

Dentists Act, 1948

Chapter III - State Dental Councils

Except where a Joint¹[State] Council is constituted in accordance with an agreement made under section 22, the¹[State] Government shall constitute a¹[State] Council consisting of the following members, namely: -

- (a) four members elected from among themselves by dentists registered in Part A of the¹[State] register;
- (b) four members elected from among themselves by dentists registered in Part B of the¹[State] register;
- ²[(c) the heads of dental colleges, if any, in the¹[State] which train students for 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 the¹[State] as the case may be;³[* *]
- (e) three members nominated by the¹[State] Government;³[and]
- ³[(f) the Chief Medical Officer of the State, by whatever name called, ex officio;]

⁴[Provided that in the State of Saurashtra⁵[as it existed before the 1st November 1956], 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.]

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1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.
 2. Substituted for original clause (c) by the Dentists (Amdt.) Act, 1955 (12 of 1955), Section. 7(16-4-1955).
 3. Word "and" at the end of cl. (d) omitted and inserted at the end of cl.(e), cl. (f) inserted by Dentists (Amdt.) Act (42 of 1972) Section. 15 (a) (b) and (c) respectively (1-11-1972).
 4. This Proviso was inserted ibid. The original Proviso was omitted by the Dentists (Amdt.) Act, 1950 (58 of 1950). Section. 2 (w.e.f. 1-11-1950). Saurashtra is in Gujarat now.
 5. Inserted by 3 A.L.O., 1956.
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Section 22 - Inter-State agreements

(1) Two or more¹[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 Joint¹[State] Council for all the participating States, or
- (b) for the¹[State] Council of one¹[State] to serve the needs of the other participating 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 participating²[States] of the expenditure in connection with the State Council or Joint¹[State] Council;
 - (b) determine which of the participating¹[State] Governments shall exercise the several functions of the¹[State] Government under this Act, and the references in this Act to the¹[State] Government shall be construed accordingly;
 - (c) provide for consultation between the participating¹[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 Gazette of the participating⁶[States].

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1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.
 2. Substituted for the word "Provinces" by A.L.O.1950.

Section 23 - Composition of Joint State Councils

A Joint¹[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 participating²[States];
- (b) two members elected from among themselves by dentists registered in Part B of the register of each of the participating²[States];
- ³(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 State, as the case may be;
- (e) two members nominated by each participating a[State] Government;
- ⁴(f) the Chief Medical Officer of each participating State, by whatever name called, ex officio;

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1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.
 2. Substituted for the word "Provinces" by A.L.O.1950.
 3. Substituted for the original clause (c) by the Dentists (Amdt.) Act, 1955 (12 of 1955). Section.8 (15-4-1955).
 4. Clause. (f) inserted by Dentists (Amdt.) Act (42 of 1972) Section. 16 (1-11-72).

Section 24 - Incorporation of State Councils

Every¹[State] Council shall be a body corporate by such name as may be notified by the¹[State] Government in the Official Gazette or, in the case of a Joint¹[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.

1. Substituted for 'Province' or 'Povincial' by A.L.O.. 1950.

Section 25 - President and Vice-President of State Council

(1) The President and Vice-President of the¹[State] Council shall be elected by the members from among themselves:

Provided that for the five years from the first constitution of the¹[State] Council, the President shall, if the¹[State] Government so decides, be a person nominated by the¹[State] Government who shall hold office during the pleasure of the¹[State] Government, and where he is not already a member, shall be a member of the¹[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 the¹[State] Council, but subject to his being a member of the¹[State] Council, he shall be eligible, for re-election.

1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.

Section 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 the¹[State] Government whose decision shall be final.

1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.

Section 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.

¹[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 the²[State] Council, from three consecutive ordinary meeting of the²[State] Council, or

(b) in the case of a member whose name is required to be included in any b[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 2[State] as the case may be.

(4) A casual vacancy in the 2[State] 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 2[State] Council shall be eligible for re-election or renomination.

(6) No act done by the 2[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 2[State] Council.

1. Inserted by Dentists (Amdt.) Act. (42 of 1972) Section. 17(1-11- 72).

2. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.

Section 28 - Stuff remuneration and allowances

(1) The 1[State] Council may, with the previous sanction of the 1[State] Government,-

(a) appoint a Registrar, who shall also act as Secretary and if so decided by the 1[State] Council also as its Treasurer;

(b) appoint such other officers and servants as may be required to enable the 1[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 1[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 State Council;

(e) fix the rate of allowances payable to members of the State Council.

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

1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.

Section 29 - Executive Committee

(1) The 1[State] Council shall constitute from among its members an Executive Committee consisting of the President and Vice-President ex officio 2[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 1[State] Council as may be prescribed.

(2) The President and Vice-President of the [1](#)[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 [1](#)[State] Council, but subject to his being a member of the [1](#)[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.

1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.

2. Inserted by Dentists (Amdt.) Act (42 of 1972) S. 18 (1-11-72).

Section 30 - Information to be furnished

(1) The [1](#)[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 [1](#)[State] Government as the [1](#)[State] Government may from time to time require and shall forward copies of all material so furnished to the [1](#)[State] Government to the Council.

(2) The [1](#)[State] Government may publish in such manner as it thinks fit any report, copy or abstract furnished to it under this section.

1. Substituted for 'Province' or 'Provincial' by A.L.O.. 1950.