

Dentists Act, 1948

Section 1 - SHORT TITLE AND EXTENT

DENTISTS ACT, 1948 DENTISTS ACT, 1948 16 of 1948 29th March 1948 STATEMENTS OF OBJECTS AND REASONS 1. "Except in Bengal, where there is a Provincial Dental Council established under a Provincial Act, there is no legal provision for the regulation of the education and training of dental practitioners or for the registration of qualified persons. There is also no restriction on the practice of dentistry by person without scientific training. It is well known that the practice of dentistry by untrained or inadequately trained persons may constitute a danger to the patient. It is accordingly proposed to constitute an Indian Dental Council, which will be empowered to lay down minimum standards of training, and Provincial Councils, which will maintain registers of persons entitled to practice dentistry. The Indian Dental Council will also be authorised to enter into agreements with corresponding authorities in other countries for the reciprocal recognition of qualifications. For the purposes of the preparation of the first register persons holding certain specified qualifications and persons who do not hold such qualifications but have practised dentistry for a minimum period of two years will be entitled to registration. Thereafter entry to the profession will be restricted to persons who have undergone a minimum standard of training. As the Indian Dental Council will have the responsibility of laying down standards of education and training, only dentists who have undergone such training and possess recognised qualifications will be entitled to be elected to the Council. In order that simple dental aid may be made available to the people on as wide a basis as possible, provision is made for the registration of dental hygienists who will be entitled to carry out simple extractions and perform minor dental work. Registered medical practitioners will be entitled to practice dentistry. The existing Bengal Dental Council will perform the functions of a Provincial Dental Council under this Act and persons registered under the Bengal Dental Act will be entitled to registration without payment of registration fee. In view of the provisions of section 119 of the Government of India Act, 1935, persons who are not British subjects of Indian domicile and who are residents in British India and hold specified dental qualifications, will be admitted to the first register but thereafter such persons will be entitled to registration only if their qualifications have been recognised by the Indian Dental Council in pursuance of a reciprocity agreement. The Indian Dental Council will be debarred from entering into a reciprocity agreement unless by the law and practice of the foreign country Indians are permitted to enter and practice dentistry in that country - Gazette of India, 1947. Pt. 5. p. 425. Act 12 of 1955:- The reasons given for the passing of the Dentists (Amendment) Act, 1955, (12 of 1955). are as follows : - "The Dentists Act, 1948 (16 of 1948), came into force with effect from the 29th March, 1948, in all the then Provinces of India. It has also been extended to the newly created Part C States, e.g. Himachal Pradesh, Vindhya Pradesh. and Bhopal. In consultation with the Government of Part B States, it is now proposed to extend it to all Part B States except Jammu and Kashmir. 2. Under the existing Act Indian citizens who did not possess any recognised dental qualifications, but had been engaged in practice as dentists as their principal means of livelihood for a period of not less than 5 years prior to the commencement of the Act. had been allowed registration under The Act at the time of first preparation of registers in States. Certain displaced persons who had migrated to India from Pakistan after the first preparation of the Registers and who did not possess any recognised dental qualifications but who had been engaged in The profession of dentistry for their livelihood in Pakistan claimed similar facilities for registration as were given to Indian citizens. Since it is not possible to accede to their request without amending the Act, it is proposed to amend The Act for the purpose. 3. Under section 33 (2). temporary registration was allowed for a period of 5 years if one had been engaged in practice as a dentist as his principal means of livelihood for a period of not less than 2 years during five years prior to the commencement of the Act, but permanent registration to such persons is admissible only if they could pass within a period of 5 years after the commencement of the Act an examination which satisfies the requirements of the Council. Since enough training facilities for the dentists do not exist in the country many dentists who were temporarily registered under the Act could not qualify for permanent registration. In order

to enable them to pass an examination, it is proposed to give them more time to pass the examination. For this purpose the five-years period is intended to be extended to 10 years. 4. Under section 3 (c) of the existing Act, 4 seats are available on the Dental Council of India to be filled by election from among themselves by the heads of dental colleges in States which grant recognised dental qualification. Since there is only one dental college in India which grants dental qualifications, the other 3 seats meant for the heads of Dental Colleges on the Dental Council of India have remained vacant. It is now proposed to fill the vacancies by throwing open the election to heads of dental colleges which train students for recognised dental qualifications. 5. Under the existing Act a foreign national is not entitled to registration even if he possesses a recognised dental qualification unless 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 a State or country. It is, therefore, proposed on grounds of expediency and propriety to permit, irrespective of considerations of reciprocity, foreigners holding reputable dental qualifications who are employed for teaching or research in dental institutions in the country, to have temporary registration for the period of their employment or for a period of five years whichever is shorter, provided that such foreigners do not practice dentistry for personal gain. This opportunity is also being taken to make some other minor and consequential amendments in the Act which have been found necessary during the past 6 years since its enactment. - S. O. R., Gaz., of Ind., 1954, Extra., Pt. II., S.2. page 206. ACT 42 OF 1972:- The Dentists Act, 1948, extends to the whole of India except the State of Jammu and Kashmir. It has been decided with the concurrence of the Government of Jammu and Kashmir to extend the Act to the State of Jammu and Kashmir also. Under the existing provisions of the Act, the power to recognise dental qualifications vests in the Dental Council of India. It is now proposed to vest this power in the Central Government. There is no provision in the Act for the appointment of Visitors by the Dental Council of India for the inspection of dental institutions. Since such inspection is considered desirable in the interest of dental education, it is proposed to make a provision for the appointment of Visitors. The rules of professional ethics adopted by the State Dental Councils vary from State to State. It is proposed to empower the Dental Council of India to prescribe standards of professional conduct, etiquette and a code of ethics for dentists in order to bring about uniformity in these rules. Certain displaced persons who had migrated to India from an area which is now known as Bangla Desh or have been repatriated from Burma or Ceylon and who did not possess any recognised dental qualifications but who had been engaged in the profession of dentistry for their livelihood in an area which is now known as Bangla Desh. Burma or Ceylon, are being provided facility for registration to enable them to practise dentistry. It is proposed to give effect to this proposal with effect from the date of commencement of the Dentists (Amendment) Act, 1972. Opportunity has also been taken to carry out certain amendments in the Act to enable the Dental Council of India to discharge its functions effectively. The Bill seeks to achieve the above objects S.O.R. Gaz., of India. 1-6-72. Pt. II.S.2. Ext. P. 598. ACT 30 of 1993 : - The Dentists Act, 1948 was enacted with the object of regulating the profession of dentistry and for that purpose to constitute Dental Councils. 2. The experience of the working of the Act has brought to light certain inadequacies. One of the most noticeable inadequacies has been the mushrooming of the dental colleges without adequate academic and training facilities as laid down in the regulations of the Dental Council of India. At present, the law does not require any one to seek the prior permission of Dental Council of India before establishing a new dental college or for adding a new course of study or post- graduate course or for increasing the capacity of students in any existing college, taking advantage of these legal lacunae dental colleges were being established after obtaining the permission of the State Government and affiliation from the University concerned. After the students had put in two or three years of study, such colleges were approaching the Dental Council of India for recognition. The Dental Council of India is not in a position to stop the functioning of such colleges at that stage as such a step would invariably harm the future prospects of the students and result in allegations of victimisation. 3. The Dental Council of India has been examining modifications in the Act, to enable the Council to discharge its duties more effectively and exercise better control on maintenance of standards at the instance of the Central Government. In the meantime, instances of private colleges being permitted to start dental courses by State Governments without making provision for the requisite infrastructural facilities, necessitated, urgent action to be taken to check further proliferation. The President, therefore promulgated the Dentists (Amendment) Ordinance, 1992 (Ordinance 14 of 1992) on the 27th August, 1992 to amend the Dentists Act by incorporating therein provisions for prior permission of the Central Government for establishing any new

dental college and for starting any new or higher course of study or training or increase in the admission capacity in any existing college. Any person desirous of starting a new dental college, etc, will be required to apply to the Central Government in the form prescribed by the Dental Council of India. 4. The Bill seeks to replace the aforesaid ordinance. - See Gaz. of India . 26-11-1992. Pt. II S. 2, Ext., P,13 (No. 58) An Act 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 :- The Act is extended to the merged States in Bombay: see Bom. Act 4 of 1950. Section 3 (1). The Act has now been extended to the Union Territories of - (i) Dadra and Nagar Haveli by Reg. 6 of 1963 (1-7-1965): (ii) Pondicherry 2by Reg. 7 of 1963 (1-10-1963) (iii) Goa, Daman and Diu by Regn. 11 of 1963 (15-4.1963). The Act was applied to the Union Territory of Himachal Pradesh by Himachal Pradesh (Application of Laws) Order. 1948. with effect from 25-12-1948. II.P. is a State now - See Act 53 of 1970. 1) This Act may be called the Dentists Act, 1948. (2) It extends to the whole of India3[*****].

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