

# THE DENTISTS ACT, 1948

[Act No. 16 of 1948 dated 29th. March, 1948]<sup>1</sup>

*An Act to regulate the profession of dentistry.*

WHEREAS it is expedient to make provision for the regulation of the profession of dentistry and for that purpose to constitute Dental Councils;

It is hereby enacted as follows: -

## CHAPTER I: INTRODUCTORY

### 1. Short title and extent

- (1) This Act, may be called the Dentists Act, 1948.
- (2) It extends to <sup>2</sup>[the whole of India <sup>3</sup>[\*\*\*]]

### 2. Interpretation

In this Act, unless there is anything repugnant in the subject or context,-

- (a) "the Council" means the Dental Council of India constituted under section 3;
- (b) "dental hygienist" means a person not being a dentist or a medical practitioner, who scales, cleans or polishes teeth, or gives instruction in dental hygiene;
- (c) "dental mechanic" means a person who makes or repairs denture and dental appliances;
- (d) "dentistry" includes-
  - (i) the performance of any operation on, and the treatment on any disease, deficiency or lesion of, human teeth or jaws, and the performance of radiographic work in connection with human teeth or jaws or the oral cavity;
  - (ii) the giving of any anaesthetic in connection with any such operation or treatment;
  - (iii) the mechanical construction or the renewal of artificial dentures or restorative dental appliances;
  - (iv) the performance of any operation on, or the giving of any treatment, advice or attendance to, any person preparatory to, or for the purpose of, or in connection with, the fitting, inserting, fixing, constructing, repairing or renewing of artificial dentures or restorative dental appliances, and the performance of any such operation and the giving of any such treatment, advice or attendance, as is usually performed or given by dentists;

(e) "dentist" means a person who practises dentistry;

(f) "medical practitioner" means a person who holds a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916, or specified in the Schedules to the <sup>4</sup>[Indian Medical Council Act, 1956] <sup>5</sup>[or specified in any other law for the time being in force in any State,] or who practises any system of medicine and is registered or is entitled to be registered in any <sup>6</sup>[State] medical register by whatever name called;

(g) "prescribed" means prescribed by rules or regulations made under this Act;

(h) "<sup>6</sup>[State] Council" means a <sup>6</sup>[State] Dental Council constituted under section 21, and includes a Joint <sup>6</sup>[State] Council constituted in accordance with an agreement under section 22;

(i) "register" means a register maintained under this Act;

<sup>7</sup>[(j) "recognised dental qualification" means any of the qualifications included in the Schedule;]

(k) "recognised dental hygiene qualification" means a qualification recognised by the Council under section 11;

(l) "registered dentist", "registered dental hygienist" and "registered dental mechanic" shall mean, respectively, a person whose name is for the time being registered in a register of dentists, a register of dental hygienists and a register of dental mechanics.

<sup>8</sup>[\*\*\*]

## **9[2A. Construction of references to laws not in force in Jammu and Kashmir**

Any reference in this Act to a law which is not, in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

## **CHAPTER II: DENTAL COUNCIL OF INDIA**

### **3. Constitution and composition of Council**

The Central Government shall, as soon as may be, constitute a Council consisting of the following members, namely:-

(a) one registered dentist possessing a recognised dental qualification elected by the dentists registered in Part A of each <sup>6</sup>[State] register.

(b) one member elected from amongst themselves by the members of the Medical Council of India;

<sup>10</sup>[(c) not more than four members elected from among themselves, by-

(a) Principals, Deans, Directors and Vice-Principals of dental colleges in the States training students for recognised dental qualifications:

Provided that not more than one member shall be elected from the same dental college;

(b) Heads of dental wings of medical colleges in the States training students for recognised dental qualifications;]

(d) one member from each University established by law in the States which grants a recognised dental qualification, to be elected by the members of the Senate of the University, or in case the University has no Senate, by the members of the court, from amongst the members of the Dental Faculty of the University or in case the University has no Dental Faculty, from amongst the members of the Medical Faculty thereof;

(e) one member to represent <sup>12</sup>[each State <sup>13\*\*\*</sup>], nominated by the Government of each such State from among persons registered either in a medical register or a dental register of the State.]

<sup>14</sup>[Explanation.- In this clause, "State" does not include a Union territory;]

(f) six members nominated by the Central Government, of whom at least one shall be a registered dentist possessing a recognised dental qualification and practising or holding an appointment in an institution for the training of dentists in a <sup>15</sup>[Union territory], and at least two shall be dentists registered in Part B of a <sup>6</sup>[State] register;

<sup>16</sup>[(g) the Director General of Health Services, ex Officio:]

Provided that pending the preparation of registers the <sup>6</sup>[State] Governments may nominate to the first Council members referred to in parts (a) and (e) and the Central Government members referred to in part (f) out of persons who are eligible for registration in the respective registers and such persons shall hold office for such period as the <sup>6</sup>[State] or Central Government may, by notification in the Official Gazette, specify.

#### **4. Incorporation of Council**

The Council shall be a body corporate by the name of the Dental Council of India, having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

#### **5. Mode of elections**

Elections under this Chapter shall be conducted in the prescribed manner and where any dispute arises regarding any such election, it shall be referred to the Central Government whose decision shall be final.

#### **6. Term of office and casual vacancies**

(1) Subject to the provision of this section an elected or nominated member shall hold office for a term of five years from the date of his election or nomination or until his successor has been duly elected or nominated, which ever is longer:

<sup>17</sup>[Provided that a member nominated under clause (e) or clause (f) of section 3, shall hold office during the pleasure of the authority nominating him.]

(2) An elected or nominated member may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall thereupon become vacant.

(3) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council or, in the case of a member whose name is required to be included in a <sup>6</sup>[State] register, if his name is removed from such register, or if he has been elected under clause (c) of section 3, <sup>18</sup>[if he ceases to hold his appointment as the <sup>21</sup>[Principal, Dean, Director or Vice-Principal] of a dental college, or as <sup>19</sup>[the Head of the dental wing] of a medical college], or if he has been elected under clause (b) or (d) of section 3, if he ceases to be a member of the Medical Council of India or <sup>20</sup>[the Dental or Medical Faculty] of the University, as the case may be.

(4) A casual vacancy in the Council shall be filled by fresh election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(5) Members of the Council shall be eligible for re-election or re-nomination.

(6) No act done by the Council shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Council.

## **7. President and Vice-President of Council**

(1) The President and Vice-President of the Council shall be elected by the members thereof from among themselves:

Provided that on the first constitution of the Council and until the President is elected, a member of the Council nominated by the Central Government in this behalf shall discharge the functions of the President:

Provided further that for five years from the first constitution of the Council the President shall, if the Central Government so decides, be a person nominated by the Central Government who shall hold office during the pleasure of the Central Government, and where he is not already a member, shall be a member of the Council in addition to the members referred to in section 3.

(2) An elected President or Vice-President shall hold office as such for a term not exceeding five years and not extending beyond the expiry of his term as member of the Council, but subject to his being a member of the Council, he shall be eligible for re-election.

## **8. Staff, remuneration and allowances**

(1) The Council shall-

(a) appoint a Secretary who may also, if so decided by the Council, act as Treasurer;

(b) appoint such other officers and servants as the Council deems necessary to enable it to carry out its functions under this Act;

(c) require and take from the Secretary or from any other officer or servant such security for the due performance of his duties as the Council considers necessary; and

(d) with the previous sanction of the Central Government, fix the fees and allowances of the President, Vice-President and other members of the Council, and the pay and allowances and other conditions of service of officers and servants of the Council.

(2) Notwithstanding anything contained in clause (a) of sub-section (1), for the first four years from the first constitution of the Council, the Secretary of the Council shall be a person appointed by the Central Government, who shall hold office during the pleasure of the Central Government.

### **9. The Executive Committee**

(1) The Council shall constitute from among its members an Executive Committee, and may so constitute other Committees for such general or special purposes as the Council considers necessary for carrying out its functions under this Act.

(2) The Executive Committee shall consist of the President and Vice-President *ex officio*<sup>21</sup> [and the Director-General of Health Services *ex officio*], and five other members elected by the Council.

(3) The President and Vice-President of the Council shall be Chairman and Vice-Chairman, respectively, of the Executive Committee.

(4) A member of the Executive Committee shall hold office as such until the expiry of his term of office as member of the Council but, subject to his being a member of the Council, he shall be eligible for re-election.

(5) In addition to the powers and duties conferred and imposed on it by this Act, the Executive Committee shall exercise and discharge such powers and duties as may be prescribed.

### **<sup>22</sup>[10. Recognition of dental qualifications**

(1) The dental qualifications, granted by any authority or institution in India; which are included in Part I of the Schedule shall be recognised dental qualifications for the purposes of this Act.

(2) Any authority or institution in India which grants a dental qualification not included in Part I of the Schedule may apply to the Central Government to have such qualification recognised and included in that Part, and the Central Government, after consulting the Council, and after such inquiry, if any, as it may think fit for the purpose, may, by notification in the Official Gazette, amend Part I of the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in Part I of the Schedule against such dental qualification declaring that it shall be a recognised dental qualification only when granted after a specified date.

(3)(a) The dental qualifications, granted by any authority or institution outside India, which are included in Part II of the Schedule shall be recognised dental qualifications only for the purposes of the registration of citizens of India when the register is first prepared under this Act.

(b) Where any dental qualification granted by any authority or institution outside India, and held by a citizen of India, is recognised for the purposes of the register when it is first prepared, after the commencement of the Dentists (Amendment) Act, 1972, the Central Government may, after consultation with the Council, by notification in the Official Gazette, amend Part II of the Schedule so as to include therein the dental qualification so recognised.

(4)(a) The dental qualifications granted by any authority or institution outside India, which are included in Part III of the Schedule, shall be recognised dental qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled for registration unless he is a citizen of India.

(b) Where any dental qualification granted by any authority or institution outside India, and held by a citizen of India, is recognised, except on reciprocal basis, after the commencement of the Dentists (Amendment) Act, 1972, the Central Government may, after consultation with the Council, by notification in the Official Gazette, amend Part III of the Schedule so as to include therein the dental qualification so recognised.

(5) The Council may enter into negotiations with any authority or institution in any State or country outside India which, by law of any such State or country is entrusted with the maintenance of a register of dentists, for the settling of a scheme of reciprocity for the recognition of dental qualifications and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, declare that any such qualification granted by any authority or institution in any such State or country or such qualification, only when granted after a specified date, shall be a recognised dental qualification for the purposes of this Act, and any such notification may provide for an amendment of the Schedule and may also direct that any such dental qualification as is specified in the notification shall be entered in the Schedule as so amended.

(6) The Central Government may, after consultation with the Council, by notification in the Official Gazette, amend the Schedule by directing that an entry be made therein in respect of a dental qualification declaring that it shall be a recognised dental qualification only when granted before a specified date.]

### **23[10A Permission for establishment of new dental college, new courses of study etc**

(1) Notwithstanding anything contained in this Act or any other law for the time being in force,-

(a) no person shall establish an authority or institution for a course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the grant of recognised dental qualification; or

(b) no authority or institution conducting a course of study or training (including a post-graduate course of study or training) for grant of recognised dental qualification shall-

(i) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised dental qualification; or

(ii) increase its admission capacity in any course of study or training (including a post-graduate course of study or training).

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1.- For the purposes of this section, "person" includes any University or a trust but does not include the Central Government.

Explanation 2.- For the purposes of this section, "admission capacity", in relation to any course of study or training (including a post-graduate course of study or training) in an authority or institution granting recognised dental qualification, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) (a) Every person, authority or institution granting recognised dental qualification shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the said scheme to the council for its recommendations.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person, authority or institution concerned, granting recognised dental qualification and thereafter, it may,-

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person, authority or institution concerned for making a written representation and it shall be open to such person, authority or institution to rectify the defects, if any, specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (7), and submit the scheme together with its recommendations thereon the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person, authority or institution concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1) :

Provided that no scheme shall be disapproved by the Central Government except after giving the person, authority or institution concerned granting recognised dental qualification a reasonable opportunity of being heard :

Provided further that nothing in this sub-section shall prevent any person, authority or institution whose scheme has not been approved to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (2).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order passed by the Central Government has been communicated to the person, authority or institution submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person, authority or institution concerned submitting the scheme in furnishing any particulars called for by the Council or by the Central Government, shall be excluded.

(7) The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely :-

(a) whether the proposed authority or institution for grant of recognised dental qualification or the existing authority or institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of dental education in conformity with the requirements referred to in section 16A and the regulations made under sub-section (1) of section 20;

(b) whether the person seeking to establish an authority or institution or the existing authority or institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the authority or institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such authority or institution or course of study or training or as a result of the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such authority or institution or course of study or training by persons having the recognised dental qualifications;

(f) the requirement of manpower in the field of practice of dentistry; and

(g) any other factors as may be prescribed.



(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person, authority or institution concerned.

### **10B. Non-recognition of dental qualification in certain cases**

(1) Where any authority or institution is established for grant of recognised dental qualification except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognised dental qualification for the purposes of this Act.

(2) Where any authority or institution granting recognised dental qualification opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training shall be a recognised dental qualification for the purposes of this Act.

(3) Where any authority or institution granting recognised dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognised dental qualification for the purposes of this Act.

Explanation.- For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

### **10C. Time for seeking permission for certain existing authorities**

(1) If after the 1st day of June, 1992 and on and before the commencement of the Dentists (Amendment) Act, 1993 any person has established an authority or institution for grant of recognised dental qualification or any authority or institution granting recognised dental qualification has opened a new or higher course of study or training (including a post-graduate course of study or training) or increased its admission capacity, such person, authority or institution, as the case may be, shall seek, within a period of one year from the commencement of the Dentists (Amendment) Act, 1993, the permission of the Central Government in accordance with the provisions of section 10A.

(2) If any person or, as the case may be, any authority or institution granting recognised dental qualification fails to seek the permission under sub-section (1), the provisions of section 10B shall apply, so far as may be, as if permission of the Central Government under section 10A has been refused.]

## **11. Qualifications of dental hygienists**

Any authority in a <sup>24</sup>[State] <sup>25</sup>[\*\*\*] which grants a qualification for dental hygienists may apply to the Council to have such qualification recognised, and the Council may, after such inquiry, if any, as it thinks fit, and after consulting the Government and the <sup>26</sup>[State] Council of the <sup>24</sup>[State]

in which the authority making the application is situated, declare that such qualification, or such qualification only when granted after a specified date, shall be a recognised dental hygiene qualification for the purposes of this Act.

## **12. Qualifications of dental mechanics**

The Council may prescribe the period and nature of an apprenticeship or training which shall be undergone and the other conditions which shall be satisfied by a person before he is entitled to be registered under this Act as a dental mechanic.

## **13. Effect of recognition**

Notwithstanding anything contained in any other law., but subject to the provisions of this Act,-

(a) any recognised dental or dental hygiene qualification shall be a sufficient qualification for enrolment in the appropriate register of any <sup>24</sup>[State];

(b) no person shall, after the first registers are compiled under this Act, be entitled to be enrolled in any register as a dentist or dental hygienist unless he holds a recognised dental or dental hygiene qualification or as a dental mechanic unless he has undergone training which satisfies the prescribed requirements referred to in section 12.

## **14. Power to require information as to courses of study and training and examinations**

Every authority in a <sup>24</sup>[State] <sup>25</sup>[\*\*\*] which grants any recognised as to dental or dental hygiene qualification shall furnish such information as the Council may from time to time require as to the courses of study and training and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone, and generally as to the requisites for obtaining such qualification.

## **15. Inspections**

(1) The Executive Committee <sup>27</sup>[may, subject to regulations, if any, made by the Council appoint] such number of Inspectors as it deems necessary to attend at any examinations held by authorities in the <sup>28</sup>[States] <sup>25</sup>[\*\*\*] which grant recognised dental or dental hygiene qualifications and to inspect any institution recognised as a training institution.

(2) Inspectors appointed under this section shall not interfere with the course of any examination but they shall report to the Executive Committee on the sufficiency of every examination at which they attend and of the courses of study and training at every institution which they inspect, and on any other matters with regard to which they Executive Committee may require them to report.

(3) The Executive Committee shall forward a copy of such report to the authority or institution concerned and shall also forward copies with remarks, if any, of the authority or institution concerned thereof to the Central Government and to the Government of the <sup>26</sup>[State] in which the authority or institution is situated.

## **<sup>29</sup>[15A. Appointment of Visitors**

(1) The Council may appoint such number of Visitors as it may deem necessary to attend at any examination held by any authority or institution in a State which grants recognised dental qualifications and to inspect any institution training students for recognised dental qualifications.

(2) Any person, whether he is a member of the Council or not, may be appointed as a Visitor under this section, but a person who is appointed as an Inspector under section 15 for any inspection or examination shall not be appointed as a Visitor for the same inspection or examination.

(3) The Visitor shall not interfere with the course of any examination but shall report to the President of the Council on the sufficiency of every examination at which he attends and of the courses of study and training at every institution which he inspects, and on the adequacy of the standards of dental education including staff, equipment, accommodation and other facilities prescribed for giving dental education, and on any other matters with regard to which the Council may require him to report.

(4) The report of a Visitor shall be treated as confidential unless in any particular case the President of the Council otherwise directs:

Provided that if the Central Government requires a copy of the report of a Visitor, the Council shall furnish the same.]

## **16. Withdrawal of recognition**

(1) When upon report by the Executive Committee it appears to the Council-

(a) that the courses of study and training or the examinations to be undergone in order to obtain a recognised <sup>30</sup>[\*\*\*] dental hygiene qualification from any authority in a <sup>28</sup>[State] <sup>25</sup>[\*\*\*], or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with regulations made under this Act or fall short of the standards required thereby, or

(b) that an institution does not satisfy the requirements of the Council, the Council may send to the Government of the <sup>28</sup>[State] in which authority or institution is situated a statement to such effect, and the <sup>25</sup>[State] Government shall forward it, along with such remarks as it may think fit, to the authority or institution concerned with an intimation of the period within which the authority or institution may submit its explanation to the <sup>25</sup>[State] Government.

(2) On receipt of the explanation, or where no explanation is submitted within the period fixed, then on the expiry of the period, the <sup>26</sup>[State] Government shall after consulting the <sup>26</sup>[State] Council, forward its recommendations and those of the <sup>26</sup>[State] Council, if any, to the Council.

(3) The Council, after considering the recommendations of the <sup>26</sup>[State] Government and the <sup>26</sup>[State] Council and after such further inquiry, if any, as it may think fit to make, may declare that the qualification granted by the authority or institution shall be a recognised <sup>30</sup>[\*\*\*] dental hygiene qualification only when granted before a specified date.

(4) The Council may declare that any recognised <sup>30</sup>[\*\*\*] dental hygiene qualification granted outside the <sup>31</sup>[States] <sup>25</sup>[\*\*\*] shall be recognised as such only if granted before a specified date.

### <sup>32</sup>[16A. Withdrawal of recognition of recognised dental qualification

(1) When, upon report by the Executive Committee or the Visitor, it appears to the Council-

(a) that the courses of study and training or the examination to be undergone in order to obtain a recognised dental qualification from any authority or institution in a State, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(b) that an institution does not, in the matter of staff, equipment, accommodation, training and other facilities, satisfy the requirements of the Council,

the Council shall send a statement to that effect to the Central Government.

(2) After considering such a statement, the Central Government may send it to the Government of the State in which the authority exercises power or the institution is situated, and the State Government shall forward it, along with such remarks as it may think fit to make, to the authority or institution concerned, with an intimation of the period within which the authority or institution may submit its explanation to the State Government.

(3) After considering the explanation, or where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government.

(4) The Central Government may, after considering the recommendations of the State Government and after making such further inquiry, if any, as it may think fit, by notification in the Official Gazette, direct that an entry shall be made in Part I of the Schedule against the qualification granted by the authority or institution declaring that it shall be a recognised dental qualification only when granted before a specified date or that the said recognised dental qualification if granted to students of a specified college or institution affiliated to any University shall be a recognised dental qualification only when granted before a specified date or, as the case may be, that the said recognised dental qualification shall be a recognised dental qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.]

### **17. Mode of declarations**

All declarations under <sup>33</sup>[\*\*\*] section 11 or section 16 shall be made by a resolution passed at a meeting of the Council and shall forthwith be published in the Official Gazette.

### <sup>34</sup>[17A. Professional conduct

(1) The Council may prescribe standards of professional conduct and etiquette or the code of ethics for dentists.

(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional

misconduct, and such provision shall have effect notwithstanding anything to the contrary Contained in any other law for the time being in force.]

### **18. The Indian Register**

(1) The Council shall maintain a register of dentists to be known as the Indian Dentists Register and consisting of the entries in all the <sup>6</sup>[State] registers of dentists.

(2) Each <sup>6</sup>[State] Council shall supply to the Council twenty printed copies of the <sup>6</sup>[State] register as soon as may be after the 1st day of April of each year, and each Registrar shall inform the Council without delay of all additions to and other amendments in the <sup>6</sup>[State] register.

### **19. Information to be furnished**

(1) The Council shall furnish copies of its minutes and of the minutes of the Executive Committee and an annual report of its activities together with an abstract of its accounts to the Central Government.

(2) The Central Government may publish in such manner as it thinks fit any report, copy or abstract furnished to it under this section.

### **20. Power to make regulations**

(1) The Council may, with the approval of the Central Government, <sup>35</sup>[by notification in the Official Gazette,] make regulations not inconsistent with the provisions of this Act to carry out the purposes of this Chapter..

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

(a) provide for the management of the property of the Council <sup>36</sup>[\*\*\*];

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

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

(d) prescribe the functions of the Executive Committee;

(e) prescribe the powers and duties of the President and Vice-President;

(f) prescribe the tenure of office and the powers and duties of the Secretary <sup>37</sup>[and other officers and servants of the Council, and Inspectors, and Visitors appointed by the Council];

<sup>38</sup>[(fa) "prescribe the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;

(fb) prescribe any other factors under clause (g) of sub-section (7) of section 10A;

(fc) prescribe the criteria for identifying a student who has been granted a dental qualification referred to in the Explanation to sub-section (3) of section 10B." ]

(g) prescribe the standard curricula for the training of dentists and dental hygienists, and the conditions for admission to courses of such training;

(h) prescribe the standards of examinations and other requirements to be satisfied to secure for qualifications recognition under this Act;

(i) any other matter which is to be or may be prescribed under this Act:

Provided that regulations under clauses (g) and (h) shall be made after consultation with <sup>6</sup>[State] Governments.

(3) To enable the Council to be first constituted, the Central Government may make regulations for the conduct of the elections to the Council, and any regulation so made may be altered or rescinded by the Council in exercise of its powers under this section.

<sup>35</sup>[(4) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modifications in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

## **21. Constitution and composition of State Councils**

Except where a Joint <sup>6</sup>[State] Council is constituted in accordance with an agreement made under section 22, the <sup>6</sup>[State] Government shall constitute <sup>6</sup>[State] Council consisting of the following members, namely:--

(a) four members elected from among themselves by dentists registered in Part A of the <sup>6</sup>[State] register;

(b) four members elected from among themselves by dentists registered in Part B of the <sup>6</sup>[State] register;

<sup>39</sup>[(c) the heads of dental colleges, if any, in the State which train students fond any of the recognised dental qualifications included in Part I of the Schedule, ex officio;]

(d) one member elected from amongst, themselves by the members of the Medical Council or the Council of Medical Registration of the <sup>24</sup>[State], as the case may be., <sup>40</sup>[\*\*\*]

(e) three members nominated by the <sup>6</sup>[State] Government; <sup>41</sup>[and]

(f) the Chief Medical Officer of the State, by whatever name called, ex officio: ]

<sup>42</sup>[Provided that in the State of Saurashtra, <sup>43</sup>[as it existed before the 1st November, 1956], the State Dental Council constituted under Saurashtra Ordinance 25 of 1948, as amended by Saurashtra Ordinance 40 of 1949, shall be deemed to be the State Council constituted under this Act.]

## **22. Inter-State agreements**

(1) Two or more <sup>6</sup>[State] Governments may enter into an agreement to be in force for such period and to be subject to renewal for such further periods, if any, as may be specified in the agreement, to provide-

(a) for the constitution of a Joint <sup>6</sup>[State] Council for all the participating <sup>28</sup>[States], or

(b) for the <sup>6</sup>[State] Council of one <sup>24</sup>[State] to serve the needs of the other participating <sup>28</sup>[States].

(2) In addition to such matters as are in this Act specified, an agreement under this section may-

(a) provide for the apportionment between the participating <sup>28</sup>[States] of the expenditure in connection with the <sup>6</sup>[State] Council or Joint <sup>6</sup>[State] Council;

(b) determine which of the participating <sup>6</sup>[State] Governments shall exercise the several functions of the <sup>6</sup>[State] Government under this Act, and the references in this Act to the <sup>6</sup>[State] Government shall be construed accordingly;

(c) provide for consultation between the participating <sup>6</sup>[State] Governments either generally or with reference to particular matters arising under this Act,

(d) make such incidental and ancillary provisions, not inconsistent with this Act, as may be deemed necessary or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published in the Official Gazettes of the participating <sup>31</sup>[States].

## **23. Composition of Joint State Councils**

A Joint <sup>6</sup>[State] Council shall consist of the following members, namely:-

(a) two members elected from among themselves by dentists registered in Part A, of the register of each of the participating <sup>31</sup>[States].,

(b) two members elected from among themselves by dentists registered in Part B of the register of each of the participating <sup>31</sup>[States].,

<sup>44</sup>(c) the heads of dental colleges if any, in all the participating States which train students for any of the recognised dental qualifications included in Part I of the Schedule, ex officio;]

(d) one member elected by the Medical Council or the Council of Medical Registration, of each participating <sup>24</sup>[State] as the case may be;

(e) two members nominated by each participating <sup>6</sup>[State] Government,

<sup>45</sup>[(f) the Chief Medical Officer of each participating State, by whatever name called, ex officio.]

## **24. Incorporation of State Councils**

Every <sup>6</sup>[State] Council shall be a body corporate by such name as may be notified by the <sup>6</sup>[State] Government in the Official Gazette or, in the case of a Joint <sup>6</sup>[State] Council, as may be determined in the agreement, having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

## **25. President and Vice-President of State Council**

(1) The President and Vice-President of the <sup>6</sup>[State] Council shall be elected by the members from among themselves:

Provided that for five years from the first constitution of the <sup>6</sup>[State] Council, the President shall, if the <sup>6</sup>[State] Government so decides, be a person nominated by the <sup>6</sup>[State] Government who shall hold office during the pleasure of the <sup>6</sup>[State] Government, and where he is not already a member, shall be a member of the <sup>6</sup>[State] Council in addition to the members referred to in section 21 or 23, as the case may be.

(2) The President or Vice-President shall hold office as such for a term not exceeding five years and not extending beyond the expiry of his term as a member of the <sup>6</sup>[State] Council, but subject to his being a member of the <sup>6</sup>[State] Council, he shall be eligible for re-election.

## **26. Mode of elections**

Elections under this Chapter shall be conducted in the prescribed manner, and where any dispute arises regarding any such election, it shall be referred to the <sup>6</sup>[State] Government whose decision shall be final.

## **27. Term of office and casual vacancies**

(1) Subject to the provisions of this section, an elected or nominated member shall hold office for a term of five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer:

<sup>46</sup>[Provided that a member nominated under clause (e) of section 21 or clause (e) of section 23, shall hold office during the pleasure of the authority nominating him.]



(2) An elected or nominated member may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall thereupon become vacant.

(3) An elected or nominated member shall be deemed to have vacated his seat-

(a) if he is absent without excuse, sufficient in the opinion of the <sup>6</sup>[State] Council, from three consecutive ordinary meetings of the <sup>6</sup>[State] Council, or

(b) in the case of a member whose name is required to be included in any <sup>6</sup>[State] register, if his name is removed from the register, or

(c) where he has been elected under clause (d) of section 21 or under clause (d) of section 23, if he ceases to be a member of the Medical Council or the Council of Medical Registration of the <sup>24</sup>[State] as the case may be.

(4) A casual vacancy in the <sup>6</sup>[State] Council shall be filled by fresh election nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(5) Members of the <sup>6</sup>[State] Council shall be eligible for re-election or renomination.

(6) No act done by the <sup>6</sup>[State] Council shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the <sup>6</sup>[State] Council.

## **28. Staff, remuneration and allowances**

(1) The <sup>6</sup>[State] Council may, with the previous sanction of the <sup>6</sup>[State] Government,-

(a) appoint a Registrar, who shall also act as Secretary and if so decided by the <sup>6</sup>[State] Council also as its Treasurer;

(b) appoint such other officers and servants as may be required to enable the <sup>6</sup>[State] Council to carry out its functions under this Act;

(c) require and take from the Registrar or from any other officer or servant such security for the due performance of his duties as the <sup>6</sup>[State] Council considers necessary;

(d) fix the salaries and allowances and other conditions of service of the Registrar and other officers and servants of the <sup>6</sup>[State] Council;

(e) fix the rate of allowances payable to members of the <sup>6</sup>[State] Council.

(2) Notwithstanding anything contained in clause (a) of sub-section (1), for the first four years from the first constitution of the <sup>6</sup>[State] Council, the Registrar of the <sup>6</sup>[State] Council shall be a person appointed by the, <sup>6</sup>[State] Government, who shall hold office during the pleasure of the <sup>6</sup>[State] Government.

## **29. Executive Committee**

(1) The <sup>6</sup>[State] Council shall constitute from among its members an Executive Committee consisting of the President and Vice-President ex officio <sup>47</sup>[and the Chief Medical Officer of the State or the States concerned, by whatever name called, ex officio] and such number of other members elected by the <sup>6</sup>[State] Council as may be prescribed.

(2) The President and Vice-President of the <sup>6</sup>[State] Council shall be Chairman and Vice-Chairman, respectively, of the Executive Committee.

(3) A member of the Executive Committee shall hold office as such until the expiry of his term of office as member of the <sup>6</sup>[State] Council, subject to his being a member of the <sup>6</sup>[State] Council, he shall be eligible for re-election.

(4) The Executive Committee shall exercise and discharge such powers and duties as may be prescribed.

### **30. Information to be furnished**

(1) The <sup>6</sup>[State] Council shall furnish such reports, copies of its minutes and of the minutes of the Executive Committee, and abstracts of its accounts to the <sup>6</sup>[State] Government as the <sup>6</sup>[State] Government may from time to time require and shall forward copies of all material so furnished to the <sup>6</sup>[State] Government to the Council.

(2) The <sup>6</sup>[State] Government may publish in such manner as it thinks fit any report, copy or abstract furnished to it under this section.

### **31. Preparation and maintenance of register**

(1) The <sup>6</sup>[State] Government shall as soon as may be cause to be prepared in the manner hereinafter provided a register of dentists for the <sup>24</sup>[State].

(2) The <sup>6</sup>[State] Council shall upon its constitution assume the duty of maintaining the register in accordance with the provisions of this Act.

(3) The register of dentists shall be maintained in two Parts, A and B, persons possessing recognised dental qualifications being registered in Part A and persons not possessing such qualifications being registered in Part B.

(4) The register shall include the following particulars, namely:-

(a) the full name, nationality and residential address of the registered person;

(b) the date of his first admission to the register;

(c) his qualification for registration, and the date on which he obtained his degree or diploma in dentistry, if any, and the authority which conferred it;

(d) his professional address; and

(e) such further particulars as may be prescribed.

### **32. First preparation of register**

(1) For the purpose of first preparing the register of dentists, the <sup>6</sup>[State] Government shall, by notification in the Official Gazette, constitute a Registration Tribunal consisting of three persons and shall also appoint a Registrar who shall act as Secretary of the Tribunal.

(2) The <sup>6</sup>[State] Government shall, by the same or a like notification, appoint a date on or before which application for registration, which shall be accompanied by the prescribed fee, shall be made to the Registration Tribunal.

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and if it is satisfied that the applicant is qualified for registration under section 33, shall direct the entry of the name of the applicant on the register.

(4) The register so prepared shall thereafter be published in such manner as the <sup>6</sup>[State] Government may direct, and any person aggrieved by a decision of the Registration Tribunal expressed or implied in the register as so published may, within thirty days from the date of such publication, appeal to an authority appointed by the <sup>6</sup>[State] Government in this behalf by notification in the Official Gazette.

(5) The Registrar shall amend the register in accordance with the decisions of the authority appointed under sub-section (4) and shall thereupon issue to every person whose name is entered on the register a certificate of registration in the prescribed form.

(6) Upon the constitution of the <sup>6</sup>[State] Council, the register shall be given into its custody, and the <sup>6</sup>[State] Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the <sup>6</sup>[State] Council.

### **33. Qualifications for entry on first preparation of register**

(1) A person shall be entitled on payment of the prescribed fee to have his name entered on the register when it is first prepared, if he resides or carries on the profession of dentistry in the <sup>48</sup>[State] and if he-

(a) holds a recognised dental qualification, or

(b) does not hold such a qualification but, being a <sup>49</sup>[citizen of India] has been engaged in practice as a dentist as his principal means of livelihood for a period of not less than five years prior to <sup>50</sup>[the date appointed under sub-section (2) of section 32]:

Provided that no person other than a <sup>49</sup>[citizen of India] shall be entitled to registration by virtue of a qualification

(a) specified in Part I of the Schedule unless by the law and practice of the State or country to which such person belongs persons of Indian origin holding dental. qualifications registrable in that State or country are permitted to enter and practise the profession of dentistry in such State or country, or

<sup>51</sup>[(b) recognised, in pursuance of a scheme of reciprocity, under sub-section (5) of section 10:]

Provided further that a person shall be entitled to registration by virtue of a qualification specified in <sup>52</sup>[Part II] of the Schedule only if he is a <sup>49</sup>[citizen of India]

<sup>53</sup>[Provided further that for the purpose of the first preparation of the register of dentists under this Act, a person shall be entitled to have his name entered in the appropriate part of the register without payment of any registration fee,-

(a) in the State of Saurashtra, <sup>43</sup>[as it existed before the 1st November, 1956], if he is registered on the register of dental practitioners maintained under Saurashtra Ordinance No. 25 of 1948, as amended by Saurashtra Ordinance No. 40 of 1949; or

(b) in the State of Travancore-Cochin <sup>24</sup>[as it existed before the 1st November, 1956], if he is registered on the register of dental practitioners maintained under the Travancore Medical Practitioners Act, 1119]; <sup>54</sup>[or]

<sup>54</sup>[(c) in the State of Jammu and Kashmir, if he is registered on the register of dental practitioners maintained under the Jammu and Kashmir Dentists Act, 1958.]

(2) A person domiciled in a <sup>24</sup>[State] <sup>25</sup>[\*\*\*] shall be entitled on payment of the prescribed fee to temporary registration as a dentist for a period of five years, if he has been engaged in practice as a dentist as his principal means of livelihood for a period of not less than two years during the five years prior to <sup>55</sup>[the date appointed under sub-section (2) of section 32], and a person so registered shall be entitled to permanent registration if <sup>56</sup>[for a period of five years from the date of his temporary registration he has been engaged in practice as a dentist].

#### **34. Qualification for subsequent registration**

<sup>57</sup>[(1) After the date appointed under sub-section (2) of section 32 a person shall, on payment of the prescribed fee, be entitled to have his name entered on the register of dentists, if he resides or carries on the profession of dentistry in the <sup>24</sup>[State] and if he-

(i) holds a recognised dental qualification, or

(ii) does not hold such a qualification but, being a <sup>49</sup>[citizen of India], has been engaged in practice as a dentist as his principal means of livelihood for a period of not less than <sup>58</sup>[two years before the date appointed under sub-section (2) of section 32] and has passed, within a period of <sup>59</sup>[ten years after the said date], an examination recognised for this purpose by the <sup>60</sup>[Central Government]:

Provided that no person other than a <sup>49</sup>[citizen of India] shall be entitled to registration by virtue of a qualification

(a) specified in Part I of the Schedule unless by the law and practice of the State or country to which such person belongs persons of Indian origin holding dental qualifications registrable in that State or country are permitted to enter and practise the profession of dentistry in such State or country, or

<sup>61</sup>[(b) recognised, in pursuance of a scheme of reciprocity, under sub-section (5) of section 10:]

Provided further that a person registered in Part B of the register shall be entitled to be registered in Part A thereof, if within a period of <sup>62</sup>[ten years after the date of his registration in Part B] he passes an examination recognised for the purpose by the <sup>60</sup>[Central Government].

<sup>63</sup>[(2) Notwithstanding anything contained in sub-section (1),-

(a) a <sup>64</sup>[State Council] may during the period of two years immediately after the commencement of the Dentists (Amendment) Act, <sup>65</sup>[1955], permit for sufficient reasons the registration in the State register of an displaced person who does not hold a recognised dental qualification but has been actually practising the profession of dentistry as his principal means of livelihood from a date prior to the 29th day of March, 1948.

Explanation.- In this clause "displaced person" means any person, who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan has, after the 1st day of March, 1947, left or been displaced from, his place of residence in such area and who has since then been residing in India;

<sup>66</sup>[(aa) the State Council may, during the period of two years immediately after the commencement of the Dentists (Amendment) Act, 1972, permit, for sufficient reasons, the registration in the State register of any displaced person or a repatriate who does not hold any recognised dental qualification but has been actually practising the profession of dentistry as his principal. means of livelihood from a date prior to the 29th day of March, 1948.

Explanation.-In this clause,-

(i) "displaced person" means any person who, on account of civil disturbances or fear of such disturbances in any area now forming part of Bangladesh, has, after the 14th day of April, 1957 but before the 25th day of March, 1971, left, or has been displaced from, his place of residence in such area and who has since then been residing in India;

(ii) "repatriate" means any person who, on account of civil disturbances or fear of such disturbances in any area now forming part of Burma or Ceylon, has, after the 14th day of April, 1957, left or has been displaced from, his place of residence in such area and who has since then been residing in India;]

(b) a person other than a citizen of India, holding a reputable dental qualification and employed for teaching or research in a dental institution situated in any of the States may be permitted <sup>67</sup>[\*\*\*] temporary registration in the State register of dentists for the period of his employment or for a period of five years, whichever is shorter:

Provided that he does not practise the profession of dentist for personal gain and his application for registration is approved by the President of the Council.]

### **35. Scrutiny of application for registration**

(1) After the date appointed for the receipt of applications for registration. in the first register of dentists, all applications for registration shall be addressed to the Registrar of the <sup>6</sup>[State] Council and shall be accompanied by the prescribed fee.

(2) If upon such application the Registrar is of opinion that the applicant is entitled to have his name entered on the register, he shall enter thereon the name of the applicant:

Provided that no person, whose name has under the provisions of this Act been removed from the register of any <sup>48</sup>[State], shall be entitled to have his name entered on the register except with the approval of the <sup>6</sup>[State] Council from whose register his name was removed.

(3) Any person whose application for registration is rejected by the Registrar may, within three months from the date of such rejection, appeal to the <sup>6</sup>[State] Council, and the decision of the <sup>66</sup>[State] Council thereon shall be final.

(4) Upon entry in the register of a name under this section, the Registrar shall issue a certificate of registration in the prescribed form.

#### **<sup>68</sup>[35A. Special provision for amending the register of dentists**

(1) Notwithstanding anything contained in this Chapter, the Registrar may, by order in writing, amend the register by deleting therefrom the name of any person who by reason of the formation of the State of Andhra, has ceased to reside or carry on the business or profession of dentistry in the State of Madras:

Provided that the Registrar shall, before passing an order, make such inquiry as he deems necessary.

(2) Any person aggrieved by an order under sub-section (1) may appeal to such authority and within such time, as may be specified in this behalf by the State Government of Madras; and such authority shall pass such order on the appeal as it thinks fit.

(3) An order of the Registrar under sub-section (1), or where an appeal has been preferred against it under sub-section (2), the order of the appellate authority shall be final.

(4) The provision of this section shall cease to be in force from such date as the State Government of Madras may by notification in the Official Gazette appoint.]

### **36. Registers of dental hygienists and dental mechanics**

(1) The <sup>6</sup>[State] Government may, by notification in the Official Gazette, direct that the <sup>6</sup>[State] Council shall maintain a register of dental hygienists or a register of dental mechanics.

(2) The provisions of section 35 shall, so far as they may be made applicable, apply in respect of applications for registration in a register referred to in this section.

### **37. Qualification for registration as a dental hygienist**

A person shall be entitled on payment of the prescribed fee to have his name registered on the register of dental hygienists, if he resides in the <sup>48</sup>[State] and holds a recognised dental hygiene qualification:

Provided that for the purposes of the first register of dental hygienists, a person shall be entitled to be registered, if he has been engaged as a dental hygienist as his principal means of livelihood for a period of not less than two years prior to the date of notification under sub-section (1) of section 36.

### **38. Qualification for registration as a dental mechanic**

A person shall be entitled on payment of the prescribed fee to have his name entered in the register of dental mechanics, if he satisfies the prescribed requirements referred to in section 12:

Provided that for the purposes of the preparation of the first register of dental mechanics a person shall be entitled to be registered, if he has been engaged as a dental mechanic as his principal means of livelihood for a period of not less than two years prior to the date of notification under sub-section (1) of section 36.

### **39. Renewal fees**

(1) The <sup>6</sup>[State] Government may, by notification in the Official Gazette, direct that for the retention of a name in a register after the 31st day of December of the year following the year in which the name is first entered in the register, there shall be paid annually to the <sup>6</sup>[State] Council such renewal fee as may be prescribed in respect of each register, and where such direction has been made, such renewal fee shall be due to be paid before the 1st day of April of the year to which it relates.

(2) Where 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 on payment in such manner as may be prescribed.

<sup>69</sup>[(3) On payment of the renewal fee, the Registrar shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.]

### **40. Entry of additional qualifications**

A registered dentist shall on payment of the prescribed fee be entitled to have entered in the register any further recognised <sup>70</sup>[dental] qualification which he may obtain.

### **41. Removal from register**

(1) Subject to the provisions of this section, the <sup>6</sup>[State] Council may order that the name of any person shall be removed from any register where it is satisfied, after giving that person a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make,-

(i) that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact, or

(ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any professional respect <sup>73</sup>[or has violated the standards of professional conduct and etiquette or the code of ethics prescribed under section 17A], which in the opinion of the <sup>6</sup>[State] Council renders him unfit to be kept in the register, <sup>72</sup>[or]

<sup>72</sup>[(iii) that he having been permitted temporary registration under clause (b) of sub-section (2) of section 34 has, on such registration, been found to practise the profession of dentistry for personal gain.]

(2) An order under sub-section (1) may direct that any person whose name is ordered to be removed from a register shall be ineligible for registration in the <sup>24</sup>[State] under this Act either permanently or for such period of years as may be specified.

(3) An order under sub-section (1) shall not take effect until the expiry of three months from the date thereof.

(4) A person aggrieved by an order under sub-section (1) may, within thirty days from the date thereof, appeal to the <sup>6</sup>[State] Government, and the order of the <sup>6</sup>[State] Government upon such appeal shall be final

(5) A person whose name has been removed from the register under this section or under sub-section (2) of section 39 shall forthwith surrender his certificate of registration <sup>71</sup>[and certificate of renewal, if any,] to the Registrar, and the name so removed shall be published in the Official Gazette.

<sup>72</sup>[(6) A person whose name has been removed from the State register of dentists under this section or under sub-section (2) of section 39 shall not be entitled to have his name registered in the register of dentists in any other State register of dentists except with the approval of the State Council from whose register his name has been removed.]

#### **42. Registration to register**

The <sup>6</sup>[State] Council may at any time, for reasons appearing to it sufficient and subject to the approval of the <sup>6</sup>[State] Government, order that upon payment of the prescribed fee the name of a person removed from a register shall be restored thereto.

#### **43. Bar of jurisdiction**

No order refusing to enter a name in a register or removing a name from a register shall be called in question in any Court.

#### **44. Issue of duplicate certificates**

Where it is shown to the satisfaction of the Registrar that a certificate of registration <sup>6</sup>[or a certificate of renewal] has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the prescribed form.



#### **45. Printing of registers**

As soon as may be after the 1st day of April in each year, the Registrar shall cause to be printed copies of the registers as they stood on the said date and such copies shall be made available to persons applying therefor on payment of the prescribed charge, and shall be evidence that on the said date the persons whose names are entered therein were registered dentists, registered dental hygienists or registered dental mechanics, as the case may be.

#### **46. Effect of registration**

(1) Any reference in any other law to a person recognised by law as a dentist shall be deemed to be a reference to a dentist registered under this Act.

(2) No certificate required by or under any other law from a dentist shall be valid unless the person signing it is registered as a dentist under this Act.

(3) After the expiry of <sup>74</sup>[three years" from <sup>75</sup>[the date appointed under sub-section (2) of section 32], a person who is not registered in Part A of the <sup>6</sup>[State] register of dentists shall not, except with the sanction of <sup>76</sup>[the Central Government or the State Government] hold any appointment as dentist in any dispensary, hospital or other institution <sup>77</sup>[\*\*\*] which is supported wholly or partially from public or local funds:

Provided that the provisions of this sub-section shall not apply to any such person who is holding such an appointment <sup>78</sup>[immediately. before the said date].

(4) After the expiry of two years from the publication of a register of dental hygienists in a <sup>24</sup>[State], no person whose name is not entered in that register shall hold appointment as dental hygienist in any dispensary, hospital or other institution in the <sup>24</sup>[State] which is supported wholly or partially from public or local funds.

(5) Any person who is a registered dentist, registered dental hygienist or registered dental mechanic in a <sup>24</sup>[State] may practise as such in any other <sup>24</sup>[State].

#### **<sup>79</sup>[46A. Transfer of registration**

Where a dentist registered in one State is practising dentistry in another State, he may, on payment of the prescribed fee which shall not exceed the renewal fee for registration in such other State, make an application in the prescribed form to the Council for the transfer of his name, from the register of the State where he is registered, to the register of the State in which he is practising dentistry, and on receipt of any such application, the Council shall, notwithstanding anything contained elsewhere in this Act, direct that the name of such person be removed from the first-mentioned register and entered in the register of the Second-mentioned State and the State Councils concerned shall comply with such directions:

Provided that such a person shall be required to produce a certificate to the effect that all dues in respect of his registration in the former State have been paid:

Provided further that where any such application for transfer is made by a dentist against whom any disciplinary proceeding is pending or where for any other reason it appears to the Council

that the application for transfer has not been made bona fide and the transfer should not be made the Council may, after giving the dentist a reasonable opportunity of making a representation in this behalf, reject the application.]

#### **47. Penalty for falsely claiming to be registered**

If any person whose name is not for the time being entered in a register falsely represents 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 which may extend to six months or with fine not exceeding one thousand rupees or with both.

#### **48. Misuse of titles**

If any person,-

(a) not being a person registered in a register of dentists, takes or uses the description of dental practitioner, dental surgeon, surgeon dentist, or dentist, or

(b) not being a person whose name is entered on a register of dental hygienists, takes or uses in a <sup>24</sup>[State] where such register has been published, the title of dental hygienist, or

(c) not being a person whose name is entered on a register of dental mechanics, takes or uses in a <sup>24</sup>[State] where such register has been published, the title of dental mechanic, <sup>80</sup>[or]

<sup>80</sup>[(d) not possessing a recognised dental qualification, uses a degree or a diploma or an abbreviation indicating or implying a dental qualification],

he shall be punishable on first conviction with fine which may extend to five hundred rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.

#### **49. Practice by unregistered persons**

(1) After the expiry of <sup>81</sup>[three years] from <sup>82</sup>[the date appointed under sub-section (2) of section 32] in the case of dentists, and in the <sup>28</sup>[States] where a register of dental hygienists or dental mechanics has been prepared under section 36 from such date as may be specified in this behalf by the <sup>26</sup>[State] Government by notification in the Official Gazette, in the case of dental hygienists or dental mechanics, no person, other than a registered dentist, registered dental hygienist or registered dental mechanic, shall practise dentistry, or the art of scaling, cleaning or polishing teeth, or of making or repairing dentures and dental appliances, as the case may be, or indicate in any way that he is prepared to so practise:

Provided that the provisions of this section shall not apply to-

(a) practice of dentistry by a registered medical practitioner;

(b) the extraction of a tooth by any person when the case is urgent and no registered dentist is available, so however that the operation is performed without the use of any general or local anaesthetic;

(c) the performance of dental work or radiographic work in any hospital or dispensary maintained or supported from public or local funds.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine which may extend to five hundred rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.

#### **50. Failure to surrender certificate of registration**

If any person whose name has been removed from a register fails without sufficient cause forthwith to surrender his certificate of registration <sup>83</sup>[or certificate of renewal, or both], he shall be punishable with fine which may extend to fifty rupees per month of such failure and in the case of a continuing offence with an additional fine which may extend to two rupees per day after the first day during which the offence continues.

#### **51. Companies not to engage in dentistry**

(1) Except as hereinafter provided, the profession of dentistry shall not be carried on by a company or other corporate body.

(2) The provisions of sub-section (1) shall not apply to-

(a) a company or other corporate body which carries on no business other than the profession of dentistry or some business ancillary to the profession of dentistry and of which the majority of the directors and all the operating staff are registered dentists.,

(b) the carrying on of the profession of dentistry by employers who provide dental treatment for their employees by registered dentists otherwise than for profit;

(c) the carrying on of the profession of dentistry by any hospital or dispensary or institution for the training of dentists or dental hygienists or by any local authority or other body authorised or required by law to provide dental treatment:

Provided that any company or other corporate body carrying on the profession of dentistry <sup>84</sup>[immediately before the date appointed under sub-section (2) of section 32] may continue so to do until the expiry of three years from such date.

(3) If any person contravenes the provisions of sub-section (1), he shall be punishable with fine which may extend, on first conviction to five hundred rupees, or on any subsequent conviction with imprisonment which may, extend to six months or with fine not exceeding one thousand rupees or with both.

#### **52. Cognizance of offences**

No court shall take cognizance of any offence punishable under this Act except upon complaint made by order of the <sup>6</sup>[State] Government or the <sup>6</sup>[State] Council,

### **53. Payment of part of fees to Council**

The <sup>6</sup>[State] Council shall before the end of June in each year pay to the Council a sum equivalent to one-fourth of the total fees realised by the <sup>6</sup>[State] Council under this Act during the period of twelve months ending on the 31st day of March of that year.

#### **<sup>85</sup>[53A. Accounts and audit**

(1) The Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Council shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect the office of the Council.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government.

(5) A copy of the accounts of the Council as so certified together with the audit report thereon shall be forwarded simultaneously to the Council.]

### **54. Appointment of Commission of Enquiry**

(1) Whenever it appears to the Central Government that the Council is not complying with any of the provisions of this Act the Central Government may appoint a Commission of Enquiry consisting of three 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 a summary manner 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 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 <sup>6</sup>[State] Government that the <sup>6</sup>[State] Council is not complying with any of the provisions of this Act, the <sup>6</sup>[State] Government may likewise appoint a similar Commission of Enquiry in respect of the <sup>6</sup>[State] Council to make enquiry in like manner and pass such order or take such action as specified in, sub-sections (3) and (4).

## **55. Power to make rules**

(1) The <sup>6</sup>[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 <sup>6</sup>[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 <sup>6</sup>[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 <sup>6</sup>[State] Council;

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

(f) the term of office and the powers and duties of the Registrar and other officers and servants of the <sup>6</sup>[State] Council, including the amount and nature of the security to be given by the Treasurer;

(g) the particulars to be stated, and the proof of qualifications to be given in applications for registration under this Act;

<sup>86</sup>[(gg) the form of application for-transfer of registration from one State to another;]

<sup>87</sup>[(h) the charge for supplying printed copies of the registers, and the fees payable for-

(i) registration or renewal of registration;

(ii) supplying a duplicate certificate of registration or renewal;

and

(iii) transfer of registration from one State to another;

(i) the forms of certificates of registration and renewal;]

(j) 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 54.

<sup>35</sup>[(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.]

### **Foot Notes**

1 This Act has been extended to-

Dadra and Nagar Haveli by Reg. 6 of 1963; Pondicherry by Reg. 7 of 1963; and Goa, Daman and Diu by Reg. 11 of 1976.

2 Substituted by the A. O. 1950, for the words "all the Provinces of India".

3 The words "except the State of Jammu and Kashmir" omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

4 Substituted by Act No. 42 of 1972, for the words and figures "Indian Medical Council Act, 1933 (27 of 1933)", w.e.f. 1st. November, 1972.

5 Inserted by Act No. 12 of 1955.

6 Substituted by the A. O. 1950, for the words "Provincial"

7 Substituted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

8 Clause (m) omitted by Act No. 42 of 1972, *ibid.*, w.e.f. 1st. November, 1972.

9 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

10 Substituted by Act No. 12 of 1955, for clauses (c), (d) and (e).

11 Substituted by Act No. 42 of 1972, for clause (c), w.e.f. 1st. November, 1972.

12 Substituted by the A.O. (No. 3) 1956, for the words "each Part A State and Part B State other than the State of Jammu and Kashmir".

13 The words "other than the State of Jammu and Kashmir or a Union territory" omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

- 14 Added by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 15 Substituted by the A.O. (No. 3) 1956, for the words "Part C State".
- 16 Inserted by Act No. 12 of 1955.
- 17 Added by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 18 Substituted by Act No. 12 of 1955, for the words "if he ceases to hold his appointment as head of a college".
- 19 Substituted by Act No. 42 of 1972, for the words "a Professor of dental surgery", w.e.f. 1st. November, 1972.
- 20 Substituted by Act No. 12 of 1955, for the words "the Medical Faculty".
- 21 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 22 Substituted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 23 Sections 10A, 10B and 10C inserted by the Dentists (Amendment) Act, 1993 (Act No. 30 of 1993) dated 2nd. April, 1993.
- 24 Substituted by the A.O. 1950, for the words "Province".
- 25 The words "of India" omitted by the A.O. 1950.
- 26 Substituted by the A.O. 1950, for the words "Provincial".
- 27 Substituted by Act No. 12 of 1955, for the words "may appoint".
- 28 Substituted by the A.O. 1950, for the words "Provinces".
- 29 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1973.
- 30 The words "dental or" omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 31 Substituted by the A.O. 1950, for the words "Provinces".
- 32 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 33 The word and figures "section 10", omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.
- 34 Inserted by Act No. 42 of 1972, w.e.f. 1st, November, 1972.
- 35 Inserted by Act No. 4 of 1986, w.e.f. 15th. May, 1986.

36 The words "and the maintenance and audit of its accounts" omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

37 Substituted by Act No. 42 of 1972, for the words "Inspectors and other officers and servants of the Council", w.e.f. 1st. November, 1972.

38 Clauses (fa), (fb) and (fc), inserted by Act No. 30 of 1993, dated 2nd. April, 1993.

39 Substituted by Act No. 12 of 1955, for clause (c).

40 The word "and" omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

41 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

42 Inserted by Act No. 12 of 1955.

43 Inserted by the A.O. (No. 3) 1956.

44 Substituted by Act No. 12 of 1955, for former clause (c).

45 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

46 Added by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

47 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

48 Substituted by the A.O. 1950, for the words "Province".

49 Substituted by the A.O. 1950, for the words "British subject of Indian domicile".

50 Substituted by Act No. 12 of 1955, for the words "the commencement of this Act",

51 Substituted by Act No. 42 of 1972, for clause (b), w.e.f. 1st. November, 1972.

52 Substituted by Act No. 42 of 1972, for the words "Part III", w.e.f. 1st. November, 1972.

53 Substituted by Act No. 12 of 1955.

54 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

55 Substituted by Act No. 12 of 1955, for the words "the date of the commencement of this Act".

56 Substituted by Act No. 12 of 1955.

57 Section 34 renumbered as sub-section (1) thereof by Act No. 12 of 1955.

58 Substituted by Act No. 12 of 1955, for the words "two years before the commencement of this Act".



59 Substituted by Act No. 12 of 1955, for the words "five years after the commencement of this Act".

60 Substituted by Act No. 42 of 1972, for the words "Council", w.e.f. 1st. November, 1972.

61 Substituted by Act No. 42 of 1972, for former clause (b), w.e.f. 1st. November, 1972.

62 Substituted by Act No. 12 of 1955, for the words "five years".

63 Inserted by Act No. 12 of 1955.

64 Substituted by Act No. 42 of 1972, for the words "State Dental Council", w.e.f. 1st. November, 1972.

65 Substituted by Act No. 36 of 1957, for the figures "1954".

66 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

67 The words, "irrespective of any considerations of reciprocity," omitted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

68 Inserted by the Madras Adaptation of Laws Order, 1954.

69 Substituted by Act No. 42 of 1972, for former section (3), w.e.f. 1st. November, 1972.

70 Inserted by Act No. 12 of 1955.

71 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

72 Inserted by Act No. 12 of 1955.

73 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

74 Substituted by Act No. 58 of 1950, for the words "two years".

75 Substituted by Act No. 12 of 1955, for the words "the commencement of this Act".

76 Substituted by Act No. 12 of 1955, for the words "the State Government".

77 The words "in the State" omitted by Act No. 12 of 1955.

78 Substituted by Act No. 12 of 1955, for the words "at the commencement of this Act".

79 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

80 Inserted by Act No. 12 of 1955.

81 Substituted by Act No. 58 of 1950, for the words "two years".

82 Substituted by Act No. 12 of 1955, for the words "the commencement of this Act".

83 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

84 Substituted by Act No. 12 of 1955, for the words "at the date of the commencement of this Act".

85 Inserted by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

86 Inserted. by Act No. 42 of 1972, w.e.f. 1st. November, 1972.

87 Substituted by Act No. 42 of 1972, for former clauses (h) and (i), w.e.f. 1st. November, 1972.