be admissible—

(*a*) if the matter to which it relates is not within the scope of the Council's functions;

(*b*) if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within one year of the date of the meeting at which it was designed to be moved:

Scanned with CamScanner

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 these rules shall operate to prohibit the further discussion of any matter referred to the Council by the Government in the exercise of any of their functions under the Act;

(c) unless it is clearly and precisely expressed and raises substantially one definite issue; and

(d) if it contains inferences, ironical expressions or defamatory statements.

(2) The President shall disallow any motion which in his opinion is inadmissible under sub-rule (1):

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

(3) When the President disallows or amends a motion, the Registrar shall inform the member who gave notice of the motion of the order of disallowance or, as the case may be, of the form in which the motion has been admitted.

PART III.

Order of Business at the meetings of the Council.

27. (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 the President and the Vice-President are absent, by a Chairman to be elected by the members from among themselves.

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

(3) Seven members of the Council of whom the President may be one, present in person, shall constitute a quorum:

Provided that in the case of a meeting adjourned to a subsequent date to consider the business left incomplete, no quorum shall be required:

Provided further that if a meeting is adjourned for want of quorum, intimation of that fact shall be given to the members absent.

28. If, at the time appointed for a meeting, a quorum is not present, meeting shall not commence until a quorum is present, and if a quorum is not present on the expiration of 20 minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future time and date as the President may appoint.

29. (1) Every matter to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the President.

(2) Votes shall be taken by show of hands or by division or by ballot, as the President may direct:

Provided that votes shall be taken by ballot if three members so desire and ask for it:

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

Scanned with CamScanner

(3) The President shall determine the methods of taking votes by division.

(4) The result of the vote shall be announced by the President and shall not be challenged.

(5) In the event of an equality of votes, the President shall have and exercise a second or a casting vote.

(6) In all cases where a division has taken place, any member of the Council may require that the names or the number or the name and number of the majority, or of the minority, of those who declined to vote and of those who are absent, be entered in the minutes.

30. When motions identical in purport stand in the name of two or more members, the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

31. (1) Every motion or amendment shall be seconded and if not seconded, shall be deemed to have been withdrawn.

(2) When a motion has been seconded, it shall be stated from the Chair.

(3) 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 rules 32 and 33, move an amendment to the motion :

Provided that the President shall not allow an amendment to be moved, which if it had been a substantive motion, would have been inadmissible under these rules.

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

(2) An amendment may not be moved which has merely the effect of a negative vote.

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

33. A motion may be amended by—

(*a*) the omission, insertion or addition of words, or

(*b*) the substitution or words for any of the original words.

34. (1) When a motion or amendment is under debate, no proposal with reference thereto shall be made other than—

(*a*) a motion or amendment in the manner laid down in rule 31 ;

(*b*) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die ;

(*c*) a motion for the closure, namely, a motion that the question be now put ;

(*d*) a motion that the Council instead of proceeding to deal with the motion, do pass to the next item on the programme of business :

Provided that no such motion or amendment shall be moved so as to interrupt a speech ;

Provided further that no motion of the nature referred to in clauses (*b*), (*c*) or (*d*) shall be moved or seconded by a member who has

Scanned with CamScanner

already spoken to the question then before the meeting :

Provided also that a motion referred in clause (c) or (d) shall be moved without speech.

(2) It shall be in the discretion of the President to put or refuse to put to the Council a proposal of the nature referred to in clause (b) of sub-rule (1).

(3) Unless the President is of 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 President may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

35. Provided that it shall not interrupt a speech, a proposal to adjourn the Council to a specified date and hour may be made at any time, but it shall be in the discretion of the President to put or refuse to put such a proposal to the Council.

36. A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be deemed to be granted, if any member dissents from the granting of leave.

37. When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the President may direct:

Provided that the seconder of a motion or an amendment may, with the permission of the President, confine himself to seconding the motion or amendment as the case may be, and speak thereon at any subsequent stage of the debate.

38. During the meeting, the President may, at any time, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.

39. (1) The mover of an original motion and, if permitted by the President, the mover of any amendment shall be entitled to a right of final reply; no other member shall speak more than once to any debate except, with the permission of the President, for the purpose of making a personal explanation or of putting a question to the member then addressing the Council:

Provided that any member at any stage of the debate may rise to a point of order, but no speech shall be allowed on that point:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

(2) No member shall, save with the permission of the President, speak for more than five minutes:

Provided that the mover of motion when moving the same, may speak for ten minutes.

Scanned with CamScanner

(3) A speech shall be strictly confined to the subject-matter of the motion or amendment on which it is made.

(4) Any motion or amendment 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 President.

40. (1) A member desiring to make any observations on the matter before Council shall speak from his place, shall rise when he speaks, and shall address the President.

(2) If, at any time, the President rises, any member speaking shall immediately resume his seat.

41. No member shall be heard except upon the business before the Council.

42. (1) When an amendment to any motion is moved and seconded (or when two or more amendments are moved and seconded), the President shall, before making the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) An amendment to a motion shall be put to the vote first.

(3) If there be more than one amendment to a motion, the President shall decide in what order they shall be taken.

43. When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion, and put each or any point separately to the vote as he may think fit.

44. (1) The President, after stating reasons, may at any time, adjourn any meeting to any future day or to any hour of the same day.

(2) Whenever a meeting is adjourned to a future day, the Registrar shall, if possible, send notice of the adjournment to every member who was not present at the meeting.

(3) When a meeting has been adjourned to a future day, the President may change such day to any other day and the Registrar shall send written notice of the change to each member.

(4) At a meeting adjourned to a future day, any motion standing over from the previous day shall, unless the President otherwise directs, take precedence over other matter on the agenda.

(5) Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting, the President, or a member may suggest a change in the order of business on the agenda. If the Council agrees, such a change shall take place.

(6) No matter which had not been on the agenda of the original meeting shall be discussed at an adjourned meeting.

(7) The same quorum shall be necessary for an adjourned meeting as for an ordinary meeting, except in such cases as provided for in rule 27 (3).

45. (1) The President shall decide all points of order which may arise, and his decision shall be final.

Scanned with CamScanner

(2) If any question arises with reference to procedure in respect of a matter for which these rules make no provision, the President shall decide the same and his decision shall be final.

PART IV.

Appointment of members of the Council.

46. A book shall be kept, containing the names of the members of the Council, the electorates they represent, the date of appointment of each member, the term for which he was appointed and the date of the death or retirement of each member, and such book shall be regularly kept up so as to show the period at which each of the bodies that has power to appoint should proceed to a new appointment, and the same procedure shall be observed with regard to members appointed by the Government.

47. (1) Within a week of the occurrence of a vacancy, otherwise than by the expiry of the term of office, the Registrar shall give intimation thereof to the President and also—

(a) in the case of a vacancy to be filled by election under section 19 (a), to the Government;

(b) in the case of a vacancy to be filled by nomination under section 19 (b), to the Government; and

(c) in the case of a vacancy to be filled by election under section 19 (c), to the Andhra Medical Council.

(2) In the case of a vacancy, occurring by the expiry of a term of office of a member, intimation thereof to the authorities referred to in sub-rule (1) shall be given by the Registrar not less than two months before the date on which the vacancy will occur.

(3) Ninety days before the expiration of the term of office of any member, the Registrar shall draw the attention of the President to the impending vacancy so as to enable him to take necessary action.

PART V.

Minutes of the Council.

48. The proceedings of the meetings of the Council shall be preserved in the form of printed minutes which shall be authenticated, after confirmation, by the signature of the President.

49. A copy of the minutes of each meeting shall be submitted to the President within 15 days of the meeting and attested by him. Copies shall then be sent to each member within 30 days of the meeting.

50. The minutes of the meeting shall contain such motions and amendments as have been moved and adopted or negatived with the names of the mover and the seconder, but without any record of observations made by any member at the meeting.

51. If any objections regarding the correctness of the minutes are received within 30 days of the despatch of the minutes by the Registrar,

Scanned with CamScanner

such objections, together with the minutes as recorded and attested, shall be put before the next meeting of the Council for confirmation. At this meeting, no question be raised except as to the correctness of the records of the meeting:

Provided that if no objections regarding a decision taken by the Council at a meeting are received within 30 days of the despatch by the Registrar of the minutes of that particular meeting, such decision may, if expedient, be put into effect before the confirmation of the minutes at the next meeting:

Provided further, that the President may direct that action be taken on a decision of the Council before the expiry of the period of 30 days mentioned above.

52. The minutes of the Council shall as soon as is practicable after their confirmation be made up in sheets and consecutively paged for insertion in a volume which shall be permanently preserved. A copy of each volume shall be supplied free to each member of the Council.

53. A report shall be kept of the observations and of the discussions at the meetings of the Council in as accurate a manner as possible for the use of the members of the Council. The detailed proceedings of the meetings which shall be treated as confidential shall be kept in the office and shall be open for members for inspection. A copy of the proceedings in whole or in part shall be supplied to any member who may apply for it. Such copy shall be marked "Confidential," and be supplied on the payment of a sum fixed by the President which shall not exceed the cost of copying. No copy of proceedings held *in camera* shall be supplied, but such proceedings can be inspected by the members.

PART VI.

Tenure of office and powers and duties of the President and Vice-President.

54. The President shall exercise such powers and perform such duties as are contained in the provisions of the Act, the rule made thereunder and the Standing Orders of the Council.

55. If the office of the President is vacant or if the President for any reason is unable to exercise the powers or perform the duties of his office, the Vice-President shall act in his place and shall exercise the powers and perfo m the duties of the President.

PART VII.

Executive Committee.

56. The Executive Committee shall consist of the President and the Vice-President who shall be members *ex officio* and three other members elected by ballot at the first meeting of the Council. Of three members so elected, there shall be at least two Registered Pharmacists. The Executive Committee so elected shall hold office till the election of the new Executive Committee.

Scanned with CamScanner

57. The Executive Committee shall meet on such date as may be fixed by the President.

58. For a meeting of the Executive Committee, the quorum shall be the President, Vice-President and one Member.

59. Should there occur during the recess any vacancy in the Executive Committee it shall be empowered to fill up such vacancy except in cases where a summon has been issued for a meeting of the Council when the Council itself shall elect. Should any elected member of the Executive Committee be absent from two consecutive meetings without leave of the Committee or if the period of leave exceeds six months, he shall cease to be a member of the Committee.

60. In the case of the death of the Registrar or of his incapacity from illness or of his being on leave, when the Council is not in session, the Executive Committee shall appoint a person to perform temporarily the duties of the Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the principles laid down in the Fundamental Rules applicable to Government servants.

61. The Executive Committee shall keep minutes of its proceedings which shall be dealt with according to the same procedure as that indicated in Part V—the minutes of the Council.

62. The Executive Committee shall superintend the publication of the register which shall be prepared by the Registrar. The Registrar shall cause it to be printed after entering therein, annually, the statement of the distribution of the copies of the register. The copies shall be distributed to such of the officers of the Government as may be approved by the Government, to the Pharmacy Council of India and to such others as may be directed by the Executive Committee.

63. The Executive Committee shall order each year such number of copies of the register to be printed as may seem to the Registrar to be required on a revision of the annual distribution list.

64. The Executive Committee shall consider and prepare reports upon any subjects that may seem to require the attention of the Council and such reports shall be printed and circulated among the members of the Council at least ten days before the meeting of the Council.

65. The Executive Committee shall, before each meeting of the Council, prepare the business for the consideration of the Council.

66. The printing of the volumes of minutes shall be under the direction of the Executive Committee.

67. All petitions presented to the Council shall be referred to the Executive Committee to be examined and reported upon before being considered by the Council.

68. Subject to the provisions of the preceding rules, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid on the table of the Council for such action as it deems fit.

Scanned with CamScanner

69. The Executive Committee shall prepare reports on such subjects as may be indicated to it by the Council at its sittings or by the President at other times. The reports when finally approved by the Executive Committee shall presented to the Council.

PART VIII.

Sub-Committee.

70. (1) The Council may constitute sub-committees and may appoint to such sub-committees, persons who are not members of the Council to report upon any matters, which it may deem necessary to refer to them.

(2) The members of a sub-committee appointed under sub-rule (1) shall not be entitled to any fee for attending any meeting of the sub-committee. They shall be entitled to travelling expenses only.

PART IX.

Travelling and Daily Allowances for attending the Meetings of Council, etc.

71. For attending the meetings of the Council, the Executive Committee or sub-committee, travelling and daily allowances shall be payable as provided in rule 72.

72. The travelling expenses of members shall be paid as follows:—

(1) Government servants should draw travelling allowance to which they are entitled under the Madras Travelling Allowance Rules, as applied to Andhra State.

(2) A non-official member should be allowed travelling allowance as for members of First Class Committees, that is, one and half first-class railway fare, daily allowance at Rs. 10 per day and mileage at annas 6. If however the meeting is held at a place where the permanent resident of a member is situated or at a place within a radius of five miles from such residence, the member concerned should be allowed daily allowance at Rs. 7-8-0 only per day.

(3) Employees of the Council shall be entitled to travelling allowance at the same rates as are applicable to Government servants.

Note.—In the event of a member actually travelling throughout the 24 hours between midnight and midnight, halting allowances should not be admissible. On the other hand should he halt for less than 24 hours for meeting, he would be entitled to it.

PART X.

Registration.

73. The register shall be maintained as required by sub-section (3) of section 29 and shall be in Form E.

74. The names shall be entered in the register in the alphabetical order and sufficient space shall be left for future additions or alterations in the qualifications and address relating to each name.

Scanned with CamScanner

75. Each page of the register shall be verified by the Registrar's signature.

76. (1) On the registration of every pharmacist under the Act, the Registrar shall grant such pharmacist a certificate in Form F.

(2) In the event of a certificate issued under sub-rule (1) being lost or destroyed, the holder may at any time during which such certificate is in force apply to the Registrar under section 39 for a fresh certificate and the Registrar may, if he thinks fit, on satisfactory proof as to the identity of the applicant, grant such certificate on payment of the fee specified in rule 87. Certificates issued under this sub-rule shall be marked "Duplicate".

77. Every person entitled under section 32 to be registered under the Act and desiring to have himself registered shall apply to the Registrar in Form G duly filled in and signed. Every such application shall be accompanied by the fee prescribed in rule 87.

78. (1) The name of every person registered under the Act, shall, subject to the provisions contained in the Act as to the erasure of the entries and removal of names from the register, remain entered therein and the registration of such person shall hold good until the 31st December of the year following the year in which the name is first registered, or till such time as the State Government may consider necessary.

(2) Any person desiring to continue his registration shall submit to the Registrar an application before the 1st day of April of the year to which it relates and shall forward with such application the fee prescribed in that behalf in rule 87.

(3) The Registrar may send to any pharmacist who has not paid his renewal fees on the 1st day of January in the year in respect of which such fee is payable, a demand for payment thereof, which demand shall be by a letter sent by post addressed to the pharmacist at his address in the register.

(4) When a renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register:

Provided that a name so removed may be restored to the register under section 37 on payment of fees and penalty as prescribed in rule 87.

79. (1) An application for registration of an additional qualification under section 35 shall be in Form H and shall be accompanied by the fee prescribed in that behalf in rule 87.

(2) On registration of any additional qualifications under sub-rule (1), the Registrar shall grant such pharmacist a certificate in Form I.

80. Any appeal to the Council against a refusal by the Registrar to register in the case of first registration or to alter any entry in the register must state the grounds on which registration is claimed or furnish the qualifications and the dates on which they were received. On receipt of such an appeal, the Executive Committee shall conduct an enquiry and submit a report to the Council.

81. Certified copies of entries in the register in Form J may be issued to any one on payment of the fee prescribed in rule 87.

Scanned with CamScanner

82. A fee as prescribed in rule 87 shall be levied for registering a change of name in the register.

83. (1) The Council may erase from the register the name of any person who has requested that his name be removed from the register in which case such person may be required to file a declaration that no disciplinary or criminal proceedings are being or are likely to be taken against him.

(2) The Registrar shall bring any application under sub-rule (1) before the next meeting of the Council or the Executive Committee which will consider the application and any objections thereto, and the President may put from the Chair the question :—

Whether the Registrar shall erase the name (the applicant's name) from the register.

84. Copies of the register printed under section 40 shall be made available to persons applying therefor on payment of a sum which shall not exceed the cost of printing.

85. (1) It shall be the duty of every registered person who changes his address to intimate the fact to the Registrar within one month after such change.

(2) Every District Registrar of Deaths who receives a death notice showing that the deceased belonged to a profession or calling, the members of which are registrable under the Act shall forthwith notify the Registrar of the Council of such death.

86. There shall be made every year and entered in the printed register an enumeration of—

(1) the total number of persons in the published register ;

(2) the number of persons added by registration during the year ;

(3) the number restored to the register ;

(4) the number erased from the register stating the section of the Act under which the name has been erased ; and

(5) the number removed by death.

PART XI.

Fees.

87. The following fees shall be levied by the Council :—

	RS.	A.	P.
For the first registration in the register	10	0	0
For every qualification subsequently registered	2	0	0
For restoration to the register after removal for non-payment of annual retention fee in addition to retention fee for the year or years during which the name remained removed	3	0	0
For annual retention	3	0	0

Scanned with CamScanner

For restoration to the register under section 37	10	0	0
For registration of a change of name	3	0	0
For every certified copy of an entry in the register ...	3	0	0
For a "duplicate" certificate under rule 76	5	0	0

In addition, stamp duty leviable under the Indian Stamp Act, 1899, or any other law for the time being in force relating to the levy of stamp duty, shall be levied.

PART XII.

REMOVAL FROM THE REGISTER.

88. If, at any time it is made to appear by affidavit that a person registered under the Act has become mentally or physically disabled to the extent that the continued practising of such person is contrary to public welfare, the Executive Committee may hold enquiry into the facts submitted and may order the suspension of such person for a specified period from carrying on his profession or practice of pharmacy.

89. Whenever information reaches the office of the Council that a pharmacist has been convicted of a cognizable offence or has been under the censure of any judicial or other competent authority in relation to his professional character or has been guilty of conduct which prima facie constitutes infamous conduct in a professional respect, the Registrar shall make an abstract of information and shall submit the same to the President.

90. Where 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 and shall state the grounds of the complaint and shall be accompanied by one or more declarations as to the facts of the case.

91. Every declaration must 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 must be accurately and fully stated. Declarations and parts of declarations which are made in contravention of this rule will not be accepted as evidence.

92. The abstract and where a complaint has been lodged, the complaint and all other documents bearing on the case shall be submitted by the Registrar to the President who shall, if he thinks fit, instruct the Registrar to ask the pharmacist by means of a registered letter for any explanation he may have to offer. The documents including any explanation forwarded by the pharmacist to the Registrar shall then be referred to the Executive Committee which shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to refer, if necessary, to a solicitor for his advice and assistance and to instruct him to take the opinion of the counsel and otherwise to obtain such advice and assistance as they shall think fit. If the Committee is of the opinion that a prima facie case is not made out, the case shall not be proceeded with further and the Registrar shall inform the complainant of the resolution

Scanned with CamScanner

of the Committee. If the Committee is of the opinion that the circumstances suggest that a letter of warning be sent, the Committee is empowered to send it. 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.

93. An enquiry with a view to the removal of a name from the register under section 36 shall be instituted by the issue of a notice in writing on behalf of the Executive Committee by the Registrar addressed to the pharmacist. Such notice shall specify the nature and particulars of the charge and will inform him of the day on which the Executive Committee intends 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 "K" with such variations as circumstances may require and shall be posted four weeks before the date of enquiry.

94. In every case in which the Executive Committee resolves that an enquiry shall be instituted and a notice for an enquiry is issued accordingly, either party shall, for the purpose of his defence or reply, as the case may be, and upon request in writing for that purpose signed by himself or his solicitors, be entitled to be supplied by the Registrar with a copy of any declaration, explanation or answer or other document given or sent to the Executive Committee by or on behalf of the other party which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of enquiry and every notice of inquiry shall draw the particular attention of the pharmacist to this rule.

95. 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 charge shall be dealt with by the President in such manner as he, under legal advice, shall think fit.

96. All material documents which are to be laid before the Executive Committee as evidence in regard to the case shall be printed and a copy shall be furnished to each counsel before the hearing of the case.

97. At the hearing of the case by the Executive Committee, their solicitor may be present to advise as to the conduct of the case and a counsel employed by them may act as Judicial Assessor. The complainant and also the pharmacist may be represented or assisted by a solicitor with or without a counsel.

98. Where a complainant appears personally or by a counsel or solicitor, the following will be the order of procedure:—

(1) The Registrar will read to the Executive Committee the notice of the enquiry addressed to the pharmacist.

(2) The complainant will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proofs, his case will be closed.

Scanned with CamScanner

(3) The pharmacist will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. He may address the Executive Committee either before or at the conclusion of his evidence but only once.

(4) At the conclusion of the pharmacist's case, the Executice Committee will, if the pharmacist has produced evidence, hear the complainant in reply on the case generally but will hear no further evidence except in any special case in which the Executive Committee may think fit to take such further evidence. If the pharmacist produces no evidence the complainant will not be heard in reply except by special leave of the Executive Committee.

(5) The President and the Judicial Assessor, when present, may put questions to any witness, and members of the Executive Committee may also put questions through the President to any witness.

99. Where there is no complaint or no complainant appears, the following will be the order of procedure:—

(1) The Registrar will read to the Executive Committee the notice of inquiry addressed to the pharmacist and will state the facts of the case and produce before the Executive Committee the evidence by which it is supported.

(2) The pharmacist will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. He may address the Executive Committee either before or at the conclusion of his evidence but only once.

(3) The solicitor to the Executive Committee may be heard in reply if the Executive Committee so desires.

100. Upon the conclusion of the case, the Executive Committee will deliberate thereon in private and at the conclusion of the deliberation, the President shall, for the purpose of summing up the result of the deliberations, call upon the Executive Committee to vote on such of the following resolutions to be put from the Chair as may be applicable to the circumstances of the case:—

(1) In the case of a pharmacist who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, alleged against him in the notice of enquiry—

"That . . . is proved to have been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, alleged against him in the notice of enquiry."

(2) In the case of a pharmacist charged with infamous conduct in a professional respect—

(a) "That the Executive Committee do now proceed to decide whether the facts alleged against . . . in the notice of inquiry have been proved or have not been proved."

If this resolution is not carried, the further hearing of the case will stand adjourned till the next or some other future session of the Executive Committee as the Executive Committee shall direct, and the hearing thereof will be taken at such next future session as an adjourned case. If this

Scanned with CamScanner

resolution is carried, the Executive Committee shall be called upon by the President to vote on the following resolution to be put from the Chair :—

(*b*) "That the fact or the following facts (specifying them) alleged against . . . in the notice of inquiry have been proved to the satisfaction of the Executive Committee. If this resolution is carried, the Executive Committee may either proceed to judge whether on the facts proved, the accused pharmacist has been guilty of infamous conduct in a professional respect and to direct the Registrar to remove his name from the register or may postpone its judgment and adjourn the case until the next or some other future session."

(3) In the case of a pharmacist convicted of a felony (or misdemeanour or crime or offence) or charged with infamous conduct in a professional respect the judgment of the Executive Committee on the conviction (or facts) proved shall be postponed, and the Executive Committee shall be called upon by the President to vote on the following resolution to be put from the Chair:—

(*a*) "That the Executive Committee do now proceed to pronounce their judgment on the conviction (or facts) proved against . . . "

If this resolution is not carried, the judgment of the Executive Committee will stand postponed till the next or some other future session of the Executive Committee as the Executive Committee shall direct and the case will be taken at such next or other future session as a case in which judgment has been postponed.

If this resolution is carried, the Executive Committee shall proceed at once to pronounce its judgment on the case and shall be called upon by the President to vote upon the following resolution to be put from the Chair:—

In the case of a conviction—

(*b*) "That . . . having been proved to have been convicted of the felony (or misdemeanour or crime or offence) alleged against him in the notice of inquiry, the Registrar be directed to remove his name from the register."

In the case of a pharmacist charged with infamous conduct in a professional respect:—

(*c*) "That the Executive Committee do now judge . . . to have been guilty of infamous conduct in a professional respect and direct the Registrar to remove from the register the name of . . . "

If the resolution (*b*) or (*c*) as the case may be is not carried, the President may announce the judgment of the Executive Committee in the following form:—

"That the Executive Committee does not see fit to direct the Registrar to remove from the register the name of . . . "

101. In the event of an adjournment of the hearing or a postponement of judgment to another session, the Executive Committee on the case coming on against for consideration, may hear the pharmacist and the complainant (if any) on the day fixed for the further consideration and shall request the attendance of the pharmacist on that day before the Executive Committee; and the complainant and the pharmacist shall each be requested

Scanned with CamScanner

to furnish to the Registrar in writing not less than fifteen days before the day so fixed, a statement in writing of any further facts or evidence which he may desire to be laid before the Executive Committee.

The notice shall be given so as to allow at least twenty-eight days between the day on which the notice is given and the day appointed for the further consideration. No further facts or evidence presented by a party to the inquiry shall be received or considered by the Executive Committee unless a statement thereof has been previously furnished to the Registrar in compliance with this rule.

102. On the case coming before the Executive Committee for further consideration, the solicitor if present or the Registrar when the solicitor is not present, shall, if necessary, state the facts and explain the position of the case to the Executive Committee. The pharmacist shall then be invited to address the Executive Committee either personally or by his legal representative and lay before the Executive Committee any further evidence of which he may have duly given notice to the Registrar and the complainant (if any) shall then be invited to address the Executive Committee either personally or by his legal representative and lay before the Executive Committee any further evidence of which he may have duly given such notice.

At the conclusion of the further hearing, the Executive Committee shall deliberate on the case in private and at the conclusion of the deliberation, the President shall call upon the Executive Committee to vote in an adjourned case on the same resolution as at the original hearing and in a case in which judgment was postponed, on resolution (a), (b) or (c) in clause (3) of rule 100, as the case may be.

103. If under the direction of the Executive Committee, all the qualifications of any pharmacist have been erased from the register, then the Executive Committee shall, if it thinks fit, by formal resolution put by the President from the Chair, direct the Registrar to remove the name of such pharmacist from the register.

104. (1) The Registrar shall upon the removal of any name from the register pursuant to the provisions of the preceding rules or of 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 to the registered address of the pharmacist. The Registrar shall also send forthwith intimation of any such removal to the licensing authority under the Drugs Act, 1940 (Central Act XXIII of 1940), and also to the Dean or Secretary or other proper officer of any body or bodies from which the pharmacist has received his qualification or qualifications.

(2) A person whose name has been removed from the register under the provisions of these rules shall forthwith surrender his certificate of registration to the Registrar and the names so removed shall be published in the *Andhra Pradesh Gazette*.

105. The Registrar shall, within one month after any names have been removed from the register by order of the Executive Committee under section 36 send to the licensing bodies concerned, a list of all such names

Scanned with CamScanner

and shall call the attention of each licensing body to the following recommendation of the Executive Committee:—

"The Executive Committee recommends that no person whose name has been once removed from, and has not been restored to, the register shall, without previous reference to the Executive Committee, be admitted to examination for any new qualification which is registrable in the register."

PART XIII.

Restoration of name to the register

106. Application for restoration to the register of a name removed under section 36 shall be entertained at the next meeting of the Council only.

107. The Executive Committee may, on application received from a person whose name has been removed from the register under section 34, direct the Registrar, if it thinks fit, to re-enter the name in the register.

108. No application for the re-entry of a name removed from the register under section 34 shall be entertained unless it is accompanied by an application from the applicant in Form "L" and by the following documents:—

(a) Applicant's diploma.

(b) His certificate of registration in original, if the same has not been already returned by him in accordance with the provisions of section 36 (5).

109. Any person whose name has been removed from the register by the direction of the Council 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 re-entry of his name in the register and the following procedure shall be followed in the case of every such application:—

(1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the ground on which the application is made.

(2) The application shall be accompanied by—

(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 documents:—

(i) Applicant's diploma.

(ii) His certificate of registration in original if the same has not been already returned by him in accordance with the provisions of section 36 (5).

(ii) A certificate in Form "M" from two pharmacists registered under the Act as to his identity, or, if the applicant is not a resident in . . . a certificate as to his identity in Form "M" from two persons who shall be Magistrates or officers holding a Commission in the Defence Forces of India or Justices of Peace or two resident pharmacists registered under the Act.

(3) The statement in the application shall also be verified by certificates in writing to be given by two pharmacists registered under the Act who are

Scanned with CamScanner

resident in the neighbourhood of the place where the applicant has been residing since the removal of his name and they shall testify to his present good character.

(4) Before the application is considered by the Council, the Registrar shall notify the same to the licensing bodies whose qualifications were held by the applicant at the time his name was removed and shall further by letter addressed to the person or body (if any) on whose complaint the applicant's name was removed, give notice of the application and of the time when the Council intends to consider the same.

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

(6) The application and the certificates referred to in clause (3) shall be in Forms "N" and "O" with such variations as circumstances may require. Printed forms shall be kept by the Registrar who shall supply them to intending applicants.

PART XIV.

Registrar, Clerks and office hours.

110. The qualifications and the scale of pay for the post of the Registrar shall be fixed by the Council with the previous approval of the Government. In respect of grant of allowances other than travelling allowance to the Registrar, the Council shall generally be guided by the principles laid down in the Fundamental Rules.

111. The term of office of the Registrar shall be such number of years not exceeding five as the Government may fix but a retiring incumbent may with the approval of the Government be re-appointed for a further term or terms. Retired Government servants will also be eligible for appointments as Registrar.

112. The Registrar shall keep his registers in accordance with the provisions of the Act and these rules and regulations of the Council.

113. The Registrar shall be present at every meeting of the Council and of the Executive Committee and shall take minutes of the proceedings at such meetings.

114. The Registrar, as Secretary, shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required under these rules.

115. The Registrar shall fulfil all the duties that may be required of him by the rules and regulations for the time being of the Council.

116. Public holidays excepted, the Registrar shall attend the office of the Council from 11 a.m. to 5 p.m. provided however that on Saturdays he shall attend from 11 a.m. to 2 p.m. The Registrar shall attend also at other times when necessary and shall not absent himself from his duties except with the permission of the President.

117. The Registrar shall be authorized to obtain whatever temporary additional assistance that may be required subject to the sanction of the President.

Scanned with CamScanner

118. The Registrar shall have the general control of the management of the office, authority over the clerks and servants and superintendence of the building.

119. The duties of the clerks shall be assigned to them by the Registrar under the direction of the Executive Committee.

Leave

120. The clerks shall attend at the office on all working days and at other times when necessary and they shall not absent themselves except with the permission of the Registrar. The Registrar shall grant leave to the clerks in accordance with the leave provisions admissible to Government servants.

121. The peons shall attend office in accordance with the orders of the Registrar and they may be granted leave by the Registrar according to the rules admissible to Government servants.

PART XV.

Corporate Seal.

122. The corporate seal shall be kept in a box having two different locks and the key of one of these locks shall be in the custody of the President and the key of the other lock in the custody of the Registrar.

123. The seal shall be affixed only by order of 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 to it by the Council.

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

PART XVI.

Inspection of documents.

125. The following shall be the conditions on which leave shall be granted to members of the Council to inspect the documents of the Council when not required for use by its legal advisers:—

(1) A notice in writing of three clear days shall be given to the Registrar, except when the Council is in session when special leave may be granted.

(2) The subject of the documents needed for inspection shall be stated.

(3) Documents under inspection shall not be removed from the premises of the Council.

(4) All such documents and the information derived therefrom shall be regarded as strictly confidential.

Note.—(1) The Registrar shall be held responsible for the safe custody of all documents.

(2) It shall be an instruction to the Registrar to have documents so arranged with respect to chronological order or otherwise as to facilitate the inspection during the office hours.

Scanned with CamScanner

PART XVII

Accounts

126. The Council is authorized to receive for the purpose of its expenses, benefactions and contributions from private persons and bodies and to utilize for that purpose the proceeds of the sale of reports and other publications.

127. An account shall be opened in the State Bank of India in the name of the Council and all the moneys of the Council shall be deposited in that Bank subject to the reservation mentioned in rule 128.

128. The Registrar, if appointed as a Treasurer under section 26 (a), shall receive all moneys payable to the Council. He shall not retain in his hand a sum of more than Rs. 100, the balance being lodged in the Bank to the credit of the Council.

129. The Registrar, as the Treasurer, 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 transactions of the Council for the month previous to the one in which the meeting is held. This statement shall, if possible, be sent out with the notice calling the meeting.

130. The Registrar shall, in the month of July in each year, prepare a statement of income and expenditure for the preceding financial year ending with the 31st March and draw the attention of the Council to such matters as seem deserving of notice.

131. The annual accounts shall be made up by the Registrar under the direction of the Executive Committee.

132. In the month of September each year, an estimate of the revenue and of the expenditure of the Council for the year commencing on the 1st April next ensuing shall be laid before the Council.

133. Such estimate shall make provisions for the fulfilment 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 and all fees received from registration and other sources, the amount expected from the Government by way of grant.

134. The Council shall consider the estimate so submitted to it and shall sanction the same either unaltered or subject to such alterations as it may deem fit.

135. 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 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.

136. A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not

Scanned with CamScanner

exceeding Rs. 50 and the bill is in order, he shall pay it. If the claim is for a sum exceeding Rs. 50 and the bill is in order, payment shall be made after it is sanctioned by the President.

137. The Registrar shall immediately bring into account in the general cash book all moneys received or spent by the Council.

138. All cheques on the Bank shall be signed by the President or his nominee and the Registrar.

139. The accounts of the Council shall be audited by the Examiner of Local Fund Accounts.

PART XVIII.

Interpretation of rules.

140. The decision of the Government on any question that may arise as to the intention, construction or application of these rules shall be final.

APPENDIX.

Form A.

(See rule 3.)

Notice of Election.

(Election of a member or members to the Andhra Pharmacy Council.)

Notice is hereby given pursuant to the provisions of rule 3 (1)/(2) of the Andhra Pharmacy Council Rules, 1955, that the election of members to the Andhra Pharmacy Council to serve during the period expiring day of is about to be held.

Nominations of eligible persons to fill the vacancy are invited.

Each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may sign the nomination paper of any number of candidates not exceeding the number to be elected and for which he is entitled to vote.

Every nomination paper must be in Form B giving all the details required therein.

The nomination paper must reach the undersigned not later than day of from whom forms of nomination and nomination papers may be obtained on application.

Nomination papers in rsepect of which the provisions of Part I of the rules have not been complied with, or which are not received by the Returning Officer by the aforesaid date will be invalid.

Date

Address

Returning Officer.

Scanned with CamScanner

FORM B.

[See rule 5 (2).]

Form of nomination paper.

(Election of a member or members to the Andhra Pharmacy Council.)

I, the undersigned, being a registered pharmacist hereby nominate (a) registered as a pharmacist his registered number being (b) as a candidate for election as a member of the Andhra Pharmacy Council at the forthcoming election.

Signature:
Address.
Registration No.
Date.

We, the undersigned second the proposal of Sri

Signature:
Address.
Registration No.
Date.

Signature:
Address.
Registration No.
Date.

I, the undersigned, hereby consent to accept nomination as a candidate for election to the Andhra Pharmacy Council.

Signature:
Address.
Registration No.
Date.

(a) State name and full address.

(b) State registration number.

This nomination paper was received by me at (date and hour).

Returning Officer or person authorized by Returning Officer.

FORM D.

[See rule 7 (4).]

Form of declaration on identification envelope.

(Andhra Pharmacy Council.)

I, (a) of
hereby declare that I am the person to whom the enclosed voting pape

was addressed, that I am registered pharmacist (b) and that I have not returned any other voting paper in this election.

Signature:

Address.

Date.

Signed in the presence of (c)

1. (Signature)
2. (Signature)

(a) Insert full name.

(b) Insert register number.

(c) There must be two witnesses.

FORM E.

(See rule 73.)

Form of register of pharmacists.

1. Serial number.
2. Name in full.
2. (a) Father's name.
3. Residential address.
4. Date of first admission to the register.
5. Qualifications for registration.
5. (a) Date on which degree or diploma in pharmacy, if any, was conferred and the authority which conferred it.
6. Name of the employer.
7. Professional address.
8. Date of birth.
9. Nationality.
10. Date of renewal of registration.
11. Remarks (note removal of restoration of names with dates).

FORM F.

(See rule 76.)

The Andhra Pharmacy Council.

(Seal.)

No. Date

This is to certify that has been duly registered as a

Registered Pharmacies.

and is entitled to all the privileges granted under authority of an Act to regulate practice of Pharmacy in the State of , being Central Act No. VIII of 1948, as amended.

Scanned with CamScanner

In witness whereof are herewith affixed the seal of the Andhra Pharmacy Council and the signature of the Registrar of the said Pharmacy Council.

Registrar.

(Seal)

1. This certificate shall remain in force till 31st December , days of grace up to 31st March.

2. This certificate is the property of the Andhra Pharmacy Council and is issued to the abovenamed pharmacist in accordance with rule 78 of the Andhra Pharmacy Council Rules, 1955.

FORM G.

(See rule 77.)

Form of application for registration of Pharmacists.

(Under section 32 of the Pharmacy Act, 1948.)

To

The Registrar,

Andhra Pharmacy Council.

Sir,

I request that my name may be registered as a pharmacist under the Pharmacy Act, 1948 and that I may be furnished with a certificate of registration.

2. Necessary particulars are given on the reverse of this application.

3. I enclose herewith for your perusal and return the certificates in original and their copies for record in your office.

4. I hereby declare that I have read carefully and understood the instructions and particulars supplied to me and that all entries on the reverse of this application are true to the best of my knowledge and belief.

5. I agree that I will follow the rules of the Pharmacy Council which may be laid down for the guidance of the registered pharmacists from time to time.

Yours faithfully,

Address—

Date.

Instructions.

(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 exactly correspond with the name and particulars of the applicant entered at the University or other examination.

(3) Registration fee of Rs. 10 should be sent to the Registrar by money order or handed in person. The registration fee is not refundable whether the application for registration is accepted or rejected.

Scanned with CamScanner

(4) Under the Pharmacy Act, 1948, as it stands at present, only persons who have passed the Matriculation or its 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 applicant.

(6) A copy of rule 78 (1) and (2) regarding renewal of registration is attached for information.

ANNEXURE.

The Pharmacy Act, 1948.

Section 31—Qualifications for entry in first register.

A person shall be entitled on payment of the prescribed fee to have his name entered in the first register if he resides, or carries on the business or profession of pharmacy, in the State and if he—

(a) holds a degree or diploma in pharmacy or pharmaceutical chemistry or a chemist and druggist diploma of an Indian University or a State Government, as the case may be, or a prescribed qualification granted by an authority outside India, or

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

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

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

Section 32—Qualifications for subsequent registration.

(1) After the date appointed under sub-section (2) of section 30 and before the Education Regulations have, by or under section 11, taken effect in the State, a person shall on payment of the prescribed fee be entitled to have his name entered in the register if he resides or carries on the business or profession or pharmacy in the State and if he—

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

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

(c) possesses a qualification approved under section 14:

Provided that no person shall be entitled under this sub-section to have his name entered on the register unless he has passed a matriculation examination or an examination prescribed as being equivalent to a matriculation examination.

(2) After the Education Regulations have by or under section 11 taken effect in the State, a person shall on payment of the prescribed fee be

Scanned with CamScanner

entitled to have his name entered on the register if he has attained the age of twenty-one years, if he resides or carries on the business or profession of pharmacy, in the State and if he has passed an approved examination or possesses a qualification approved under section 14.

Section 41—*Penalty for falsely claiming to be registered.*

(1) If any person whose name is not for the time being entered in the register of the State falsely pretends that it is so entered or uses in connexion with his name or title any words or letters, reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both:

Provided that it shall be a defence to show that the name of the accused is entered in the register of another State and that at the time of the alleged offence under this section an application for registration in the State had been made.

(2) For the purposes of this section—

(a) it shall be immaterial whether or not any person is deceived by such pretence or use as aforesaid;

(b) the use of the description "pharmacist", "chemist", "druggist", "pharmaceutist", "dispenser", "dispensing chemist", or any combination of such words shall be deemed to be reasonably calculated to suggest that the person using such description is a person whose name is for the time being entered in the register of the State; and

(c) the onus of proving that the name of a person is for the time being entered in the register of a State shall be on him who asserts it.

(3) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by order of the State Government or the Executive Committee of the State Council.

Rule 78 (1) and (2) of Andhra Pharmacy Council Rules.

78. (1) The name of every person registered under the Act shall, subject to the provisions contained in the Act as to the erasure of the entries and removal of names from the register, remain entered therein and the registration of such person shall hold good until the 31st of December of the year following the year in which the name is first registered, or till such time as the State Government may consider necessary.

(2) Any person desiring to continue his registration shall submit to the Registrar an application before the 1st day of April of the year to which it relates and shall forward with such application the fee prescribed in that behalf in rule 87.

APPLICATION.

1. Name in full.
2. Father's name.
3. Place and date of birth (proof of age to be attached).
4. Nationality.

Scanned with CamScanner

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. (Kindly attach original certificate with a copy.)

8. Description of qualification as a pharmacist. (Kindly attach original certificate with a copy.)

9. Name of the examining body.

10. Name of the institution under which training undergone.

11. Year of passing the examination.

Date. Signature.

NOTE.—Till 17th of December 1954, persons with an approved qualification under section 31 (*b*) and (*d*) of the Pharmacy Act should submit a declaration that they have been engaged in a place in which drugs have been regularly dispensed on prescriptions of medical practitioners for five years before the 3rd of October 1949, together with two certificates signed by registered medical practitioners to this effect.

FORM H.

[See rule 79 (1).]

Application for registration of additional qualifications.

To

The Registrar,

Andhra Pharmacy Council.

Sir,

I beg to apply for the registration of the additional qualifications of which I have obtained from in The diplomas or certificates of the qualifications are enclosed herewith. These may be returned as soon as done with.

I am already registered under the Pharmacy Act, 1948, and my registration number is

The prescribed fee of Rs. is sent herewith.

Station

Dated the

Yours faithfully,
(Signature of the applicant).

Scanned with CamScanner

FORM I.

[See rule 79 (2).]

Registration of additional qualifications.

(Under section 35 of the Pharmacy Act, 1948.)

The additional diploma/certificate appearing below has been inserted in the register of pharmacists for the State against the names of Shri/Shrimati

Registration No.

Diplomas or certificates already registered:

Diplomas or certificates now registered:

Date: Registrar:

FORM J.

(See rule 81.)

Certified copy of entries in the register.

OFFICE OF THE ANDHRA PHARMACY COUNCIL.

No.

Certified to be a true copy of the entry in the Pharmacy Register of the name specified below:—

Name.	*Address.*	*Date of registration.*	*Qualification.*

Registrar.

N.B.—This certified copy remains evidence of registration only until the publication of the printed Pharmacists register for 19 . It is not, nor must it be used as evidence of the identity of the holder with the person named therein.

FORM K.

(See rule 93.)

Notice to a pharmacist to attend proceedings for removal of his name from the Pharmacist Register under section 36 of the Pharmacy Act, 1948.

Sir,

On behalf of the Andhra Pharmacy Council, I give you notice that information and evidence have been laid before the Council by which the complainants make the following charges against you, namely (here set out the circumstances briefly), and that in relation thereto you have been guilty of infamous conduct in a professional respect, or that you were on the day of convicted of the following offence at , *viz.*, (set out particulars of the conviction).

And I am directed further to give you notice that on the day of 19 , a meeting of the Council will be held at O'clock in the to consider the abovementioned charges against you,

Scanned with CamScanner

and decide whether or not they should direct your name to be removed from the register, pursuant to section 36 of the Pharmacy Act, 1948. You are invited and required to answer in writing the above charges and to attend before the Council at the abovementioned place and time to establish any denial or defence that you may have to make up to the abovementioned charges and you are hereby informed that if you do not attend as required, the Council may proceed to hear and decide the said charges in your absence.

Any answer or other communication or application which you may desire to make respecting the said charges or your defence thereto must be addressed to the Registrar of the Council and transmitted so as to reach him not less than days before the day appointed for the hearing of the case.

Registrar.

FORM L.

(See rule 108.)

Application for re-entry in the Register of Pharmacists of the name removed under section 34 (2).

To

The Andhra Pharmacy Council.

Sir,

I, the undersigned (*a*) holding the qualifications of (*b*) do solemnly and sincerely declare the following:—

In the year (*c*) my name was duly registered in the register in respect of the following qualifications (*d*) and on the date of erasure of my name I was registered in respect of the following additional qualifications, *viz.*, (*e*).

The Registrar removed my name from the register on (*f*) for default in payment of renewal fee.

Since the removal of my name from the register, I have been residing at (*g*) and my occupation has been (*h*)

It is my intention if my name is restored in the register to (*i*)

Declared at on

Yours faithfully,

Signature:

Witness(es).

Signature.

Address.

Registration number.

(*a*) Insert full name.

(*b*) Insert qualifications

Scanned with CamScanner

(c) Insert date of registration.
(d) Insert qualifications.
(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.

FORM N.

[See rule 109 (6).]

Statutory declaration by applicant for restoration of name to the Register of Pharmacists under section 36 of the Act.

To

The Andhra Pharmacy Council.

(1) I, the undersigned (a) now holding the qualifications of (b) do solemnly and sincerely declare that the following are the facts of my case and in reason of which I seek re-entry of my name in the Andhra Pharmacy Register.

(2) In the year of (c) my name was duly registered in the register in respect of the following qualifications namely, (d) and on the date of the removal of my name hereinafter mentioned, I was registered in respect of the same qualifications (e) and also in respect of the following additional qualifications, namely,

(3) At an enquiry held on the (f) day of the Council directed my name to be removed from the register on a complaint made to the Andhra Pharmacy Council by (g) of and the offence for which the Council directed the removal of my name was (h)

(4) Since the removal of my name from the register, I have been residing at (i) and my occupation has been

(5) It is my intention if my name is re-entered in the register to (j)

(6) The grounds of application are (k)

(Signed)

Declared at on before me.

Commissioner of Oaths or Justice of Peace.

(a) Insert full name.
(b) Insert qualifications, if any.
(c) Insert date.
(d) Insert original qualifications.

Scanned with CamScanner

(e) To be added to if necessary.
(f) Insert date of inquiry.
(g) Insert name and address of the complainant.
(h) Insert charge on which name was removed.
(i) The blanks in the paragraphs must be filled in, in accordance to circumstances
(j) Insert particulars as to proposed future professional occupation.
(k) All facts and grounds on which the application is made should be clearly and concisely stated.

FORM O.

[See rule 109 (6).]

Certificate in support of application.

I, of
certify as follows:—

(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.

Signature.

Address

Registration number.

FORM M.

[See rule 109 (2) (b) (iii).]

Certificate in support of application.

I hereby certify that the aforesaid applicant is the above specified whose name formerly stood in the Register of Pharmacists under the Pharmacy Act, 1948, with the following address and qualifications:—

Name.

Address.

Qualifications.

Date.

Signature of the person certifying.

Registration number, rank or Commission.

Scanned with CamScanner

FORM C.

[See rule 7 (3).]

Voting paper.

Election to the Andhra Pharmacy Council under clause of the Pharmacy Act, 1948.

Serial number.	Name of candidate duly nominated.	Vote.

Instructions.

1. The number of vacancies to be filled is

2. Place a cross mark (thus '×') against the name of the candidate (or each of the candidates) for whom you wish to vote.

3. A voting paper will be invalid if—

(a) it does not bear the Returning Officer's initials or facsimile signature; or

(b) a voter signs his name or writes a word or makes any mark on it, by which it become recognizable as his voting paper; and

(c) no vote is recorded thereon; or

(d) the number of votes recorded therein exceeds the number of vacancies to be filled; or

(e) it is void for uncertainty of one or more votes exercised.

FORM P.

[See rule 7 (4).]

Letter of intimation.

OFFICE OF THE ANDHRA PHARMACY COUNCIL.

Dated the

Sir/Madam,

The persons, whose names are printed on the voting paper sent herewith, have been duly nominated as candidates for election to the Andhra Pharmacy Council, should you desire to vote at the election, I request that you will—

(a) fill up and sign the declaration paper;

(b) mark your vote in the column provided for the purpose in the voting paper as directed on the voting paper;

(c) enclose the voting paper in the smaller cover and stick it up; and

(d) enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 p.m. on the day of 19 .

2. The voting paper will be rejected, if—

(a) the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or

Scanned with CamScanner

(b) the outer envelope contains no declaration paper outside smaller cover ; or

(c) the voting paper is placed outside the voting paper cover ; or

(d) the declaration paper is not the one sent by the Returning Officer to the voter ; or

(e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope ; or

(f) the declaration is not signed by the elector ; or

(g) the voting paper is invalid.

3. A voting paper will be invalid, if—

(i) it does not bear the Returning Officer's initials or facsimile signature ; or

(ii) a voter signs his name, or writes any word or makes any mark by which it becomes recognizable as his voting paper ; or

(iii) no vote is recorded thereon ; or

(iv) the number of votes recorded thereon exceeds the number of vacancies to be filled ; or

(v) it is void for uncertainty of one or more votes exercised :

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

4. If a voter inadvertently spoils a voting paper, he can return it to the Returning Officer who will, it satisfied of such inadvertence, issue to him another voting paper.

5. The scrutiny and counting of votes will begin on (date) at (hour).

6. No person shall be present at the scrutiny and counting except the Returning Officer who will, if satisfied of such inadvertence, issue to him candidates or their duly authorized representatives.

Returning Officer.

K. S. PRAKASA RAO,
Deputy Secretary to Government.

GPH—262—21-4-60—200.

Scanned with CamScanner