

Dentists Act, 1948

Chapter V - Miscellaneous

If any person whose name is not for the time being entered in a register falsely represents that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five hundred rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.

Section 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 1 [State] where such register has been published, the title of dental hygienist, or

(e) not being a person whose name is entered on a register of dental mechanics, takes or uses in a 1 [State] where such register has been published, the title of dental mechanic,2[or]

2[(d) not possessing a recognised dental qualification, uses a degree or a diploma or an abbreviation indicating or implying a dental qualification].

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

1. Substituted for the word "Province" by A.I..0.1950.

2. Inserted by the Dentists (Amdt.) Act (12 of 1955). 14 (15-4-1955)

Section 49 - Practice by unregistered persons

(1) After the expiry of 1 [threeyears] from 2 [the date appointed 3 under sub-section (2) of section 32] in the case of dentists, and in the 4 [States] where register of dental hygienists or dental mechanic has been prepared under section 36 from such date as may be specified in this behalf by the 4 [State] Government by notification in the Official Gazette, in the case of dental hygienists or dental mechanics, no person, other than a registered dentist, registered dental hygienist or registered dental mechanic, shall practice 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) practise of dentistry by a registered medical practitioner;

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

anaesthetic;

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

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

"No proceedings shall be commenced or continued against any person under sub-section (2) of section 49 of the said Act for having contravened between the 29th day of March 1950 and 29th day of May, 1950 the provisions of sub-section (1) of the said section as originally enacted."

1. Substituted, and deemed always to have been substituted for the words "two years" by the Dentists (Amdt.) Act, 1950 (58 of 1950). Section 3. Section 6 of this amending Act provides that:

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

3. Date so appointed in the State of Kerala is 28-2-1975

4. Substituted for the word "Province" by A.I. 0.1950.

Section 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 ¹[or certificate of renewal, or both] he shall be punishable with fine which may extend to fifty rupees per month of such failure and in the case of a continuing offence with an additional fine which may extend to two rupees per day after the first day during which the offence continues.

1. Inserted by Dentists (Amdt.) Act (42 of 1972). Section. 25 (1-11-72).

Section 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 the profession of dentistry by employers who provide dental treatment for their employees by registered dentists otherwise than for profit;

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

Provided that any company or other corporate body carrying on the profession of dentistry ¹[immediately before the date appointed under sub-section (2) of Section 32] may continue so to do until the expiry of three years from such date.

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

1. Substituted for the words "at the date of the commencement of the Act" by the Dentists (Amdt.) Act. 1955 (12 of 1955). Section 16 (16-4-1955).

Section 52 - Cognizance of offences

No Court shall take cognizance of any offence punishable under this Act except upon complaint made by order of the [State] Government or the [State] Council.

1. Substituted for the word "Province" by A.I.0.1950.

Section 53 - Accounts and audit

1[53A. Accounts and audit

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

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

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

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

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

1. Substituted, and deemed always to have been substituted for the words "two years" by the Dentists (Amdt.) Act. 1950 (58 of 1950). Section 3. Section 6 of this amending Act provides that:

Section 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 1[State] Government that the 1[State] Council is not complying with any of the provisions of this Act, the 1[State] Government may likewise appoint a similar Commission of Enquiry in respect of the 1[State] Council to make enquiry in like manner and pass such order or take such action as specified in sub-sections (3) and (4).

1. Substituted for the word "Province" by A.I..0.1950.

Section 55 - Powers to make rules

(1) The a[State] Government may, by notification in the Official Gazette, make rules^b 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 1 [State] Council, and the maintenance and audit of its accounts;

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

(c) the summoning and holding of meetings of the 1 [State] Council, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to form a quorum;

(d) the powers and duties of the President and Vice-President of the 1 [State] Council;

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

(f) the term of office and the powers and duties of the Registrar and other officers and servants of the 1 [State] Council, including the amount and nature of the security to be given by the Treasurer.

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

2 [(gg) the form of application for transfer of registration from one State to another;]

3 [(h) the charge for supplying printed copies of the registers, and the fees payable for-

(i) registration or renewal of registration;

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

(iii) transfer of registration from one State to another;] 3 [(i) the forms of certificates of registration and renewal;]

(j) any other matter which is to be or may be prescribed under Chapters III, IV and V except subsections (1), (2), (3) and (4) of section 54.

4 [(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Substituted for the word "Province" by A.I..0.1950.

2. Inserted by Dentists (Amdt.) Act (42 of 1972), Section. 27 (1-11-72).

3. Clauses. (h) and (i) substituted, by Dentists (Amdt.) Act (42 of 1972), Section. 27 (1-11-72).

4. Inserted by the Delegated Legislation (Amdt.) Act, 1985 [4 of 1986), Section. 2. Schedule. Entry 22(2) (15-5-86).

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