

THE DENTISTS (AMENDMENT) ACT, 1955

ACT NO. 12 OF 1955

[15th April, 1955]

An Act further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Dentists (Amendment) Act, 1955. Short title.

2. In section 1 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter "Part B States", the words "the State of Jammu and Kashmir" shall be substituted.

Amendment
of section 1,
Act 16 of
1948.

3. In section 2 of the principal Act,—

Amendment
of section 2,
Act 16 of
1948.

(i) in clause (f), after the words, figures and brackets "the Indian Medical Council Act, 1933 (XXVII of 1933)," the words "or specified in any other law for the time being in force in any State," shall be inserted;

(ii) for clause (m), the following clause shall be substituted, namely:—

“(m) references to “State” and “States” shall be construed as excluding any reference to the State of Jammu and Kashmir or to the territories for the time being comprised within the said State.”

4. In section 3 of the principal Act,—

Amendment
of section 3,
Act 16 of
1948.

(i) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:—

“(c) not more than four members elected from among themselves, by—

(a) Principals and Vice-Principals of dental colleges in the States training students for recognised dental qualifications included in Part I of the Schedule;

(b) Professors of dental surgery of medical colleges in the States training students for the degree of Bachelor of Dental Surgery:

Provided that not more than one member shall be elected from the same dental college or the same medical college referred to in sub-clause (a) or sub-clause (b);

(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 each Part A State and Part B State other than the State of Jammu and Kashmir, nominated by the Government of each such State from among persons registered either in a medical register or a dental register of the State;";

(ii) after clause (f), the following clause shall be inserted, namely:—

“(g) the Director General of Health Services, *ex-officio*.”.

Amendment
of section 6,
Act 16 of
1948.

5. In section 6 of the principal Act, in sub-section (3),—

(i) for the words “if he ceases to hold his appointment as the head of a college”, the following words shall be substituted, namely:—

“if he ceases to hold his appointment as the Principal or Vice-Principal of a dental college, or as a professor of dental surgery of a medical college”;

(ii) for the words “the Medical Faculty”, the words “the Dental or Medical Faculty” shall be substituted.

Amendment
of section 15,
Act 16 of
1948.

6. In section 15 of the principal Act, in sub-section (1), for the words “may appoint”, the words “may, subject to regulations, if any, made by the Council appoint” shall be substituted.

Amendment
of section 21,
Act 16 of
1948.

7. In section 21 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) the heads of dental colleges, if any, in the State which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*.”;

(ii) to clause (e), the following proviso shall be added, namely:—

“Provided that in the State of Saurashtra, the State Dental Council constituted under Saurashtra Ordinance XXV of 1948, as amended by Saurashtra Ordinance XL of 1949, shall be deemed to be the State Council constituted under this Act.”.

8. In section 23 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

Amendment
of section 23,
Act 16 of
1948.

“(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*.”

9. In section 33 of the principal Act,—

Amendment
of section 33,
Act 16 of
1948.

(i) in sub-section (1),—

(a) in clause (b), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the last proviso the following proviso shall be substituted, namely:—

“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, if he is registered on the register of dental practitioners maintained under Saurashtra Ordinance No. XXV of 1948, as amended by Saurashtra Ordinance No. XL of 1949;
or

(b) in the State of Travancore-Cochin, if he is registered on the register of dental practitioners maintained under the Travancore Medical Practitioners Act, 1119.”;

(ii) in sub-section (2),—

(a) for the words “the date of the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the words “within a period of five years after that date he passes an examination which satisfies the requirements of the Council”, the words “for a period of five years from the date of his temporary registration he has been engaged in practice as a dentist” shall be substituted.

10. Section 34 of the principal Act shall be renumbered as sub-section (1) of section 34 and—

Amendment
of section 34,
Act 16 of
1948.

(i) in sub-section (1) as so renumbered—

(a) in clause (ii),—

(i) for the words “two years before the commencement of this Act”, the words, brackets and figures “two years before the date appointed under sub-section (2) of section 32” shall be substituted;

(ii) for the words “five years after the commencement of this Act”, the words “ten years after the said date” shall be substituted;

(b) in the second proviso for the words “five years”, the words and letter “ten years after the date of his registration in Part B” shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1),—

(a) a State Dental Council may during the period of two years immediately after the commencement of the Dentists (Amendment) Act, 1954, permit for sufficient reasons the registration in the State register of any 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;

(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, irrespective of any considerations of reciprocity, 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 dentistry for personal gain and his application for registration is approved by the President of the Council.”

Amendment
of section 40,
Act 16 of
1948.

11. In section 40 of the principal Act, after the word “recognised”, the word “dental” shall be inserted.

Amendment
of section 41,
Act 16 of
1948.

12. In section 41 of the principal Act,—

(i) in sub-section (1), in clause (ii), the word ‘or’ shall be added at the end and after the clause as so amended, the following clause shall be inserted, namely:—

“(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.”;

(ii) after sub-section (5), the following sub-section shall be inserted, namely:—

“(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.”.

13. In section 46 of the principal Act, in sub-section (3),—

Amendment
of section 46,
Act 16 of
1948.

(i) for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(ii) for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted;

(iii) the words “in the State” shall be omitted;

(iv) for the words “at the commencement of this Act”, in the proviso, the words “immediately before the said date” shall be substituted.

14. In section 48 of the principal Act, in clause (c), the word “or” shall be added at the end and after the clause as so amended, the following clause shall be inserted, namely:—

Amendment
of section 48,
Act 16 of
1948.

“(d) not possessing a recognised dental qualification, uses a degree or a diploma or an abbreviation indicating or implying a dental qualification.”.

15. In section 49 of the principal Act, in sub-section (1), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted.

Amendment
of section 49,
Act 16 of
1948.

16. In section 51 of the principal Act, in the proviso to sub-section (2), for the words “at the date of the commencement of this Act”, the words, brackets and figures “immediately before the date appointed under sub-section (2) of section 32” shall be substituted.

Amendment
of section 51,
Act 16 of
1948.

Rep. Art 58/60

Amendment
of the Sched-
ule, Act
16 of 1948.

17. In the Schedule to the principal Act,—

(i) for the words, figures and brackets “(See section 10)”, the words, figures and brackets “(See sections 10, 21 and 23)” shall be substituted;

(ii) in Part I,—

(a) in entry No. (1) for the figures, letters and words “the 1st day of January, 1940” the figures, letters and words “the 1st day of May, 1941” shall be substituted;

(b) in entry No. (2) for the figures, letters and words “the 31st day of December, 1939” the figures, letters and words “the 30th day of April, 1941” shall be substituted;

(c) after entry No. (5) the following entry shall be inserted, namely:—

“(6) The East Punjab University, if granted during the year 1948.”;

(iii) in Part II, for entries Nos. (1) and (2), the following shall be substituted, namely:—

“(1) The Punjab University, Lahore, if granted before the 15th day of August, 1947.

(2) The Punjab State Medical Faculty, Lahore, if granted before the 15th day of August, 1947”.