

Dentists Act, 1948

Chapter IV - Registration

- (1) The 1[State] Government shall as soon as may be cause to be prepared in the manner hereinafter provided a register of dentists for the 1[State].
- (2) The 1[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.

1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

Section 32 - First preparation of register

- (1) For the purpose of first preparing the register of dentists, the 1[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 1[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 1[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 the authority appointed by the 1[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 1[State] Council the register shall be given into its custody, and the 1[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 1[State] Council.

1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

Section 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 carriers on the profession of dentistry in the 1[State] and if he -

(a) holds a recognised dental qualification, or

(b) does not hold such a qualification but, being a2[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 3[the date appointed under sub-section (2) of section 32]:

Provided that no person other than a2[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 practice the profession of dentistry in such State or country or

4[(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 5[Part II] of the Schedule only if he is a2[citizen of India]:

6[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 7[as it existed before the 1st November, 1956], 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 7[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; 8[or]

8[(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 a1[State] 9[* *] 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 to¹⁰[the date appointed under sub-section (2) of section 32], and a person so registered shall be entitled to permanent registration if¹¹[for a period of five years from the date of his temporary registration he has been engaged in practice as a dentist.]

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1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.
 2. Substituted for the words "British subject of Indian domicile" by A.L.O.,1950.
 3. Substituted for "the commencement of this Act" by the Dentists (Amdt.) Act. 1455 (12 of 1955): S.9 (15-4-1955).
 4. Clause (b) of Proviso substituted by Dentists (Amdt.) Act (42 of 1972) S. 19 (1-11-72).
 5. Substituted for words "Part III", by Dentists (Amdt.) Act (42 of 1972) S. 19 (1-11-72).
 6. Substituted for the last proviso, by Dentists (Amdt.) Act (42 of 1972) S. 19 (1-11-72).
 7. Inserted by 3 A.L.O. 1956
 8. Word 'or' inserted by Dentists (Amdt.) Act (42 of 1972), S. 19 (1-11-72).
 9. The words "of India" were omitted by A.L.O.. 1950.
 10. Substituted for "the date of the commencement of this Act" by Act 12 of 1955. S. 9 (15-4-1955).
 11. Substituted for "within a period of five years after that date he passes an examination which satisfies the requirements of the Council." by Act 12 of 1955. S. 9 (15-4-1955).

Section 34 - Qualification for subsequent registration

¹ [(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 ² [State] and if he-

(i) holds a recognised dental qualification, or

(ii) does not hold such a qualification but, being a ³ [citizen of India], has been engaged in practice as a dentist as his principal means of livelihood for a period of not less than ⁴ [two years before the date appointed under sub-section (2) of Section 32] and has passed, within a period of ⁵ [ten years after the said date], an examination recognised for this purpose by the ⁶ [Central Government]:

Provided that no person other than a ³ [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

⁷ [(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 ⁸ [ten years after the date of his registration in

Part B] he passes an examination recognized for the purpose by the [6](#) [Central Government].

[9](#) [(2) Notwithstanding anything contained in sub-section (1),-

(a) a [10](#) [State Council] may during the period of two years immediately after the commencement of the Dentists (Amendment) Act, [11](#) [1955], 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 selling 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;

[12](#) [(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 [13](#) [* * *] 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.]

1. Section 34 was renumbered as sub-section (1) of that section by the Dentists (Amdt.) Act, 1955 (12 of 1955). S. 10(15-4-1955).

2. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

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

4. Substituted for "two years before the commencement of this Act" by the Dentists (Amdt.) Act, 1955 (12 of 1955). S. 10(15-4-1955).

5. Substituted for "five years after the commencement of this Act", by the Dentists (Amdt.) Act, 1955 (12 of 1955). S. 10(15-4-1955).

6. Substituted for the word 'Council' by Dentists (Amdt.) Act (42 of 1972). S. 20 (1-11-72).

7. Substituted, by Dentists (Amdt.) Act (42 of 1972). S. 20 (1-11-72).

8. Substituted for "five years", by Dentists (Amdt.) Act (42 of 1972). S. 20 (1-11-72).

9. Inserted. by Dentists (Amdt.) Act (42 of 1972). S. 20 (1-11-72).

10. Substituted for words "State Dental Council" by Dentists (Amdt.) Act (42 of 1972), S.20(1-11-72).
11. Substituted for "1954" by the Repealing and Amendment Act. 1957 (36 of 1957), S. .1 and Sch. II (17-9-1957).
12. Inserted by Demists (Amdt.) Act (42 of 1972). S. 20 (1-11- 72).
13. Words "irrespective of any considerations of reciprocity", omitted by Demists (Amdt.) Act (42 of 1972). S. 20 (1-11- 72).

Section 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 1[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 1[State] shall be entitled to have his name entered on the register except with the approval of the 1[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 1[State] Council, and the decision of the 1[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.

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1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

Section 36 - Registers of dental hygienists and dental mechanics

(1) The 1[State] Government may, by notification in the official Gazette, direct that the 1[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.

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1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

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 1[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.

1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

Section 38 - Qualification for registration us 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.

Section 39 - Renewal fees

(1) The 1 [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 1 [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.

2 [(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.]

23.Sub-section (3) substituted by Dentists (Amendment) Act (42 of 1972), Section. 21 (1-11-72). [b] Substituted for the word "Provincial" by A.L.O.1950.

1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

2. Inserted by the Dentists (Amdt.) Act. 1955 (12 of 1955). Section. 11 (16-4-1955).

Section 40 - Entry of additional qualifications

A registered dentists shall on payment of the prescribed fee be entitled to have entered in the register any further recognised1:[dental] qualification which he may obtain.

1. Inserted by the Dentists (Amdt.) Act. 1955 (12 of 1955), Section. 12 (16-4-1955)

Section 41 - Removal from register

(1) Subject to the provisions of this section, the 1 [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 [2](#) [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 [1](#) [State] Council renders him unfit to be kept in the register, [3](#) [or]

[3](#) [(iii) that he having been permitted temporary registration under cl. (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 [1](#) [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 [1](#) [State] Government, and the order of the [1](#) [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 [2](#) [and certificate of renewal, if any] to the Registrar, and the name so removed shall be published in the Official Gazette.

[3](#) [(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.]

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1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.
 2. Substituted for the words "Province" of "Provincial" by A.L.O.1950.
 3. Inserted by the Dentists (Amdt.) Act (42 of 1972) Section. 22(1-11- 72).
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Section 42 - Restoration to register

The [1](#)[State] Council may at any time for reasons appearing to it sufficient and subject to the approval of the [1](#)[State] Government, order that upon payment of the prescribed fee the name of a person removed from a register shall be restored thereto.

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1. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.
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Section 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.

Section 44 - Issue of duplicate certificates

Where it is shown to the satisfaction of the Registrar that a certificate of registration [1](#)[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.

1. Inserted by Act 42 of 1972. Section. 23 (1-11-72).

Section 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.

Section 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 1 [three years] from 2 [the date appointed under sub-section (2) of section 32], a person who is not registered in Part A of the 3 [State] register of dentists shall not, except with the sanction of 4 [the Central Government or the State Government] hold any appointment as dentist in any dispensary, hospital or other institution 5 [**] 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 6 [immediately before the said date.]

(4) After the expiry of two years from the publication of a register of dental hygienists in a 3 [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 3 [State], which is supported wholly or partially from public or local funds.

(5) Any person who is registered dentist, registered dental hygienist or registered dental mechanic in a 3 [State] may practise as such in any other 3 [State].

"No appointments held by a person as a dentist between the 29th day of March 1950 and the 30th day of May, 1950 shall be invalid merely because such appointment has been held in contravention of the provisions of sub-section (3) of Section 46 of the said Act as originally enacted".

1. Substituted and deemed always to have been substituted for "two years", by the Dentists (Amendment) Act 1950 (58 of 1950). Section. 3. Section 5 of the amending Act provides that:

2. Substituted for the words "the commencement of this Act" by the Dentists (Amdt.) Act, 1955 (12 of 1955). Section. 13 (15-4-1955).

3. Substituted for the words "Province" or "Provincial" by A.L.O. 1950.

4. Substituted for "the State Government", by the Dentists (Amdt.) Act, 1955 (12 of 1955). Section. 13 (15-4-1955).

5. The words "in the State" were omitted, by the Dentists (Amdt.) Act, 1955 (12 of 1955). Section. 13 (15-4-1955).

6. Substituted for the words "at the commencement of this Act", by the Dentists (Amdt.) Act, 1955 (12 of 1955). Section. 13 (15-4-1955).

Section 46A - Transfer of registration

1[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 practicing 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 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]

1. Inserted by Dentists (Amdt.) Act (42 Of 1972) Section. 24 (1-11-72).
