**MISCELLANEOUS**

**41. Penalty for falsely claiming to be registered**:-

(1) If any person whose name is not for the time being entered into the register of the State falsely pretends that it is so entered or uses in connection 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 [**1**](http://www.pci.nic.in/pharmaact_chapter5.html#1)[or of any such word with any other word] 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 resister of the State;

(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[**1**](http://www.pci.nic.in/pharmaact_chapter5.html#1)[any officer authorized in this behalf by the State Government or by order of] the Executive Committee of the State Council.

**42.Dispensing****by unregistered persons:-**

(1) On or after such date as the State Government may by notification in the Official Gazette appoint in this behalf, no person other than a registered pharmacist shall compound, prepare, mix, or dispense any medicine on the prescription of a medical practitioner [**2**](http://www.pci.nic.in/pharmaact_chapter5.html#2)[\*\*\*];

Provided that this sub-section shall not apply to dispensing by a medical practitioner of medicine for his own patients, or with the general or special sanction of the State Government, for the patients of another medical practitioner.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both.

(3) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by [**3**](http://www.pci.nic.in/pharmaact_chapter5.html#3)[order of the State Government or any officer authorized in this behalf by the State Government or by order of the Executive Committee of the State Council]:

[**4**](http://www.pci.nic.in/pharmaact_chapter5.html#4) [Provided further that where no such date is appointed by the Government of a State, this sub-section shall take effect in that State on the expiry of a period of[**5**](http://www.pci.nic.in/pharmaact_chapter5.html#5) [eight years] from the commencement of the pharmacy (Amendment) Act, 1976.]

**43. Failure****to surrender certificate of registration**:-

(1) If any person whose name has been removed from the register fails without sufficient cause forthwith to surrender his certificate of registration he shall be punishable with fine which may extend to fifty rupees.

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

**44. Payment****of part of fees to Central Council:-**

The State council shall before the end of June in each year pay to the Central Council a sum equivalent to one-fourth of the total fees realized by the State Council under this Act during the period of twelve months ending on the 31st day of March of that year.

**45. Appointment****of Commission of Enquiry**:-

(1) Whenever it appears to the Central Government that the Central Council is not complying with any of the provisions of this Act, the Central Government may appoint a Commission of Enquiry consisting of there persons, two of whom shall be appointed by the Central Government one being the Judge of a High Court, and one by the Council; and refer to it the matters on which the enquiry is to be made.

(2) The Commission shall proceed to enquire in such manner as it may deem fit and report to the Central Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.

(3) The Central Government may accept the  report or remit the same to the Commission for modification or reconsideration.

(4) After the report is finally accepted, the Central Government may order the Central Council to adopt the remedies so recommended within such time as may be specified in the order and if the Council fails to comply within the time so specified, the Central Government may pass such order or take such action as may be necessary to give effect to the recommendations of the Commission.

(5)Whenever it appears to the State Government that the State Council is not complying with any of the provisions of the Act, the State Government may likewise appoint a similar Commission of Enquiry and pass such order or take such action as specified in sub �sections (3) and (4).

**46. Power****to make rules**:-

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of Chapters III, IV and V.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for-

(a)    the management of the property of the State Council, and the maintenance and audit of its accounts;

(b)    the manner in which elections under Chapter III shall be conducted;

(c)    the summoning and holding of meetings of the State Council, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to form a quorum;

(d)    the powers and duties of the President and Vice-President of the State Council;

(e)    the constitution and function of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and number of members necessary to constitute a quorum;

(f)     the qualifications, the term of office and the powers and duties of the Registrar and other officers and servants of the State Council including the amount and nature of the security to be given by the Treasurer;

[**6**](http://www.pci.nic.in/pharmaact_chapter5.html#6)[(ff) the qualifications, powers and duties of an Inspector;]

(a)    the particulars to be stated, and the proof of qualifications to be given, in application for registration under Chapter IV;

(b)    the conditions for registration under sub-section (1) of section 32;

(c)    fees payable under Chapter IV and the charge for supplying copies of the register;

(d)    the form of certificates of registration [**7**](http://www.pci.nic.in/pharmaact_chapter5.html#7)[\*\*\*].

(e)    the maintenance of a register;

[**8**](http://www.pci.nic.in/pharmaact_chapter5.html#8)[(kk) the conduct of pharmacists and their duties in relation to medical practitioners the public and the profession of pharmacy;]

(f)     any other matter which is to be or may be prescribed under Chapters III, IV and V except sub-sections (1),(2),(3) and (4) of section 45.

[**9**](http://www.pci.nic.in/pharmaact_chapter5.html#9)[(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.]