

[TO BE INTRODUCED IN THE SENATE]

A

BILL

*to establish the Pakistan Pharmacy Council to regulate the practice of Pharmacy*

WHEREAS it is expedient to establish the Pakistan Pharmacy Council to regulate the Profession of Pharmacy and to provide matters connected therewith and incidental thereto;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter;

It is hereby enacted as follows: -

**1. Short title, extent and commencement.**- (1) This Act may be called the Pakistan Pharmacy Council Act, 2013.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "apprentice in pharmacy" means a person who is enrolled in Register "C" under section 28;

(b) "approved" means approved under section 17 or 18 or, as the case may be, section 19;

(c) "Code of Ethics and Conduct" means the Code of Ethics and Conduct as prescribed and revised by the Council from time to time;

(d) "Council" means the Pakistan Pharmacy Council established under section 3;

(e) "Degree in Pharmacy" means a basic degree in Pharmacy conferred by a University or an institution recognized by the Council for this purpose;

(f) "Drug Court" means a court established under section 31 of the Drugs Act, 1976 (XXXI of 1976);

(g) "Government" means the Federal Government;

- (h) "Inspector" means an Inspector appointed by the Council under section 25 of this Act;
- (i) "Pakistan Pharmacists Association" means the association registered under the Societies Registration Act, 1860 (XXV of 1860) and known at the commencement of this Act, by that name;
- (j) "Pakistani University" means any university established by a Pakistani law and having a Pharmacy faculty or department;
- (k) "practice of pharmacy" is defined whereby following activities are undertaken independently or in unison with each other, namely: -
  - (i) all activities pertaining to hospital pharmacy management including procurement, storage, manufacture, distribution, compounding and dispensing of drugs, patient counseling, drug information and other related functions;
  - (ii) clinical pharmacy;
  - (iii) community pharmacy;
  - (iv) compounding and dispensing of drugs;
  - (v) drugs control administration;
  - (vi) industrial pharmacy;
  - (vii) pharmaco-economics, pharmaco-epidemiology, pharmaco-genomics;
  - (viii) primary care pharmacy;
  - (ix) supervision and production of drugs;
  - (x) supervision and quality control of drugs;
  - (xi) supervision of sales and distribution of drugs; and
  - (xii) teaching of pharmacy;
- (l) "prescribed" means prescribed by Rules and Regulations framed under this Act;
- (m) "Pharmacist" means a person who is registered in Register "A" under section 28 and holds a valid registration;
- (n) "Pharmacy institution" means an institution whose qualifications of pharmacy are recognized under this Act;

- (o) "Pharmacy Technician" means a person who is registered in Register "B" as Pharmacy Technician under section 28 of the Pharmacy Act, 1967 and holds a valid registration;
- (p) "Premises" means separate place which is exclusively used for the storage and sale of drugs registered under the Drugs Act, 1976;
- (q) "Recognized Pharmacy Institutions" means an institution which has been recognized by the Pharmacy Council of Pakistan as per sections 17, 18 and 19 of this Act;
- (r) "Registered" means registered under Section 28 of this Act;
- (s) "Schedule" means a Schedule to this Act; and
- (t) "Secretary" means the person appointed by the Council as Secretary, Pakistan Pharmacy Council under section 14 of this Act.

**3. Establishment of Pharmacy Council.**- (1) Within a period of one year from the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish a Pakistan Pharmacy Council.

(2) Pharmacy Council established under sub-section (1) shall be a body corporate having perpetual succession and common seal, with power, among others, to acquire, utilize funds, hold and dispose of property, and shall by its name sue and be sued.

**4. Composition of the Council.**-(1) The Council shall, subject to the provisions of sub-section (2), consist of the following members, namely: -

- (a) The Director General of Health, Government of Pakistan, ex-officio, who shall, unless the Federal Government appoints any other officer to be President, also be the President of the Council;
- (b) The officer, if any, appointed under clause (a) to be the President of the Council;
- (c) six persons, one from each province having at least 15 years of teaching experience in the field of Clinical Pharmacy, Pharmaceutics, Pharmacognosy and Pharmacology, to be nominated by the Federal Government, as far as possible in consultation with the Provincial Governments;

- (d) four persons to be nominated by the Federal Government out of whom there shall be one from each province, amongst the persons working with the Provincial Governments concerned;
- (e) eight persons to be nominated by the Federal Government, amongst whom there shall be at least one person each engaged in the field of Industrial Pharmacy, Analytical Pharmacy, Retail Pharmacy, Wholesale Pharmacy and Hospital Pharmacy;
- (f) two persons to be nominated by the Federal Government in consultation with the Pakistan Pharmacists Association;
- (g) two persons from Drug Control Organization of Ministry of Health, Government of Pakistan to be nominated by the Ministry of Health; and
- (h) Secretary, Pharmacy Council of Pakistan.

(2) The Federal Government may, by notification in the official Gazette increase the number of persons to be nominated by it under any clause of sub-section (1).

**5. Election of Vice-President.**- (1) The Council shall every year elect one of its members to be the Vice-President of the Council and the Vice-President so elected shall hold office for a period of one year and shall be eligible for re-election:

Provided that a Vice-President shall, notwithstanding the expiry of his term, continue to function until his successor is elected.

(2) The Vice-President shall perform such functions as may be entrusted to him by the Council and, in the absence of the President, also the functions of the President.

**6. Qualification for membership.**- No person other than that mentioned in clause (a) of sub-section (1) of section 4, shall be eligible for nomination as a member of the Council unless he holds a basic Degree in Pharmacy and is also registered as Pharmacist.

**7. Publication of names.** – The Federal Government shall publish the names or the official titles of the Council in the official Gazette.

**8. Term of office.-** (1) Subject to the provisions of sub-section (2), a member other than an ex-officio member shall hold office for a period of three years commencing from the date he assumes office and shall be eligible for re-nomination:

Provided that not withstanding the expiry of his term a member shall continue to function until his successor is notified.

(2) Where the Federal Government upon the recommendation of a majority of the members of the Council, is satisfied that a member of the Council is negligent in the discharge of his duties or is guilty of any unprofessional or dishonorable conduct or is otherwise not competent to perform the functions of a member, it may, by notification in the official Gazette, remove such member and upon the publication of such notification the seat of the member shall become vacant.

**9. Filling of casual vacancy.-** A casual vacancy in the office of a member shall be filled for the remainder of the term of such member, not being less than six months, by nominating another person in his place, in the same manner in which such member was nominated.

**10. Vacancy, etc., not to invalidate the proceedings of the Council.-** No act or proceedings of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the composition of the Council.

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

(2) A Committee constituted under sub-section (1) may co-opt as its member any person whose assistance or advice, it may consider necessary for the efficient performance of its functions.

**12. Meetings of the Council.-** (1) The Council shall meet at least twice a year at such time and place, and a meeting of the Council shall be summoned and conducted in such manner, as may be laid down by its bye-laws:

Provided that, until such bye-laws are made, the President of the Council may, by notice addressed to each member, summon and conduct a meeting at such time and place and in such manner as he may deem expedient.

(2) The President and, in his absence, the Vice-President shall preside at every meeting of the Council and, in the absence of both the President and the Vice-President, the members present shall elect one amongst them to preside.

(3) The quorum for a meeting of the Council shall be one third of the total number and a fraction being counted as one.

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

**14. Appointment of Secretary, Registrar, officers and staff of the Council.-** (1) The Council shall, with the approval of the Federal Government, appoint a full time Secretary and a Registrar from amongst persons eligible for registration as pharmacists under this Act on such terms and conditions as it may deem fit.

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

**15. Finances.-** (1) The funds of the Council shall consist of such moneys as may be placed at its disposal by the Federal Government.

(2) The funds of the Council shall also consist of the fee received by it under this Act:

Provided that all the assets, funds, both moveable and immovable property of the former Provincial Councils constituted under the Pharmacy Act, 1967 shall stand transferred to the Council established under this Act and the employees of former Provincial Pharmacy Councils will be the employees of newly established Pakistan Pharmacy Council.

**16. Functions of the Council.-** (1) The functions of the Council shall be:-

- (a) to approve examinations in pharmacy for the purpose of qualifying persons for registration as pharmacists, pharmacy technicians and apprentices in pharmacy;
- (b) to prescribe the subjects in which approved examinations shall be held;

- (c) to approve the courses of study and practical training in pharmacy for the purpose of admission to approved examination;
- (d) to prescribe the conditions and procedure for admission of candidates to an approved examination;
- (e) to lay down the standards of teaching to be maintained by institutions conducting the approved courses of study and to prescribe the qualifications for teachers;
- (f) to prescribe the equipment and facilities to be made available to the students;
- (g) to recognize degrees, diplomas and certificates in pharmacy granted by institutions in and outside Pakistan, for the purpose of registration as pharmacists, pharmacy technicians or enrolment as Apprentices in Pharmacy;
- (h) to cause inspection of institutions which conduct any courses of study in pharmacy and of the teachings imparted and examinations held by them;
- (i) to lay down the qualification and conditions of registration as pharmacists, pharmacy technicians and to review these conditions and qualifications whenever deemed fit;
- (j) to lay down and prescribe the Code of Ethics and Conduct for pharmacy professionals;
- (k) to formulate Inquiry Commission/Committees to conduct any inquiry;
- (l) to prepare and maintain registers of Pharmacists and Pharmacy Technicians;
- (m) to register pharmacists and pharmacy technicians and grant certificate of registration;
- (n) to conduct examination for the purpose of registration as pharmacist and pharmacy technician, as and when required or deemed fit;

- (o) to prescribe fee for registration, examination, renewal of registration, inspection of Pharmacy institutions and other purposes and review the same whenever required;
- (p) to conduct and organize training courses and programs for continued education; and
- (q) to do such other acts and things as it may be empowered or required to do by or under this Act:

Provided that if the Council is of the opinion that it is necessary for the advancement and uniformity in the education to introduce examination for the purpose of registration as pharmacist, it may do so, by notifying its intention in the official Gazette.

(2) The Council, with the previous approval of the Federal Government may by notification in the official Gazette, make Rules, Regulations and or bye-laws for the purposes of sub-section (1) and other functions to be performed by the Council.

**17. Recognition of Pharmacy Teaching Institution.**- (1) Any person desirous of running or establishing any university, college or institution for imparting education in pharmacy shall not do so unless it is recognized by the Council.

(2) No university shall grant affiliation to any college or institution, unless such institution or college is recognized by the Council.

(3) No university, college or institution shall award any degree or certificate in pharmacy unless it is recognized by the Council.

(4) Any person desirous to run or establish a college or institution for imparting education in pharmacy shall apply for recognition under this Act and no college or institution shall be recognized unless it fulfils the conditions prescribed by the regulations.

(5) An application under any of above shall be addressed to the Council and shall be accompanied by the fee and shall contain such information as may be prescribed by the bye-laws.

(6) After considering the information furnished with the application and the report of inquiry, if any, and after making such further inquiry as may, if any, from time to time, appear to it be necessary, the Council shall forward the application to the Federal Government along with its recommendations which may, grant or refuse to grant recognition or grant the recognition subject to such terms and conditions, if any, as may be specified in the order. The Council may for the above purpose make such order and issue such direction to the institutions as it may deem fit.

**18. Approval of Examinations.-** (1) Any institution or authority, which holds an examination in pharmacy, shall apply to the Council for approval of the examination for the purpose of qualifying a person for registration as a pharmacist and pharmacy technician under this Act.

(2) The Council, if it is satisfied after such inquiry as it may think fit that the examination for the approval of which an application has been made under sub-section (1), is in conformity with this Act and the regulations, shall approve the examination and, by notification in the official Gazette, declare it to be an approved examination for the purpose of qualifying a person for registration as a pharmacist and pharmacy technician under this Act.

(3) From the date of commencement of this Act, no institution or person shall enroll a person for training in the subjects of Pharmacy including compounding and dispensing except for such institutions, faculties and departments of the Universities as accredited by the Council.

**19. Approval of Courses of study.-** (1) Any institution or authority which conducts a course of study in pharmacy shall apply to the Council for approval of such courses of study for the purpose of admission to an approved examination.

(2) The Council, if it is satisfied after such inquiry as it may think fit that the course of study for the approval of which an application has been made under sub-section (1) is in conformity with this Act and the regulations, shall submit the application together with its recommendations to the Federal Government and shall, upon the approval of the course of study by the Federal Government, declare it, by notification in the official Gazette, to be an approved course of study for the purpose of admission to an approved examination.

(3) From the date of commencement of this Act, no institution or person shall enroll a person for training in the subjects of Pharmacy including compounding and dispensing except for such institutions, faculties and departments of the Universities as accredited by the Council.

**20. Withdrawal of Recognition and or Approval.**- (1) If the Federal Government is satisfied that a college, institution, faculty or department of a University which has been recognized and or granted approval does not fulfill the prescribed conditions or has ceased to fulfill any such condition or has not fulfilled the condition subject to which recognition and or approval was granted, it may withdraw the recognition and or approval.

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

(3) The institution or authority to whom a notice has been given under sub-section (2) shall, within sixty days from the receipt of such notice, comply with the notice and may also make such representation to the Council, directly, or through Higher Education Commission in the case of a public institution or a University controlled by it, as it may wish to make.

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

**21. Reciprocal Recognition of Qualification.**-(1) The Council may, for settling a scheme of reciprocity or recognition of qualifications, enter into negotiations with any authority in a foreign country, which, by the law of such country, is entrusted with the maintenance of, or is authorized to maintain, a register of pharmacists and pharmacy technicians.

(2) The Council may in pursuance of any scheme of reciprocity settled under sub-section (1), by notification in the official Gazette, declare in respect of any qualification granted by any authority in such country that was qualification only when granted after the date specified in the notification, shall be recognized qualification for the purposes of this Act.

(3) Notwithstanding that a scheme of reciprocity has not been settled under sub-section (1), the Federal Government may, after consultation with the Council, by notification in the official Gazette, declare that a qualification or higher qualification granted by an institution or authority of a foreign country shall, for such period and subject to such conditions, if any, as may be specified in the notification, be a recognized qualification or a recognized higher qualification for the purposes of this Act.

**22. Recognition of qualification granted by pharmacy institutions in Pakistan.**- (1) The qualifications granted by pharmacy institution in Pakistan which are included in the First Schedule shall be recognized qualifications for the purposes of this Act.

(2) Any institution or authority in Pakistan which conducts a course of study in pharmacy and grants a pharmacy qualification not included in the First Schedule shall apply to the Council for approval of such course of study or qualification for the purposes of admission to an approved examination.

(3) The Council, if it is satisfied after such inquiry as it may deem fit that the course of study for the approval of which an application has been made under sub-section (2) is in conformity with this Act and the regulation, declare it to be an approved course of study for the purposes of admission to an approved examination.

(4) Such approval may also direct that an entry shall be made in the First Schedule against such pharmacy qualification declaring that it shall be a recognized pharmacy qualification only when granted after a specified date.

**23. Recognition of pharmacy qualification granted by an institution outside Pakistan.**- The Council, may, if it thinks fit, direct that a pharmacy qualification granted by an institution in a state or country outside Pakistan shall be recognized, for such period and upon such conditions as may be specified in the direction, as if it were mentioned in the Second Schedule notwithstanding the fact that a reciprocal scheme of recognition has not been entered into between the Council and such authority in that state or country as is referred to in sub-section (1) of section 21.

**24. Furnishing of information.-** Every institution or authority which applies for recognition under section 17, or the approval of an examination under section 18, or of a course of study under section 19, or holds an approved examination, or conducts an approved course of study, shall furnish to the Council such information as the Council may from time to time, require relating to,-

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

**25. Inspectors.-** (1) The Council may appoint any person as Inspector(s) amongst its members or Pharmacists, for the inspection of institutions as it may consider necessary.

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

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

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

**26. Preparation and maintenance of Registers.-** (1) The Council shall prepare or cause to be prepared and maintained the following Registers of pharmacists, pharmacy technicians and apprentices in pharmacy, namely: -

- (a) Register A - in which shall be registered the persons specified in sub-section (1) of section 27; and

- (b) Register B- in which shall be registered the persons specified in sub section (2) of section 27:

Provided that the Council may, with the previous approval of the Government, discontinue the registration of apprentices in pharmacy and may, with like approval re-open such registration after it has been discontinued and shall, upon such discontinuance or re-opening, publish in the official gazette a notice thereof specifying the date of such discontinuance or re-opening.

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

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

**27. Qualifications for registration as a pharmacist and pharmacy technician.**— (1) Persons who hold a bachelor's or equivalent basic degree in pharmacy conferred by a University or an institution affiliated thereto, where the degree is recognized by the Council shall, subject to the provision of sub-section (4) of section 28, shall be qualified for registration as pharmacists under this Act.

(2) The following persons shall, subject to the provision of sub-section (4) of section 28, be qualified for registration as pharmacy technicians under this Act, namely: -

- (a) a person who holds a diploma in pharmacy granted by any institution recognized by the Council; or
- (b) a person who passes the examination in pharmacy held by the Council for this purpose.

(3) No person shall be qualified for registration as a pharmacist or pharmacy technician, -

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

**28. Procedure for registration.**- (1) As soon as may be after the opening of the Register under section 26, the Council shall, by notification in the official Gazette, invite applications from persons desirous of being registered as pharmacists and pharmacy technicians.

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

(3) The Council shall examine every application received by it and, if it is satisfied that the applicant is qualified for registration under section 27 and 29, direct that the entry, of the name of the applicant, be made in the relevant Register.

(4) The Council may, on its own motion, and shall, upon an application made in this behalf, within ninety days of the receipt of application made by the person concerned review its decision to reject the application for registration, and the decision of the Council upon such review shall be final.

(5) Failure to inform the applicant of the rejection within the period specified in sub-section (4) shall be treated as acceptance of the application for registration, unless otherwise the applicant is informed in writing of the reasons of the delay.

**29. Certificate of registration.**- (1) The Council shall issue a certificate of registration to a person who has been registered under section 28.

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

- (a) name and father's name;
- (b) qualifications;
- (c) a passport size photograph of the person registered;

- (d) full signature of the person registered;
- (e) any mark of identification of the person registered; and
- (f) National Identity Card Number in the case of Pakistani Nationals only.

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

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

**30. Validity and Renewal of Registration etc.-** Subject to the provision of this Act, the registration of a Pharmacist and or Pharmacy Technician shall be valid for a period of three years and will be renewed under such condition as may be prescribed.

**31. Revocation of certificate.-** (1) The Council may, after giving the person an opportunity to make representation and of being heard, revoke the certificate of registration issued to him, if such person,-

- (a) incurs any disqualification specified in sub-section (2) of section 23; or
- (b) fails or neglects to comply with any directive in respect of the practice of pharmacy which the Federal Government or the Provincial Government may, from time to time, issue; or
- (c) is guilty of such professional misconduct or contravenes the Code of Ethics as may be laid down by the Council in this behalf.

(2) Where any certificate of registration is revoked under sub-section (1), the name of the person whose certificate has been so revoked shall, after he has been given a notice in writing of such revocation, be struck off register in which his name was entered and his registration shall thereupon stand cancelled.

(3) The Council may, of its own motion, and shall, upon an application made in this behalf within thirty days of the receipt of the notice under sub-section (2) by the person concerned review its decision to revoke a certificate of registration, and the decision of the Council upon such review shall be final.

**32. Examination for registration as pharmacists and pharmacy technician.-** For the purpose of registration as pharmacists and or pharmacy technician, the Council may, after giving notice in this behalf, hold examinations.

**33. Responsibilities of Registered Pharmacists.-** (1) Every registered Pharmacist or Pharmacy Technician shall notify any transfer of the place of his residence or practice to the Council within thirty days of such transfer.

(2) No registered Pharmacist or Pharmacy Technician shall use or publish in any way whatsoever, any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses any additional or other professional qualification unless the same has been conferred upon him by a legally constituted authority within or outside Pakistan.

(3) Every registered pharmacist will be entitled to write "Registered Pharmacist" or use the abbreviation "R. Ph" along with his name and qualification.

**34. Prohibitions.-** (1) No person shall run or establish any college or institution for imparting education in pharmacy and neither shall any University grant affiliation to any such college or institution nor shall any such college or institution award any certificate unless recognition has been granted to such college or institution under this Act.

(2) No person shall, subject to the provisions of sub-section (4), from the commencement of this Act or such later date as the Government may, by notification in the official Gazette, specify in this behalf, practice as pharmacist or pharmacy technician unless he is registered with the Council and displays his certificate in a conspicuous place within the premises in which he so practices.

(3) Whoever employs any Pharmacist or Pharmacy Technician for the purpose of any business or professional practice in pharmacy shall cause the certificate of registration of the person so employed to be displayed in a conspicuous place within the premises in which such business is carried on.

(4) Nothing in sub-section (2) shall apply to a foreign Pharmacist who is engaged, with the approval of the Council, for the purposes of consultation, advice or instruction.

**35. Penalty.-** (1) Whoever runs or establishes any college or institution for imparting education in pharmacy which is not recognized under section 17, 18 or 19 or in respect of which recognition has been withdrawn under section 20 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years and with fine which may extend to one million rupees.

(2) Where the person is guilty of an offence referred to in sub-section (1) is an association or organization every officer responsible for the conduct of its affairs shall, unless he proves that the offence was committed without his knowledge or that he exercised all diligence to prevent its commission, be deemed to be guilty of offence.

(3) Whoever contravenes the provisions of sub-section (2) or (3) of section 34 shall be punishable with imprisonment of either description for term which may extend to six months, or with fine which may extend to twenty-five thousand rupees, or both.

**36. Cognizance of offences.**- (1) No court, other than the Drugs Court shall try and take cognizance of an offence under this Act except upon a complaint in writing made by an Inspector appointed under the Drugs Act, 1976, or an officer specially empowered in this behalf by the Federal Government or the Council by a notification in the official Gazette.

(2) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (Act V of 1898), an offence punishable under this Act other than an offence mentioned in sub-section (1) of section 34, shall be non-cognizable.

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

**38. Power to make Rules, Regulations and Bye-laws.**- (1) The Council may with the previous approval of the Federal Government make Rules, Regulations and Bye-laws for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules, Regulations and Bye-laws may provide for all the functions entrusted to the Council through different sections of this Act or any of the following matters, namely: -

- (a) the procedure for the meetings of the Council and of its Committees;
- (b) the management of the property and funds of the Council;
- (c) maintenance and audit of the accounts of the Council ;
- (d) the procedure for election of the Vice-President;
- (e) the powers and duties of the President and Vice-President;
- (f) the terms and conditions of the service of the Secretary, Registrar and other officers and staff of the Council;
- (g) fees to be prescribed under this Act;
- (h) rules and procedures for the conduct of examination etc.; and

- (i) such other matters as are required by this Act to be provided for by bye-laws or are considered necessary for the efficient performance of the functions of the Council.

(3) Until such time as the Rules, Regulations and Bye-laws are made, the President of the Council may issue such instructions as he may consider necessary to regulate all or any of the matters specified in sub-section (2), and any such instructions shall stand rescinded upon the making of bye-laws by the Council.

**39. Saving.**- Nothing in this Act shall be deemed to effect the registration of any person who was registered under the Pharmacy Act, 1967, immediately before the commencement of this Act.

### **STATEMENT OF OBJECTS AND REASONS**

1. The present Pharmacy Act was promulgated in 1967 i.e. some 42 years back. At that time, there were very few pharmacy graduates as only two Universities were awarding degree in Pharmacy i.e. University of the Punjab, Lahore and University of Karachi, Karachi, whereas now there are more than 30 institutions conducting pharmacy degree courses.

2. The present Pharmacy Act provides for registration of persons other than those holding a qualification in Pharmacy e.g. Dispensers, compounders, apprentice etc. The Rules made under the present Act also allow the issuance of Drug Sale License to non-professionals and those holding no training or qualification in Pharmacy.

3. Due to gaps and weaknesses of the present Act more than 80,000 pharmacy stores (medical stores) are present in Pakistan, which are very difficult to be efficiently controlled and regulated by Drugs Control Authorities, as very limited number of regulatory officers are there to regulate the said business. This huge number of medical stores which remain un-checked, is a rich source of spurious, counterfeited, substandard and un-registered drugs in Pakistan. This huge number is un-precedented, which is not seen in any other part of the world.

4. The Supreme Court of Pakistan on 12-05-2006 vide Misc. APP No. 66/2006 has taken very serious notice of the spread of spurious and counterfeited drugs in the Country. The Supreme Court in its orders has directed the Federal and Provincial Governments to ensure the safety to the public health by taking all necessary measures.

5. To protect the public health from the hazards of drugs by their misuse, it is the urgent need of the hour to replace the existing Pharmacy Act with this "Pharmacy Council of Pakistan Act" in the best interest of the public.
6. The proposed Act will have the following benefits:-
- (a) To stop the registration of the non-professional, non-qualified person as pharmacist, this will ensure public health safety by professional handling of medicines and drugs as already being practiced in other countries of the world;
  - (b) The proposed Act will encourage the establishment of community pharmacy, which is already present even in under-developed countries like Iran, Egypt, UAE, Saudi Arabia and Sri Lanka etc.;
  - (c) The flow of spurious and counterfeited drugs could be easily stopped through professionally trained and qualified pharmacy graduates;
  - (d) This Act will provide quality and standardized pharmacy education;
  - (e) This Act will provide jobs to the thousands of un-employed pharmacy graduates, which are produced each year by over 30 Universities/ institutions conducting Pharmacy degree courses;
  - (f) The proposed Act will bring the Pharmacy profession in conformity with the global situations especially keeping in view the challenges of WTO about pharmaceuticals; and
  - (g) This is an effective step forward about ensuring good implementation of law, which will be uniform through-out the country.

**SENATOR ABDUL HASEEB KHAN**  
Member-in-Charge