

**JOINT /SELECT
COMMITTEE REPORTS OF
LEGISLATIVE ASSEMBLY -
1948**

THE DENTISTS BILL

List of Reports of Select Committees presented to
the Constituent Assembly of India(Legislative)
in 1948.

| S. No. | Short title of the Bill. | Date of presentation. | Date of publication. |
|--------|---|-----------------------|----------------------|
| 1. | The Minimum Wages Bill./ | 28.1.48. | 7.2.48. |
| 2. | The Industrial Finance Corporation Bill. | 28.1.48. | 7.2.48. |
| 3. | The Dock Workers (Regulation of Employment) Bill. | 28.1.48. | 7.2.48. |
| 4. | The Pharmacy Bill. | 28.1.48. | 7.2.48. |
| 5. | The Damodar Valley Corporation Bill. | 28.1.48. | 7.2.48. |
| 6. | The Indian Army and the Indian Air Force(Amenment) Bill. / | 28.1.48. | 14.2.48. |
| 7. | The Dentists Bill. / | 28.1.48. | 14.2.48. |
| 8. | The Rehabilitation Finance, Administration Bill. | 9.2.48. | 21.2.48. |
| 9. | The Workmen's State Insurance, Bill. | 11.2.48. | 21.2.48. |
| 10. | The Electricity(Supply) Bill./ | 4.3.48. | 20.3.48. |
| 11. | The Taxation on Income(Investigation Commission) (Amdt.)Bill, | 8.3.48. | 20.3.48. |
| 12. | The Provincial Insolvency (Amendment) Bill. | 16.3.48. | 20.3.48. |
| 13. | The Indian Finance Bill. | 22.3.48. | 27.3.48. |
| 14. | The Delhi and Ajmer-Merwara Land Development Bill. | 29.3.48. | 3.4.48. |
| 15. | The Estate Duty Bill. (PRELIMINARY REPORT) | 9.8.48. | 14.8.48. |
| | The Factories Bill./ | 9.8.48. | 21.8.48. |

| S. No. | Short title of the Bill. | Date of presentation. | Date of publication. |
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| 17. | The Hindu Code. | 12.8.48. | 21.8.48. |
| 18. | The Income-tax and Business Profits Tax (Amdt.) Bill. | 13.8.48. | 21.8.48. |
| 19. | The Indian Railways (Second Amendment) Bill. | 24.8.48. | 11.9.48. |
| 20. | The Mines and Minerals (Regulation and Development) Bill. | 25.8.48. | 11.9.48. |
| 21. | The Central Silk Board Bill. | 26.8.48. | 11.9.48. |

26

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

**REPORT OF THE SELECT COMMITTEE ON THE DENTISTS BILL,
1948**

We, the undersigned, members of the Select Committee to which the Bill to regulate profession of dentistry was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto. We have made certain amendments in the Bill and the important ones are as follows:—

Clause 2.—Sub-clause (b).—The expression “simple extraction” is rather vague. Therefore carrying out of simple extraction has been excluded from the functions of the dental hygienist.

Sub-clause (e).—As the word “dentist” frequently occurred in the Bill, a definition of “dentist” has been incorporated.

Sub-clause (f).—The definition of the words “medical practitioner” has been amplified to cover all medical practitioners registered or entitled to be registered.

Sub-clause (k).—A new definition of recognized dental hygiene qualification has been introduced to specify the qualification to be possessed by a dental hygienist.

Clause 3.—The constitution and composition of the Dental Council of India has been changed so as to give effective representation to the Universities and the Provincial Governments. In fairness to the dentists registered in Part B of a Provincial Register, it has been provided that of the six members nominated by the Central Government, two shall be dentists so registered.

Clause 6.—Sub-clause (iii) has been amplified so as to provide that if a member has been elected by the Medical Council of India or from the Medical Faculty of a University, he shall be deemed to have vacated his seat if he ceases to be a member thereof.

Clause 8.—For better administration of the working of the Council, it has been provided that for the first four years from the first constitution of the Council, the Secretary shall be a person appointed by the Central Government.

Clause 20.—To enable the Central Government to have some control in the making of regulations by the Dental Council of India, it has been provided that the regulation shall be made with the approval of the Central Government.

Clauses 25 and 28.—As in the case of the Dental Council of India, provision has been made that for five years from the first constitution of the Provincial Council, the President and the Registrar shall be a person to be appointed by the Provincial Government.

Clause 27.—As in the case of the Dental Council of India, a provision has been made that a member should be deemed to have vacated his seat if he has been elected by the Medical Council or the Council of Medical Registration of the Province if he ceases to be a member thereof.

Clause 33.—A proviso has been added to prevent the registration of foreigners unless a scheme of reciprocity has been established between India and the countries or States concerned.

Clauses 47, 48, 49 and 51.—A provision has been made in each clause for higher punishment on subsequent convictions.

Clause 54.—This clause has been redrafted on the lines of section 20 of Medical Councils Act, 1933, so as to enable the Central Government to appoint a Commission of Enquiry in the case of the Dental Council of India and Provincial Government in the case of a Provincial Council. The qualifications of the members of the Commission have also been made more specific.

The Schedule.—The Punjab University, the Punjab State Medical Faculty Lahore and the Board of Examiners, College of Dentistry, Karachi, have been transferred from Part I to Part II. In Part II, the Universities of Minnesota, St. Louis and Michigan and Tufts College, Boston, have been added.

2. The Bill was published in Part V of the *Gazette of India*, dated the 1st April, 1947.

3. We think the Bill has not been so amended as to require circulation under Standing Order 41(5) and we recommend that it be passed as now amended.

AMRIT KAUR.
MIHIR LAL CHATTOPADHYAYA
DESHBANDHU GUPTA
L. KRISHNASWAMI BHARATHI
V. SUBRAHMANYAM
G. DURGABAI
P. KUNHIRAMAN
H. IMAM
YASHWANT RAI
*RAM NARAYAN SINGH

NEW DELHI;
The 28th January, 1948.

*Subject to a Minute of Dissent.

MINUTE OF DISSENT

Legislation is generally taken to meet the general demand of the people but this piece of legislation seems to be the result of a conspiracy of some against the others engaged in this profession of dentistry. Such things happened generally when the British were rulers. This Bill also originated before independence was achieved. There can be no justification for the division of dentists into two classes—one getting preference over the other. I strongly disagree with the provisions relating to this division and the enrolments of dentists in two separate registers. If a register is to be maintained justice demands that all dentists who have put in at least 5 years experience should be accorded the necessary recognition. For the future provision may be made to register only such dentists as have received the prescribed training.

RAM NARAYAN SINGH.

NEW DELHI;

The 28th January, 1948.

[AS AMENDED BY THE SELECT COMMITTEE]

(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

A
BILL

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 all the Provinces of India.

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 dentures and dental appliances;

(d) "dentistry" includes—

(i) the performance of any operation on, and the treatment of 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 anæsthetic 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 (VII of 1916), or specified in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933), or who practises any system of medicine and is registered or is entitled to be registered in any provincial medical register by what ever name called;

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

(h) "Provincial Council" means a Provincial Dental Council constituted under section 21, and includes a Joint Provincial Council constituted in accordance with an agreement under section 22;

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

(j) "recognised dental qualification" means any qualification for the time being included in the Schedule or recognised by the Council under section 10;

(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.

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 Provincial register;

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

(c) heads of dental colleges in the Provinces of India which grant recognised dental qualification, not exceeding four in number, elected from amongst themselves;

(d) one member from each University in the Provinces of India which grants a 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 Medical Faculty of the University;

(e) one member to represent each Governor's Province nominated by each such Provincial Government who is registered either in a medical register or in a dental register of the Province;

(f) six members nominated by the Central Government, of whom 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 Chief Commissioner's Province, and two shall be dentists registered in Part B of a Provincial register.

4. Incorporation of Council.—The Council constituted under section 3 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 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.

(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 Provincial register, if his name is removed from such register, or if he has been elected under clause (c) of section 3, if he ceases to hold his appointment as head of a 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 the 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 at 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 deemed expedient, 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 ;

(d) with the previous sanction of the Central Government, fix the fees and allowances of the President, Vice-President and 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*, 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.

10. Recognition of qualifications.—(1) For the purposes of this Act the qualifications included in Part I of the Schedule shall be recognised dental qualifications.

(2) Any authority in a Province of India which grants a qualification in dentistry not included in Part I of the Schedule 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 of the Province 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 qualification.

(3) The qualifications included in Part II of the Schedule shall be recognised dental qualifications but shall not entitle persons other than British subjects of Indian domicile to registration unless they have been declared to be recognised dental qualifications in accordance with the provisions of sub-section (2).

(4) The qualifications included in Part III of the Schedule shall be recognised dental qualifications only for the purpose of the registration of British subjects of Indian domicile when the register is first prepared under this Act.

(5) The Council may enter into negotiations with any authority in any State or country outside the Province of India which by the law of 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 qualifications, and in pursuance of any such scheme the Council may declare that a qualification granted by any authority in any State or country outside India, or such qualification only when granted after a specified date, shall be a recognised dental qualification for the purposes of this Act:

Provided that no declaration shall be made under this sub-section in respect of any qualification unless by the law and practice of the State or country in which the qualification is granted, persons of * Indian origin holding dental qualifications registrable in that State or country are permitted to enter and practise the profession of dentistry in that State or country.

11. Qualifications of dental hygienists.—Any authority in a Province of India 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 of the Province 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 other 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 Province;

(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 Province of India which grants any recognised 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 or study and examinations are required to be undergone, and generally as to the requisites for obtaining such qualification.

15. Inspections.—(1) The Executive Committee may appoint such number of Inspectors as it deems necessary to attend any examinations held by authorities in the Provinces of India 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 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 the 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 thereon to the Central Government and to the Government of the Province in which the authority or institution is situated.

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 dental or dental hygiene qualification from any authority in a Province of India, 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 Province in which the authority or institution is situated a statement to such effect, and the Provincial 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 Provincial 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 Provincial Government shall after consulting the Provincial Council, forward its recommendations and those of the Provincial Council, if any, to the Council.

(3) The Council, after considering the recommendations of the Provincial Government and the Provincial 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 dental or dental hygiene qualification only when granted before a specified date.

(4) The Council may declare that any recognised dental or dental hygiene qualification granted outside the Provinces of India shall be * recognised as such only if granted before a specified date.

17. Mode of declarations.—All declarations under section 10, 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.

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 Provincial registers of dentists.

(2) Each Provincial Council shall supply to the Council twenty printed copies of the Provincial 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 Provincial 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, make regulations consistent with 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 and the maintenance and audit of its accounts;

(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, Inspectors and other officers and servants of the Council;

(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;

21 Provided that regulations under clauses (g) and (h) shall be made after consultation with Provincial 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.

CHAPTER III

PROVINCIAL DENTAL COUNCILS

21. Constitution and composition of Provincial Councils.—Except where a Joint Provincial Council is constituted in accordance with an agreement made under section 22, the Provincial Government shall constitute a Provincial Council consisting of the following members, namely:—

(a) four members elected from among themselves * * *
by dentists registered in Part A of the Provincial register;

(b) four members elected from among themselves * * *
by dentists registered in Part B of the Provincial register;

(c) the heads of dental colleges in the Province which grant recognised dental qualifications *ex officio*;

(d) one member elected from amongst themselves by the members of the Medical Council or the Council of Medical Registration of the Province, as the case may be;

(e) three members nominated by the Provincial Government:

Provided that in the Province of West Bengal the Board established under the Bengal Dentists Act, 1939 (Bengal Act XII of 1939), shall be deemed to be the Provincial Council constituted under this Act.

22. Inter-Provincial agreements.—(1) Two or more Provincial 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 Provincial Council for all the participating Provinces, or

(b) for a Provincial Council of one Province to serve the needs of the other participating Provinces.

(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 Provinces of the expenditure in connection with the Provincial Council or Joint Provincial Council;

(b) determine which of the participating Provincial Governments shall exercise the several functions of the Provincial Government under this Act, and the references in this Act to the Provincial Government shall be construed accordingly;

(c) provide for consultation between the participating Provincial 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 Gazette of the participating Provinces.

23. Composition of Joint Provincial Councils.—A Joint Provincial 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 Provinces;

(b) two members elected from among themselves * * * * * by dentists registered in Part B of the register of each of the participating Provinces;

(c) the heads of dental colleges in all the participating Provinces which grant recognised dental qualifications, *ex officio*;

(d) one member elected by the Medical Council or the Council of Medical Registration, of each participating Province, as the case may be;

(e) two members nominated by each participating Provincial Government.

24. Incorporation of Provincial Councils.—Every Provincial Council shall be a body corporate by such name as may be notified by the Provincial Government in the official Gazette or, in the case of a Joint Provincial 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 Provincial Council.—(1) The President and Vice-President of the Provincial Council shall be elected by the members from among themselves: * * * * *

Provided that for five years from the first constitution of the Provincial Council, the President shall, if the Provincial Government so decides, be a person nominated by the Provincial Government who shall hold office at the pleasure of the Provincial Government, and where he is not already a member, shall be a member of the Provincial 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 Provincial Council, but subject to his being a member of the Provincial 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 Provincial 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.

(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 Provincial Council, from three consecutive ordinary meetings of the Provincial Council, or in the case of a member whose name is required to be included in the register, if his name is removed from the register, or if he has been elected under clause (d) of section 21 or 23, if he ceases to be a member of the Medical Council or the Council of Medical Registration of the Province, as the case may be.

(4) A casual vacancy in the Provincial 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 Provincial Council shall be eligible for re-election or re-nomination.

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

28. Staff, remuneration and allowances.—(1) The Provincial Council may, with the previous sanction of the Provincial Government,—

(a) appoint a Registrar, who shall also act as Secretary and if deemed expedient, Treasurer, of the Provincial Council;

(b) appoint such other officers and servants as may be required to enable the Provincial Council 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 Provincial Council considers necessary;

(d) fix the salaries and allowances and other conditions of service of the Secretary and other officers and servants of the Provincial Council;

(e) fix the rates and allowances payable to members of the Provincial Council.

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

29. Executive Committee.—(1) The Provincial Council shall constitute from among its members an Executive Committee consisting of the President and Vice-President *ex officio*, and such number of other members elected by the Provincial Council * as may be prescribed.

(2) The President and Vice-President of the Provincial 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 Provincial Council, but subject to his being a member of the Provincial 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 Provincial Council shall furnish such reports, copies of its minutes and of the minutes of the Executive Committee, and abstracts of its accounts to the Provincial Government as the Provincial Government may from time to time require and shall forward copies of all material so furnished to the Provincial Government to the Council.

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

CHAPTER IV

REGISTRATION

31. Preparation and maintenance of register.—(1) The Provincial Government shall as soon as may be cause to be prepared in the manner hereinafter provided a register of dentists for the Province.

(2) The Provincial 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 ;

(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 Provincial 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 Provincial 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 Provincial 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 Provincial 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 Provincial Council, the register shall be given into its custody, and the Provincial 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 Provincial 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 Province and if he—

(a) holds a recognised dental qualification, or

(b) does not hold such a qualification but, being a British subject of Indian domicile, has been engaged in practice as a dentist as his principal means of livelihood in any Province of India for a period of not less than five years prior to the commencement of this Act:

Provided that no person other than a British subject of Indian domicile shall be entitled to registration by virtue of a qualification specified in Part II of the Schedule unless the Council has in pursuance of a scheme of reciprocity declared that qualification to be a recognised dental qualification.

Provided further that a person shall be entitled to registration by virtue of a qualification specified in Part III of the Schedule only if he is a British subject of Indian domicile:

Provided further that for the purposes of the first preparation of the register of dentists under this Act in the Province of West Bengal, a person shall be entitled to have his name entered in the appropriate Part of the register, if he is registered on the register of dental practitioners maintained under the Bengal Dentists Act, 1939 (Bengal Act XII of 1939), and no registration fee shall be payable by such person.

(2) A person domiciled in a Province of India 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 in any Province of India for a period of not less than two or more than five years before the date of the commencement of this Act, and a person so registered shall be entitled to permanent registration if within a period of five years after that date he passes an examination which satisfies the requirements of the Council.

34. Qualification for subsequent registration.—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 Province and if he—

(i) holds a recognised dental qualification, or

(ii) does not hold such a qualification but, being a British subject of Indian domicile, has been engaged in practice as a dentist as his principal means of livelihood in any Province of India for a period of not less than two years before the commencement of this Act and has passed, within a period of five years after the commencement of this Act, an examination recognised for this purpose by the Council:

Provided that no person other than a British subject of Indian domicile shall, *** be entitled to registration by virtue of a qualification specified in Part II of the Schedule, unless the Council has in pursuance of a scheme of reciprocity declared that qualification to be a recognised dental qualification:

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 five years he passes an examination recognised for the purpose by the Council.

35. Scrutiny of applications 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 Provincial 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 Province, shall be entitled to have his name entered on the register except with the approval of the Provincial Council recorded at a meeting.

(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 Provincial Council, and the decision of the Provincial 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.

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36. Registers of dental hygienists and dental mechanics.—(1) The Provincial Government may by notification in the official Gazette direct that the Provincial 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 Province 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 Provincial 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 Provincial 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 at any time during the remaining nine months of the year, of double the renewal fee prescribed.

(3) On payment of the renewal fee, the Registrar shall in the prescribed manner endorse the certificate of registration accordingly.

(4) A person whose name is removed from the register under sub-section (2) and is not restored thereto under the proviso to that sub-section, shall not be entitled to be again registered except with the approval of the Provincial Council and on such conditions as to payment of fees as it may direct.

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 qualification which he may obtain.

41. Removal from register.—(1) Subject to the provisions of this section, the Provincial 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, which in the opinion of the Provincial Council renders him unfit to be kept in the register.

(2) An order under sub-section (1) may direct that the person whose name is ordered to be removed from a register shall be ineligible for registration in the Province 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 Provincial Government, and the order of the Provincial 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 to the Registrar, and the name so removed shall be published in the official Gazette.

42. Restoration to register.—The Provincial Council may at any time, for reasons appearing to it sufficient and subject to the approval of the Provincial 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 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 two years from the commencement of this Act, a person who is not registered in Part A of the Provincial register of dentists shall not, except with the sanction of the Provincial Government, hold any appointment as dentist * * * in any dispensary, hospital or other institution in the Province 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 at the commencement of this Act.

(4) After the expiry of two years from the publication of a register of dental hygienists in a Province, 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 Province which is supported wholly or partially from public or local funds.

CHAPTER V

MISCELLANEOUS

47. Penalty for falsely claiming to be registered.—If any person whose name is not for the time being entered on a register of the Province 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 a register of another Province and that at the time of the alleged offence under this section an application for registration in the Province had been made.

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 Province 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 Province where such register has been published, the title of dental mechanic,

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.

49. Practice by unregistered persons.—(1) After the expiry of two years from the commencement of this Act in the case of dentists, and in the Provinces 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 Provincial 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 anæsthetic;

(c) * * * * * the scaling, cleaning or polishing of teeth by a registered dental hygienist * * * * *

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

(e) the mechanical construction or renewal of dentures or dental appliances by a dental mechanic:

(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 extending 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, he shall be punishable with fine which may extend to fifty rupees.

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 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 further that any company or other corporate body carrying on the profession of dentistry at the date of the commencement of this Act may continue 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 extending 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 Provincial Government or the Provincial Council.

53. Payment of part of fees to Council.—The Provincial 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 Provincial Council under this Act during the period of twelve months ending on the 31st day of March of that year.

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 Provincial Government that the Provincial Council is not complying with any of the provisions of this Act, the Provincial Government may likewise appoint a similar Commission of Enquiry in respect of the Provincial 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 Provincial 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 Provincial 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 Provincial 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 Provincial 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 Provincial 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 ;

(h) the fees payable for registration, and the charge for supplying copies of the registers ;

(i) the form of certificates of registration and the manner of endorsement or renewal thereof ;

(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.

THE SCHEDULE

(See section 10)

RECOGNISED DENTAL QUALIFICATIONS**Part I**

Degrees or diplomas in dentistry issued by any of the following authorities:—

(1) Board of Examiners, Calcutta Dental College and Hospital, if granted before the 1st day of January 1940.

(2) State Medical Faculty, Bengal, Calcutta, if granted after the 31st day of December 1939.

(3) The University of Bombay.

(4) The College of Physicians and Surgeons, Bombay.

(5) The Nair Hospital Dental Board, Bombay.

Part II

Degrees or diplomas in dentistry issued by the following authorities:—

(1) The Punjab University.

(2) The Punjab State Medical Faculty, Lahore.

(3) The Board of Examiners, College of Dentistry, Karachi, if granted before the 1st day of January 1942.

(4) The Royal College of Surgeons, England.

(5) The Royal College of Surgeons, Edinburgh.

(6) The Royal Faculty of Physicians and Surgeons of Glasgow.

(7) The Royal College of Surgeons, Ireland.

(8) The Universities of Durham, London, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Bristol, St. Andrews and Belfast, and the National University of Ireland.

(9) Atlanta Southern Dental College, Atlanta, Georgia.

(10) College of Dentistry, University of Illinois, Chicago, Illinois.

(11) College of Dental Surgery, Loyola University, Chicago, Illinois.

(12) North-Western University Dental College, Chicago, Illinois.

(13) School of Dentistry, Indiana University, Indianapolis, Indiana.

(14) College of Dentistry, University of Iowa City, Iowa.

(15) Dental School, Harvard University, Boston, Massachusetts.

(16) College of Dentistry, University of Nebraska, Omaha, Nebraska.

(17) School of Dental and Oral Surgery, Columbia University, New York City. * *

(18) University of Pennsylvania, Thomas Evans Dental Institute School of Dentistry, Philadelphia, Pennsylvania.

(19) Texas State Dental College, Houston, Texas.

(20) University of Minnesota, Minnesota.

(21) University of St. Louis, Missouri.

(22) University of Michigan, Michigan.

(23) Tufts College, Boston.

(24) University of Toronto, Faculty of Dentistry, Toronto, Ontario.

(25) Dental College of McGill University, Montreal, Quebec.

(26) Deutsche Zahnärztliche Universitäts Institut, Bonn.

(27) Deutsche Zahnärztliche Universitäts Institut, Munich.

(28) Ecole Dentaire de Paris, Paris.

(29) Ecole Dentaire Française, Paris.

(30) Any other foreign qualification approved in this behalf by the Dental Council of India, or before the said Council is constituted, by the Central Government, by notification in the official Gazette.

Part III

The following qualifications:—

(1) Post-graduate certificate of dentistry of the University of Vienna (Z.D.S.).

(2) Any other foreign qualification approved in this behalf by the Central Government by notification in the official Gazette.

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

**Report of the Select Committee on the Bill to regulate the
profession of dentistry**

(As amended by the Select Committee)

GIPD—Vc—415LAD—5-2-48—650.