

## PART 1

### Government of West Bengal Medical and Public Health Department Medical Branch

No. Medl. 3356/2D-6/49

Calcutta, the 8<sup>th</sup> August, 1949

#### NOTIFICATION

In exercise of the powers conferred by section 55 of the Dentists Act, 1948 (No. XVI of 1948), the Governor is pleased to make the following rules :-

#### **Rules for the Preparation of the First Register.**

1. In these rules, unless there is anything repugnant in the subject or context :-

- (1) "the Central Act" means the Dentists Act, 1948 (XVI of 1948)
- (2) "Appendix" means the appendix to these rules ;
- (3) "Section" means a section of the Central Act ;
- (4) "the Bengal Act" means the Bengal Dentists' Act, 1939 (Bengal Act XII of 1939).

2. (1) The Register first prepared under the Central Act shall be maintained in two Parts, A and B, in the manner laid down in sub0section (3) of section 31. Part B of the register shall be sub-divided into two compartments, (1) and (2) Compartment (1) shall contain the names of Dentists qualified for permanent registration, and, compartment (2) shall contain the names of Dentists qualified for temporary registration.

(2) Part A and compartment (1) pf Part B of the register shall be in form A and the corresponding registration certificate in form B in the Appendix. Compartment (2) of Part B of the register shall be in form C and the registration certificate in such cases in form D in the appendix.

(3) In the event of a certificate referred to in sub rule (2) being lost or accidentally destroyed, the holder of the certificate may at any time during which such certificate is in force, apply to the Registrar for a fresh certificate and the Registrar may, if he thinks fit, on satisfactory proof as to the identity of the applicant, grant such certificate on payment of a fee of Rs.5/-. A certificate issued under this sub rule shall be marked "duplicate".

3. The names of the dentists shall be entered in the register in the order in which the applications for registration are admitted and sufficient space shall be left for future additions or alterations in the qualifications and address of each entry.

4. Each page of the register shall be verified by the Registrar's signature.

5. (1) All application for entry in the First Register under the Central Act, by a person registered under the Bengal Act, shall be made to the Registrar of the Registration Tribunal in Form E duly filled in and signed, together with the fee payable according to clause (a) or clause (b) as the case may be of rule 12.

(2) Where the applicant desires to add to his name a qualification which was not registered under the Bengal Act, but is a recognized dental qualification under the Central Act, the diploma or certificate for the qualification shall be annexed with the application, together with the fee provided in rule 12.

6. (1) An application for entry in the First Register under the Central Act, by a person not registered under the Bengal Act, shall be made to the Registrar of the Registration Tribunal-

(a) in Form 'F' duly filed in and signed, when the person holds a qualification which is a recognized dental qualification under the Central Act.

(b) In Form 'G' duly filled in and signed where the applicant claims registration on the ground of his having been engaged in practice as a dentist as his principal means of livelihood and

(c) In Form 'H' duly filed in and signed where the applicant claims temporary registration on the ground of his having been engaged in practice as dentist as his principal means of livelihood for a period of not less than two years during the five years prior to the commencement of the Central Act.

(2) An Application in Form 'F' shall be accompanied by the diploma or certificate of the recognized qualification held by the applicant, and the fee provided in clause (c) of rule 12.

(3) An application in Form 'G' or Form 'H' shall be accompanied by an affidavit sworn before a Magistrate by the applicant testifying to the truth and correctness of the statement as to practice and of other particulars in the application together with the fee provided in clause (c) of rule 12.

7. An applicant under rule 5 or rule 6 shall be made on or before such date as may be appointed by the Provincial Government in that behalf under sub section (2) of section 32.

8. The Registration Tribunal may, when examining an application require the applicant to produce such further evidence as may be necessary for proper disposal of the application and may also require the applicant to appear personally before the Tribunal.

9. When the Tribunal rejects an application it shall record the reasons for rejection, shall communicate its decision to the applicant within fifteen days of the order of the rejection with such reasons.

10. (1) The Register prepared by the Registration Tribunal shall be printed and a copy thereof shall be deposited in the office of the Registrar and shall be open to inspection.

(2) The fact of such deposit shall be announced in the Calcutta Gazette and in such newspaper or newspaper as the Registration Tribunal may direct and the date on which the announcement is made in the Calcutta Gazette shall be deemed to be the date of publication of the Register.

(3) Every person shall be entitled to be supplied with a copy of the Register on application made in this behalf to the Registrar and on payment of fee of Rs.3/- and necessary postal charges if the copy is required to be sent by post.

11. (1) An appeal under sub section (4) of section 32 of the Central Act shall be made in writing and may be sent either to the Appellate Authority direct or to such officer as may be authorized by the Appellate Authority to receive such appeal. The memorandum of appeal shall state the grounds on which registration is claimed, the details of the qualifications, if any and the dates on which and the authority from which they were received.
- (2) A memorandum of appeal received under sub rule (1) shall be referred to the Registrar for a report thereon.
- (3) The Registrar shall on receipt of memorandum of appeal under sub rule (2) make a report thereon the Appellate Authority and furnish such other particulars about the case as may be called for by the Appellate Authority.
- (4) The Appellate Authority shall inform the appellant of the date when the appeal will be considered, and may require him to produce such further evidence as may be necessary for the proper disposal of the case. The appellant shall also be allowed, if he so chooses, to represent his case before the Appellate Authority either by himself or by his lawyer.
12. The fee payable for an application to the Registration Tribunal under rule 5 or rule 6 shall be –
- (a) Where the applicant had been registered under the Bengal Act, on or before the 31<sup>st</sup> December, 1947-
- |   |   |
|---|---|
| (i) if his registration has been renewed up to the date of the application                      | Nil   |
| (ii) if his registration has not been so renewed  | Rs.20/- or an amount calculated at the rate of Rs.5/- per annum from the date of the expiry of the last renewal, whichever is less. |
| (iii) if he desire to insert a recognized dental qualification, not registered under the Bengal | Act, Rs.10/- for each such qualification subject to a maximum of Rs.20/- including any other fees payable.                          |
- (b) Where the applicant was registered under the Bengal Act, after 31<sup>st</sup> December 1947
- |                        |         |
|------------------------|---------|
| (c) In all other cases | Rs.5/-  |
| (d) Annual renewal fee | Rs.20/- |
|                        | Rs.10/- |

**Appendix**  
**From-A**  
**[See Rule 2 (2)]**  
**Form of Register of Registered Dentists.**  
**Parts A and B (1)**

1. Serial Number.
2. Name in full.
3. Father's name.
4. Date of Birth.
5. Nationality.
6. Residential address.
7. Date of first admission into the register.
8. Qualification for registration.
9. Date of degree or diploma in dentistry.
10. Professional address
11. Employment, if any
12. Date of renewal of registration
13. Remarks (Notes 'removal' or restoration of name with dates).

**From-B**  
**[See Rule 2 (2)]**  
**West Bengal Dental Council.**

Certificate of registration in the First Register under sub section (5) of Section 32 of the Dentists Act, 1948, (XVI of 1948).

This is to certify that the person named below has been registered as a dental practitioner in the First Register Prepared under section 32 of the Dentists Act, 1948 (XVI of 1348).

Name.....  
Qualification.....  
Registered Number.....  
This certificate shall remain in force till.....

West Bengal  
Act XVI (Seal) of 1948  
Dental Council

.....  
Registrar  
West Bengal Dental Council.  
Date.....

**Form-C**  
**[See Rule 2(2)]**

Form of register of persons admitted to Temporary registration under section 33 (2) of the Dentists Act, 1948, (XVI of 1948).

**PART B(2)**

1. Serial number.....
2. Name in full .....
3. Father's name.....
4. Date of Birth.....
5. Nationality.....
6. Residential address.....
7. Date from which engaged in practice as a dentists as principal means of livelihood .....
8. Date of first admission in the Register.....
9. Date of renewal of Temporary registration.....
10. Professional address.....
11. Date of appearing at the Special examination under section 33(2).....
12. Result of the examination.....
13. Remarks.....

**Form – D**  
**[See Rule 2 (2)]**

Certificate of Temporary registration under section 33(2) of the Dentists Act, 1948 (XVI of 1948).

This is to certify that the person named below has been admitted to Temporary registration as a dentist for a period of 5 years from....., subject to annual renewal during the period, under section 39.

Name.....  
Date from which engaged in practice as dentist.....  
Place of practice.....  
Residential address.....  
Registered number.....

This certificate shall remain force till .....

Dated Calcutta,  
The.....

Registrar  
West Bengal Dental Council.

**From – E**  
**(See Rule 5)**

Application for first registration by dentist already registered under the Bengal Dentists Act, 1939 (Bengal Act XII of 1939)

To  
The Registrar,  
Dental Registration Tribunal, West Bengal.

Sir,  
I beg to apply for registration of my name in the First Register under the Dentists Act, 1948 (XVII of 1948).

Particulars about myself are furnished below:-

- |   |  |
|---|--|
| 1. Name in full.....  | 7. Whether British subject of Indian Domicile.....   |
| 2. (a) Age.....   | 8. Residential address.....  |
| (b) place of birth.....   | 9. Professional address.....   |
| 3. Father's name.....   | 10. Employment, if any.....  |
| 4. Date of Birth.....   | 11. Particulars of the qualification on which registered under the Bengal Dentists Act, 1939 (Bengal Act XII of 1939).....   |
| 5. Registration number under the Bengal Dentists Act, 1939 (Bengal Act XVII Of 1939)..... | 12. Particulars of further qualification recognized in the Schedule to the Dentists Act, 1948 (XVI of 1948) with the date on which it was obtained and the authority which conferred it..... |
| 6. Nationality .....  |  |

**Declaration**

I hereby declare that the statements made above are correct. I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a dentist.

I undertake that I shall intimate to the Registrar any change of my residential or professional address.

The degree, diploma or certificate of the qualification mentioned in serial 12 is submitted herewith. It may be returned as soon as done with.

A sum of Rs..... is sent herewith as the fee payable under the Rules.

Date

Signature of applicant.

**FORM – 8**  
**[See Rule 6(1) (a)]**

Application for first registration under the Dentists Act 1948, by dentists with recognized qualifications, other than those already registered under the Bengal Dentists Act, 1939.

To  
The Registrar,  
Dental Registration Tribunal, West Bengal,  
Grosvenor House, 21, Old Court House Street, Calcutta – 1

Sir,

I beg to apply for registration of my name as a dentist, under clause (a) of sub-section (1) of section 33 of the Dentists Act, 1948 (XVI of 1948).

Particulars about myself are furnished below:-

1. Name in full .....
2. (a) Age .....
- (b) Place of birth .....
3. Father's name.....
4. Date of birth.....
5. Nationality
6. Whether a British subject of Indian domicile
7. Residential address.....
8. Professional address, i.e. the place of profession of dentistry is carried on .....
9. Employment, if any .....
10. Particulars of the qualification, (i.e. degree, diploma or certificate) with the date on which it was obtained and the authority which conferred it .....

**DECLARATION**

I ..... (applicant) hereby declare that the statements made above are correct I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a dentist.

I undertake that I shall intimate to the Registrar any change of my address or place or practice.

The degree, diploma or certificate of my qualification is submitted herewith, it may be returned as soon as done with.

The prescribed fee of Rs.20/- is sent herewith.

Address.....

Date.....

Signature of applicant.

**FORM – G**

Application for first registration by dentists qualified under clause (b) of sub-section (1) of section 33 of the Dentists Act, 1948 (XVI of 1948).

To  
The Registrar,  
Dental Registration Tribunal, West Bengal,  
Grosvenor House, 21 Old Court House Street, Calcutta-1.

Sir,

I beg to apply for registration of my name as a dentist, under clause (b) of sub-section (1) of section 33 of the Dentists Act, 1948 (XVI of 1948).

Particulars about myself are furnished below:-

- 3. Name in full .....
- 4. (a) Age .....
- (b) Place of birth .....
- 3. Father's name.....
- 4. Date of birth.....
- 5. Nationality
- 6. Whether a British subject of Indian domicile
- 7. Residential address.....
- 8. Professional address, i.e. the place where engaged in practice as a dentist  
.....
- 9. Employment, if any .....
- 10. (a) Year from which engaged in practice as a dentist as the principal  
means of livelihood (specify place or place of practice and the period with  
dates, at each place).....
- (b) The previous training with which such practice was  
commenced.....

**DECLARATION**

I ..... (applicant) hereby declare that the statements made above are correct I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a dentist.

I undertake that I shall intimate to the Registrar any change of my address or place or practice.

I enclose herewith an affidavit sworn by me before the Magistrate of .....  
..... testifying to the truth and correctness of the above statements.

The prescribed fee of Rs.20/- is sent herewith.

Address.....

Date.....

Signature of applicant.



**FORM – H**

Application for temporary registration under sub-section (2) of section 33 of the Dentists Act, 1948 (XVI of 1948).

To  
The Registrar,  
Dental Registration Tribunal, West Bengal,  
Grosvenor House, 21 Old Court House Street, Calcutta-1.

Sir,

I beg to apply for Temporary Registration under sub-section (2) of section 33 of the Dentists Act, 1948 (XVI of 1948).

Particulars about myself are furnished below:-

1. Name in full .....
2. (a) Age .....
- (b) Place of birth .....
3. Father's name.....
4. Date of birth.....
5. Nationality
6. Whether a British subject of Indian domicile
7. Residential address.....
8. Professional address, i.e. the place where engaged in practice as a dentist .....
9. Employment, if any .....
10. (a) Year from which engaged in practice as a dentist as the principal means of livelihood (specify place or place of practice and the period with dates, at each place).....

**DECLARATION**

I ..... (applicant) hereby declare that the statements made above are correct I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a dentist.

I undertake that I shall intimate to the Registrar any change of my residential or profession address.

I enclose herewith an affidavit sworn by me before the Magistrate of .....  
..... testifying to the truth and correctness of the above statements.

The prescribed fee of Rs.20/- is sent herewith.

Address.....

Date.....

Signature of applicant.

**THE CALCUTTA GAZETTE      Monday, May 15, 1950**

**WEST BENGAL ORDINANCE No. VI of 1950**

**THE WEST BENGAL DENTAL BOARD ORDINANCE – 1950**

Whereas it is expedient that the *West Bengal Dental Board shall continue to be constituted as heretofore until 31<sup>st</sup> day of December 1950.*

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the constitution of India to make and promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called the West Bengal Dental Board Ordinance, 1950.

Short title,

Extent and

Commencement.

- (2) It extends to the whole of West Bengal.

- (3) It shall come into force on the date of its publication in the Official Gazette.

2. Notwithstanding any thing contained in any Act, notification, order or the law, the Constitution of the West Bengal Dental Board to Continue as heretofore West Bengal Dental Board shall be deemed to consist upto the 31<sup>st</sup> day of December, 1950 of the members holding office as members of the said Board immediately before the commencement of this Ordinance and the term of office of such members shall extend up to that date.

The 13<sup>th</sup> May, 1950

KAILAS NATH KATJU  
Governor of West Bengal

S.K.D. Gupta  
Secy. to the Govt. of West Bengal.

**THE DENTISTS (AMENDMENT) ACT 1950**  
**No. LVII of 1950**

An Act to amend the Dentists Act, 1948 (22<sup>nd</sup> August, 1950)  
(Published in the Gazette of India, Extraordinary, Part II – Section 1,  
Dated, New Delhi, August 23 1950)

(Republished in Part V of the Calcutta Gazette of the 14<sup>th</sup> Sept, 1950).

Be it enacted by Parliament as follows :-

1. Short title and commencement – (1) This Act may be called the Dentists (Amendment) Act, 1950.  
(2) Section 2 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and the remaining provisions of this Act shall come into force at once.
2. Amendment of Section 21, Act XVI of 1948 – The proviso to section 21 of the Dentists Act, 1948 (hereinafter referred to as the said Act), shall be omitted.
3. Amendment of Section 46 and section 49, Act XVI of 1948 – In sub-section (3) of section 46 and sub-section (1) of section 49 of the said Act, for the words, “Two years” the words “three years” shall be substituted and shall be deemed always to have been substituted.
4. Amendment of the Schedule, Act XVI of 1948 – After item (2) in Part I of the Schedule to the said Act, the following item shall be inserted namely :-

“(2A) The City Dental College and Hospital, Calcutta, if granted before the 31<sup>st</sup> day of March, 1940 to any person who-

- i) has undergone two year’s course of training in that institution, or
  - ii) having been previously engaged in practice as a dentist or a medical practitioner, had undergone one year’s course of training in that institution.”
5. Validation of certain appointments – No appointment held by a person as a dentist between the 29<sup>th</sup> day of March, 1950 and the 29<sup>th</sup> day of May, 1950 shall be invalid merely because such appointment has been held in contravention of the provision of sub-section (3) of section 46 of the said Act as originally enacted.
  6. Bar of proceedings- 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 29<sup>th</sup> day of March, 1950 and the 29<sup>th</sup> day of May, 1950 the provisions of sub-section (1) of the said section as originally enacted.
  7. Repeal of Ordinance XVI of 1950 – the Dentists (Extension of Time) Ordinance, 1950 (XVI of 1950), is hereby repealed.

**GOVERNMENT OF WEST BENGAL**  
**Medical and Public Health Department.**  
**Medical.**  
**NOTIFICATION**

No. Medl. 4818/2D-24/50- 14<sup>th</sup> October 1950, - In exercise of the powers conferred by sub-section (1) and, in particular, by clause (b) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to make the following rules for the election of the members, including the President and the Vice-President, of the West Bengal Dental Council and of the members of the Executive Committee of the said Council, namely:-

Rules for the election of members including the President and Vice-President of West Bengal Dental Council and of the members of the Executive Committee of the said Council.

**Part I – Interpretation**

1. In these rules, unless there is anything repugnant in the subject or context-
  - (a) “the Act” means the Dentists Act, 1948.
  - (b) “Section” means a section of the Act.
  - (c) “ Registrar” means the Registrar of the West Bengal Dental Council and in the case of the first election under clause (a), clause (b) of clause (d) of section 21 or section 25 or section 29, the Registrar of the Registration Tribunal appointed under sub-section (1) of section 32.
  - (d) “Returning Officer” means, for the purpose of an election under clause (a) or clause (b) of section 21, the Registrar, and includes any officer deputed for the time being by the said Registrar to perform, or assist him in, his duties under the Act.

**Part II- Election under clause (a) or clause (b) of section 21**

2. (1) The Returning Officer shall publish in the Calcutta Gazette and in such other manner as he may think fit, a notification calling upon the dentists registered in Part A or Part B of the State Register, according as the election is under clause (a) or clause (b) of section 21, to elect the requisite number of members to the State Council, and shall, by such notification, fix a programme of time for the various stages according to which the election shall be held.
  - (2) Such notification shall be published 14 days before the date fixed in the programme of time to be the last date for receiving nomination papers and except in the case of the first general election under clause (a) or clause (b) of section 21 on a date not less than 42 days and not more than 75 days before the date on which the term of office of the out-going members expires.
3. (1) The electoral Roll shall consist, where the election is under clause (a) of section 21, of Part A, or where the election is under clause (b) of that section, of Part B of the register as printed and published under section 45, corrected up to the date immediately preceding the first day of the period fixed for receiving nomination papers :

Provided that in the case of the first election under clause (a) or clause (b) of section 21 the Electoral Roll shall consist of Part A or Part B, as the case may be, of the first register as prepared and published under section 32, as amended under clause (5) of that section.

- (2) Copies of the Electoral roll shall in each case be available to any person who desires to obtain such copies on payment of a fee of one rupee per copy.
  - (3) A person whose name is not borne on the Electoral Roll shall not be entitled to participate in the election.
4.
  - (1) Nominations of candidates shall be made in Form A annexed to these rules and there shall be a proposer and a seconder. Every nomination paper shall be filled in fully in all particulars as stated in the form.
  - (2) The proposer, the seconder and their nominee shall be persons whose names are borne in the Electoral Roll.
  - (3) A proposer or a seconder may propose or second more than one candidate, provided that the number of candidates proposed does not exceed the number of seats for which the election is held and that a separate nomination paper is used for each candidate proposed.
5.
  - (1) On the date and at the time as fixed for the scrutiny of nominations by the notification under rule 2, or on such other subsequent date and time as may be fixed in that behalf by the Returning Officer, the Returning Officer shall examine all the nomination papers and decide which of them are in order and which are not. Nomination papers which do not comply with the requirements of rule 4, shall be rejected. If there be any objection by any candidate to the decision of the returning Officer, it must be made forthwith, and the Returning Officer, shall hear and decide such objection. The decision of the Returning Officer accepting or rejection a nomination paper shall be final.
  - (2) Every nominee for whom nomination paper has been received and one representative duly authorized by him in writing. Or his proposer or seconder, shall be entitled to be present at the time of the scrutiny of nominations.
6. A person who has been duly nominated may at any time before the scrutiny referred to in rule 5 or within three days thereafter, with his candidature by notice in writing subscribed by him and delivered to the Returning Officer and thereupon he shall cease to be a nominee or a candidate for the election, as the case may be.
7. On the expiry of three days after the completion of the scrutiny of nominations-
  - (a) if the number of duly nominated candidates be equal to or less than the number of seats for which the election is held, the Returning Officer shall declare such candidates as duly elected; and
  - (b) if the number of duly nominated candidates be greater than the number of seats for which the election is held, the Returning Officer

shall proceed to obtain the votes of the constituency in the manner laid down in rule 8.

8. In the case of an election where votes are to be taken-
  - (1) the names of the duly nominated candidates shall be published by the Returning Officer in the Calcutta Gazette and in such other manner as he thinks fit
  - (2) a voting paper in Form B annexed to these rules shall be issued to each person whose name is borne on the Electoral Roll referred to in rule 3, by registered post, according to the address reported up to the date preceding the first day of the period fixed in the notification under rule 2 for receiving nomination papers. A cover addressed to the Returning Officer and an identification envelope with the particulars specified in Form C annexed to these rules printed on its back shall be sent along with every voting paper;
  - (3) a person whose name is borne on the Electoral Roll and whose voting paper together with other connected papers has not already been dispatched by post or having been dispatched has been returned by the post office undelivered or whose voting paper or any other connected paper has been lost or has been inadvertently spoilt in such manner that it cannot be conveniently used as such, may appear personally before the Returning Officer and make a statement to the effect to take his voting paper, cover and identification envelope or a duplicate copy of Officer may, on being satisfied as to the facts of such statement and to his identity and on a receipt given by him hand over to such person, his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected paper as the case may be,
  - (4) no duplicate copy of voting paper, cover or identification envelope shall be issued in any circumstances otherwise than under clause (3) and no election shall be invalidated by reason of the non-receipt by any elector of a voting paper, cover or identification envelope;
  - (5) on receipt of the voting paper, cover and identification envelope sent under clause (2), the elector shall, if he desires to vote in the election, record his vote on the voting paper in accordance with the instructions printed thereon and fill up the form printed on the back of the identification envelope and shall place enclosed it in the cover and either hand the cover over to Returning Officer, personally, or send it by post. Voting papers sent otherwise shall not be accepted;
  - (6) Voting papers received after the hour and date mentioned in the notification referred to in rule 2, or as the case may be, after such other subsequent date as may be fixed by the Returning Officer, shall be rejected. Votes recorded in any paper or form other than the voting paper supplied, shall not be accepted;
  - (7) each elector has as many votes as the number of seats for which the election is held; and he shall record his vote by putting a cross-mark

in ink against the name of each of the persons for whom he votes and in the column provided for it in the voting paper (Form B). If he records votes for more persons than the number of seats for which the election is held, his voting paper shall be rejected;

Explanation :- An elector may record his votes for a lesser number of candidates than there are seats.

- (8) a voting paper shall not be signed by the elector; nor shall the elector write or mark anything on a voting paper other than the cross-marks to indicate his votes. A voting paper in which votes have been recorded in contravention of this sub-rule shall be rejected;
- (9) a voting paper in which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given, or in which the elector has placed any mark whereby he may be afterwards identified, or in which an alteration or erasure occurs indicating a change of vote, shall be invalid and shall be rejected;
- (10) the back of the identification envelope shall be filled up in all particulars mentioned in the form printed thereon. Identification envelopes not so filled up and the voting papers contained therein shall be rejected;
- (11) the counting of votes shall take place on the date and at the time and place fixed in the notification under rule 2 or on such other subsequent date as may be fixed in this behalf by the Returning Officer and the Returning Officer shall be present at the time of the counting of votes;
- (12) every candidate may be present in person or send one representative duly authorized by him in writing to watch the process of the counting of votes and may inspect the identification envelopes, whether rejected or accepted or the voting papers when taken out of the accepted envelopes but shall not see an identification envelope after the voting paper in it has been taken out;
- (13) the Returning Officer shall decide any objection that may be raised at the time of the counting of votes, regarding any identification envelope, or voting paper and endorse the word "rejected" and the ground of rejection on every voting paper or identification envelope containing voting paper invalid and rejected by his and shall-
  - (a) count or cause to be counted the valid votes given to each candidate, and
  - (b) seal up in separate packets the counted and rejected voting papers and the rejected identification envelopes containing voting papers, and record on each such packet description of its contents and the date of the election to which it refers;
- (14) when the counting of votes has been completed, the Returning Officer shall declare the candidate or candidates having the largest number of valid votes as duly elected;

- (15) when an equality of votes is found between two or more candidates and the addition of a vote will entitle any of these candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

9. (1) After declaration of the result of the election, the Returning Officer shall-  
forth –

- (a) prepare and certify a return in Form D annexed to these rules setting
- (i) the names of the candidates for whom valid votes have been given;
- (ii) the number of valid votes given for each candidate,
- (iii) the number of votes declared invalid and rejected; and
- (iv) the name or names of the person or persons declared duly elected;
- (b) report the result of the election to the State Government for publication in the Calcutta Gazette of the name or names of the person or persons who are duly elected and
- (c) forward all papers relating to the election to the Secretary to the Government of West Bengal in the Medical and Public Health Department for custody.

(2) Papers- referred to in clause (c) of sub-section (1) shall be retained for a period of two years, and shall subject to the provision of sub-rule (3) be available for inspection. Attested copy or such papers shall be available on payment in the case of the return of a fee of Re.1 and in any other case of the fees laid down in the Bengal Records Manual, 1943.

(3) While in the custody of the Secretary to the Government of West Bengal in the Medical and Public Health Department, packets of voting papers or identification envelopes referred to in clause (13) of rule 8 shall not be opened and their contents shall not be inspected or produced except under orders of the State Government under section 26 of the Dentists Act, 1948.

### **Part III – Election in case of casual vacancies.**

10. In the case of an election under sub-section (4) of section 27, to fill a casual vacancy in the seat of a member elected under clause (a) or clause (b) of section 21 the same rules as laid down for a general election in Part II of these Rules, shall as far as may be, apply except that the notification referred to in sub-rule (1) of rule 2, shall be published within two months of the occurrence of the vacancy, and that the election shall be only for the seat or seats that may become vacant.



#### **Part IV – Election of member under clause (d) of section 21.**

11. For the election of a member under clause (d) of section 21, the Registrar shall, at least two months before the date on which the member is to take office, address the President of the West Bengal Council of Medical Registration requesting him to arrange for the election of a member under the abovementioned clause, and the said President shall thereupon hold the election in the same manner as laid down in rules, which shall apply mutates mutaudies, for the election of a member of the West Bengal Nursing Council by the West Bengal Council of Medical Registration under clause (k) of section 4 of the Bengal Nurses Act, 1934.
12. The name of the member elected under clause (d) of section 21, shall be forthwith intimated by the President of the West Bengal Council of Medical Registration to the State Government for publication in the Calcutta Gazette.
13. In the event of a vacancy occurring in the seat of the member elected in the manner provided in rule 11 on the happening of any of the contingencies, referred to in clause (2) or clause (3) of section 27, the Registrar shall, within thirty days of the occurrence of the vacancy, inform the President of the West Bengal Council of Medical Registration of such vacancy, and the President shall thereupon cause an election to be held in the manner as laid down in the rule 11 an shall report the result of the election to the State Government.

#### **Part V – Election of President and Vice- President (section 25)**

14. As soon as may be possible after the completion of election of the members of the West Bengal Dental Council and after the names of the members nominated under clauses (c) and (e) of section 21 are notified in the Calcutta Gazette the Registrar shall convene a meeting of the members of the Council so elected and nominated for the purpose of electing a President and a Vice- President of the Council.
15. The members present at the meeting so convened shall elect one amongst them who is not a candidate for the office of the President or Vice- President, to be the Chairman for conducting the election of President.
16. The election of the Chairman of the meeting for election of the President shall be conducted by the Registrar, who shall have no vote, by ballots taken in such manner as the Registrar may determine. In the case of equality of votes secured by two or more persons proposed as Chairman the selection of one of them shall be decided by lot in such manner as the Registrar may determine.
17. (1) The election of the President shall be held by ballots taken in such manner as the chairman of the meeting for the election of the President may determine.  
  
(2) The Chairman of the meeting for the election of the President shall not ordinarily exercise any vote in the election of the President but shall, in the case of an equality of votes, have and exercise a casting vote.

18. When the President has been elected, he shall of present at the meeting conduct the election of the Vice-President. If he is not present at the meeting the chairman elected for conducting the election of the President shall conduct also the election of the Vice-President. The procedure for the election of Vice- President shall be the same mutatis mutandis as laid down in rule 17.

19. The proceedings of the meeting shall be signed by the President elected, if he has been present at the meeting; otherwise it shall be signed by the Chairman elected for conducting the election of the President. A copy of the proceeding together with the names of the elected President and Vice-President shall forthwith be forwarded to the State Government for publication of the names in the Calcutta Gazette.

20. In the case of a casual vacancy occurring in the office of President of Vice-President a fresh election shall be held in accordance with the provisions of rules 14 to 19:

Provided that in the case of an election to fill a casual vacancy in the office of the President the Vice-President shall, unless the office of the Vice- President is also vacant, conduct the election and it shall not be necessary to elect a chairman referred to in rule 16.

**Part – VI – Election of members for the Executive Committee (section 29).**

21. Three members of the council (other than the president and the Vice-President) shall be elected as members of the Executive Committee under section 29, by the members of the Council at a meeting of the Council to be preside over the President of the Council. It may be the same meeting at which the President is elected and is present or a subsequent meeting as may be convenient.

22. The election of the members of the Executive Committee shall be held by ballots taken in such manner as the President may determine, and in the case of an equality of votes obtained by two or more persons proposed, the selection shall be made by lot drawn in such manner as the President may decide.

**APPENDIX  
Form A  
Nomination Paper  
(Vide rule 4.)**

1. Name of candidate (in full as registered).....
2. Father's name .....
3. Age.....
4. Registration number..... in part .....
5. Qualification as registered.....
6. Address (professional address).....

I .....\* a registered dentist in West Bengal with registration number..... in Part ..... , propose the above named candidate for election as member of the West Bengal Dental Council, under clause (a) clause (b) + of section 21 of the Dentists Act, 1948.

\*Name in full as registered  
+ Strike out the clause

Signature (in full) of Proposer.

Dated the .....19.....

I .....\* a registered dentist in West Bengal With registration number ....  
... in Part ..... second the above proposal.

\*Name in full as registered.

Signature (in full) of Seconder,

Dated the .....19

Declaration by the candidate nominated.

I, the abovenamed ..... \* hereby declare that I agree to this nomination; that I am a registered dentist in West Bengal with registration number ..... In Part ....., and that my address (professional address) is .....

\* Name in full as registered.

Signature (in full) of the

candidate

Dated the .....19.....

**Form B**  
**[Vide rule 8 (2)]**

Serial No.....

(Observe)

Serial number of candidates duly nominated  1	Names, registered number and registered qualification of candidates duly nominated.  2	Column for the voter's mark X  3
1.		
2.		
3.		
4.		

Voting Paper

A voter may vote for ..... candidates, and no more; but he may vote for less, if he so wishes.

A cross-mark (X) shall be put in ink in column (3) against the name of each person the voter votes for. No other mark, writing or signature, shall be put on voting paper.

The voting paper thus marked with cross-mark shall be put in the identification envelope, and the envelope with the voting paper I it shall then be returned to the Returning Officer either by post, or by handing it over to his by the voter personally. It should reach the Returning Officer on or before the ..... (p.m.)

See also extract from rule 8 of the rules reproduced on the reverse. Note by Returning Officer if voting paper be rejected.

**Form B**  
**(Reverse)**  
**(Copy of rule 8, clause 3 to 10)**

Rule 8(3) – A person whose name is borne on the Electoral Roll and whose voting paper together with other connected papers has not already been dispatched by post or having been dispatched has been returned by the post office undelivered or whose voting paper or any other connected paper has been lost or has been inadvertently spoilt in such manner that it cannot be conveniently used as such, may appear personally before the Returning Officer and make statement to that effect to take his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected paper, as the case may be and the Returning Officer may, on being satisfied as to the facts of such statement and to his identity and on a receipt given by him, hand over to such person his voting paper, cover and identification envelope or a duplicate copy of the voting paper or other connected paper, as the case may be.

Rule-8(4) – No duplicate copy of voting paper, cover or identification envelope shall be issued in any circumstances otherwise than under clause (3) and no election shall be invalidated by reason of the non-receipt by any elector of a voting paper, cover or identification envelope.

Rule 8(5) – On receipt of the voting paper, cover and identification envelope sent under clause (2) the elector shall, if he desires to vote in the election, record his vote on the voting paper in accordance with the instructions printed thereon and fill up the form printed on the back of the identification envelope and shall place the voting paper in the identification envelope, close the identification envelope and enclose it in the cover and either hand the cover over to the Returning Officer, personally, or send it by post. Voting papers sent otherwise shall not be accepted.

Rule 8(6) – Voting papers received after the hour and date mentioned in notification referred to in rule 2, or, as the case may be, after such other subsequent date as may be fixed by the Returning officer, shall be rejected. Votes recorded in any paper or form other than the voting paper supplied, shall not be accepted.

Rule 8(7) – Each elector has as many votes as the number of seats for which the election is held; and he shall record his vote by putting a cross-mark in ink against the name of each of the persons for whom he votes and in the column provided for it in the voting paper. If he record votes for more persons than the number of seats for which the election is held, his voting paper shall be rejected.

Explanation – An elector may record his votes for a lesser number of candidates than there are seats.

Rule 8(8) – A voting paper shall not be signed by the elector; nor shall he write or mark anything on a voting paper other than the cross-marks to indicated his votes. A voting paper in which votes have been recorded in contravention of this sub-rule shall be rejected.

Rule 8(9) – A voting paper in which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given, or in which the elector has placed any mark whereby he may be afterwards identified, or in which an alteration or erasure occurs indicating a change of vote, shall be invalid and shall be rejected.

Rule 8(10) – The back of the identification envelope shall be filled up in all particulars mentioned in the form printed thereon. Identification envelopes not so filled up and the voting papers contained therein shall be rejected.

**Form C**  
**(Identification envelope)**  
**[Vide rule 8 (2)]**

Number\* .....

I .....(name in full), the undersigned, am the person to whom the enclosed voting paper was addressed; that my name is included in Part....., of the register of registered dentists in West Bengal, With registration number..... ; and that I have not marked any other voting paper of this electorate for this election.

---

\*Same as the serial number stamped on the voting paper.

N.B. – Before return of each voting paper with the relative identification envelope, the instructions printed on the reverse of the voting paper should be followed completely. For the identification envelope see clause (5) and (10) of rule 8 quoted there.

**Form D**  
**[Rule 9(1)(a)]**

Election to the State Dental Council under clause (a) / clause (b) of section 21 of the Dentists Act, 1948.

---

Name of candidate.	Number of valid votes recorded in favour of the candidate,
1	2

---

(1)

(2)

Etc.

Etc.

---

Total number of valid votes.....

Total number of invalid votes.....

I declare that.....

(Name).....

(Address).....has been duly elected.

.....  
(Signature)/ Returning Officer.

Dated the .....day of.....19.....

By order of the Governor,  
B.C. DAS GUPTA,  
Secretary.

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\* Published in the Calcutta Gazette on Thursday, the 26<sup>th</sup> October, 1950 at page 2150-2156.

**No. F, 18-9/50-MI  
GOVERNMENT OF INDIA  
MINISTRY OF HEALTH**

New Delhi, the 31<sup>st</sup> Oct.1950

**NOTIFICATION**

In pursuance of sub-section (2) of Section 1 of the Dentists (Amendment) Act, 1950 (L VIII of 1950), the Central Government is pleased to notify the 1<sup>st</sup> November 1950, as the date on which section 2 of the said Act shall come into force.

Sd. J.N. Saksena  
Under Secretary.

**The Calcutta Gazette Extraordinary, November 3, 1950.  
GOVERNMENT OF WEST BENGAL  
Legislative Department.**

**NOTIFICATION**

No.19451L. – 1<sup>st</sup> November,1950- the following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

**WEST BENGAL ACT XLIII OF 1950**  
**THE WEST BENGAL DENTAL BOARD ACT, 1950.**

(Passed by the West Bengal Legislature)

(Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the  
3<sup>rd</sup> November, 1950)

An Act to provide for the continuance of the constitution of the West Bengal Dental Board as heretofore until the 31<sup>st</sup> day of December, 1950.

Whereas it is expedient that the West Bengal Dental Board shall continue to be constituted as heretofore until the 31<sup>st</sup> day of December, 1950.

It is hereby enacted as follows :-

1. (1) This Act may be called the West Bengal Dental Board Act, 1950.  
Short title, (2) It extends to the whole of West Bengal.  
Extent and  
Commencement. (3) It shall come into force immediately on the West Bengal Dental Board Ordinance, 1950, ceasing to operate.

2. Notwithstanding anything contained in any Act, notification, order or other law,  
Constitution of the West Bengal Dental Board to Continue as heretofore. the West Bengal Dental Board shall be deemed to consist, up to the 31<sup>st</sup> December, 1950, of the members holding office as members of the said Board immediately before the commencement of this Act and the term of office of such members shall extend up to that date.

By order of the Governor,  
S.K. D. Gupta.  
Secy. to the Govt. of West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Medical and Public Health Department**  
**(Medical Branch)**

No. Medl. 5924/2D-35/50

Calcutta, the 23<sup>rd</sup> December, 1950

**NOTIFICATION**

In exercise of the powers conferred by sub-section (1) and, in particular, by clauses (a), (c), (g), (h) and (i) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to make the following rules, namely :-

**The West Bengal Dentists Rules 1950.**

1. (1) These Rules may be called the West Bengal Dentists Rules 1950  
(2) These Rules shall come into force on the date of their publication in the Calcutta Gazette. (w.e.f. 30-12-1950)
2. In these rules -  
(a) "the Act" means the Dentists Act 1948;

- (b) "Council" means the West Bengal Dental Council constituted under section 21 of the Act;
- (c) "President", "Vice-President" and "Registrar"; respectively means the President, Vice-President and Registrar of the Council;
- (d) "Registrar" means the Register of Dentists of the State of West Bengal prepared under the Act.
3. The Registrar shall be in direct charge of the management of all properties of the Council.
4. (1) An account shall be opened in the Imperial Bank of India, Calcutta, in the name of the West Bengal Dental Council; and all monies received for and on behalf of the Council shall be deposited to the credit of this Account.
- (2) All cheques on the Bank shall be signed by the Registrar and the President jointly.
5. (1) A Cash Book and Ledger with appropriate heads, shall be maintained and all receipts and expenditure shall be entered therein.
- (2) the Registrar shall be allowed a permanent advance of Rs.100/- as Imprest Cash for petty expenses, for which a separate book shall be maintained.
- (3) The expenditure incurred on account of such petty expenses shall be recouped from time to time by drawing from the Bank and shall be entered in the Cash Book and the Ledger. Bills for such recoupment shall, when passed by the Registrar, require the counter- signature of the President.
6. (1) No expenditure shall be incurred unless it has been provided for in the Budget approved by the Council.
- (2) A bill for an amount not exceeding Rs.20/- may be passed by the Registrar. A bill for an amount exceeding Rs.20/- shall require the approval of the president before payment.
- (3) The Budget shall be prepared on the basis of the financial year (April to March). The Registrar shall place before the Council at a special meeting in the month of January every year the Budget for the ensuing year, for the approval of the Council either in its entirety or with such modification as the Council may consider proper.
- (4) When the Budget for the ensuing year is presented to the Council, a statement of actuals of the current year of the first 9 months together with estimate of probable expenditure for the remaining 3 months shall also be presented and the original Budget for the current year may be revised by the Council accordingly or as the Council consider proper.
- (5) The Council may at any time during the year for which an estimate has already been sanctioned, consider a supplementary estimate and sanction it in the same manner as the original estimate.
7. The accounts of he Council shall be audited once every year by Auditors appointed by the Council, and the Audit Report shall be considered by the Council at its meeting following the submission of the Report.



8. (1) An ordinary meeting of the Council shall be audited once every year by Auditors appointed by the Council, and the Audit Report shall be considered by the Council at its meeting following the submission of the Report.
  - (2) The President may, whenever he thinks fit, and shall, upon the written request of not less than seven members, call a special meeting of the Council.
  - (3) The President shall be the Chairman at every meeting unless he is absent from the meeting on leave or on account of sickness or other reasonable cause. In his absence the Vice-President shall be the Chairman. In the absence of both President and the Vice-President the members present shall choose one of their members to be the Chairman.
  - (4) Seven members shall form a quorum. No business shall be transacted at any meeting unless at least seven members are present from the beginning to the end of the meeting.
  - (5) All questions shall be decided by a majority of votes of the members present, the Chairman having a second or casting vote in all case of equality of votes.
  - (6) If a poll be demanded, the names of the members voting and the nature of their votes shall be recorded by the Chairman.
  - (7) Minutes of the names of the members present and of the proceedings at each meeting shall be kept in a book to be provided for the purpose, which shall be signed at the next meeting by the Chairman presiding at such meeting and shall be open to inspection by any member during office hours.
9. (1) Every application for registration under section 34 shall be in the Form – A appended to these rules, duly filled in and signed by the applicant himself, and shall be accompanied by the certificates or other documents and the prescribed fee specified in the said form.
  - (2) The Registrar may require the applicant to produce such further proof or particulars as he may consider necessary in a particular case.
10. The fees chargeable in respect of Registration of dentists under this Act, shall be:-
    - (a) For original registration ..... Rs.20/-
    - (b) For annual renewal .....Rs.10/-
    - (c) For insertion of each title or qualification in  
Substitution for, or in addition to any entry  
Previously made.....Rs.10/-
    - (d) For restoration of name removed under  
section 39 (2) .....Rs.5/- together with the arrear annual  
renewal fee.
    - (e) For restoration of name removed under  
section 41 .....Rs.20/-

(f) For registering a change of name when allowed by the State Dental Council.....Rs.10/-

(g) For duplicate registration certificate Under section 44 .....Rs.5/-

11. When a name has been entered in the register of dentists, under section 34, a certificate of registration shall be given if Form B appended to these rules, over the signature of the Registrar and the seal of the Council.

12. (1) For annual renewals of registration under section 39, the registered dentists shall apply in writing to the Registrar before the 1<sup>st</sup> day of April of the year to which the renewal applied for relates, together with the certificate of registration in original and the prescribed renewal fee.

(2) The renewal shall thereupon be entered in the register and endorsed on the reverse of the certificate of registration. Every such endorsement shall be attested by the Registrar with his signature.

(3) A person who does not apply for renewal of registration within the time stated in sub-rule (1), shall, if he desires a renewal be required first to apply for restoration of his name to the Registrar under the proviso to sub-section (2) of section 39 on payment of the prescribed fee for such restoration. Every such application shall be accompanied by the certificate of registration in original.

13. (1) In the event of an original certificate of registration being lost, the dentist concerned may obtain a duplicate certificate from the Registrar, by a written. Such application shall also be accompanied by a declaration from the dentist, stating the circumstances in which the original has been lost, that he is the same person to whom the original certificate was issued, and that the duplicate will be returned in case the original certificate be found later.

(2) When duplicate certificate has been issued, it may be treated as original certificate for the purposes of rule 10.

14. The provision of rules 12 and 13 shall apply also to renewals and duplicate copies of the certificates of registration issued under sub-section (5) of section 32.

**Form A**  
**(See rule 9)**

Application for registration under section 34 of the Dentists Act, 1948.

To  
The Registrar, West Bengal Dental Council,  
Grosvenor Hoise, 21 Old Court House Street,  
Calcutta-1.

Sir,

I beg to apply for registration of my name as dentist, under section 34 of the Dentists Act 1948 (XVI of 1948).

1. Name in full.....
2. (a) Age.....  
(b) Place of birth.....
3. Father's name.....
4. Date of birth.....
5. Nationality.....
6. Whether a citizen of India.....
7. Residential address.....
8. Professional address, i.e. the place where the profession of dentistry is carried on .....
9. Employment, if any .....
10. Particulars of the qualification or qualification or qualifications with the dates on which they were obtained and the authority which conferred them .....

### D E C L A R A T I O N

I ..... (applicant) hereby declare that the statements made above are correct. I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as dentist.

I undertake that I shall intimate to the Registrar any change of my address or place of practice.

The degree, diploma or certificate of my qualification is submitted herewith, it may be returned as soon as done with.

The Prescribed fee of Rs.20/- is sent herewith.

Address.....

Date.....

Signature of applicant.

### Form B (See Rule 11) WEST BENGAL DENTAL COUNCIL

Certificate of registration under section 34 of the Dentist Act, 1948 (XVI of 1948)

This is to certify that the person named below has been registered as a Dentist under Section 34 of the Dentists Act 1948 (XVI of 1948).

Name .....

Qualification .....

Registered number .....

This certificate shall remain in force till .....

Registrar,

Date.....

(On the reverse)

**Renewals of Registration under Section 39.**

Date of renewal	Date upto which renewal will remain in force	Signature of Registrar

By order of the Governor,  
Sd/- B.C. Das Gupta.  
Secy. to the Govt. of West Bengal.

**Government of West Bengal  
Medical & Public Health Department  
Medical Branch, Calcutta.**

No. Medl/6027/2D-54/50

Calcutta, the 29<sup>th</sup> December, 1950.

**NOTIFICATION**

In exercise of the power conferred by section 21 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to constitute with effect from 1<sup>st</sup> January 1951 a State Dental Council for West Bengal consisting of the following members :-

- |  |  |
|--|--|
| <p>1. Dr. Nirendra Chandra Barary,<br/>D.D.S. (University of Pennsylvania)<br/>U.S.A.</p> <p>2. Dr. Bankim Mukherjee, L.D.S.<br/>(R.C.S. Eng.)</p> <p>3. Dr. Shankerilal P. Mewar,<br/>L.D.S.(Calcutta Dental College and<br/>Hospital), D.E.D.P. (Paris),<br/>D.D.S.(Pennsylvania)</p> <p>4. Dr. Sailendra Prasad Neogi,<br/>L.D.Sc.<br/>(Calcutta Dental College and<br/>Hospital), D.E.D.P.(Paris),<br/>D.D.S.(Penna)</p> <p>5. Dr. Kamada Chandra Munsii.</p> <p>6. Dr. Subodh Chandra Majumder</p> <p>7. Dr. Samirendra Kumar Bose.</p> | <p>8. Dr. Amiya Kumar Dutt</p> <p>9. Dr. T. Acharyya, M.B.</p> <p>10. Dr. Lt. Col. Jyotilal Sen,<br/>M.C., M.B., I.M.S</p> <p>11. Dr. S.K. Majumdar,<br/>D.M.D.(Harvard)</p> <p>12. Dr. A.S. Ghosh, M.B.,L.D.S.<br/>R.C.S.(Eng.)</p> <p style="text-align: right;">elected under clause<br/>(a) of the said section.</p> |
|--|--|

elected under clause (b) of the said section.

nominated under clause (e) of the section.

elected under clause (d) of the said section.

[Clause (c) of the said section]

13. The heads of Dental College in West Bengal which grant recognized dental qualifications ex-officio.

2. The Governor is further pleased to notify under section 24 of the said Act that “West Bengal Dental Council” shall be the name by which the said State Dental Council shall be a body corporate.
3. In exercise of the power conferred by proviso to section 25 of the Dentists Act, 1948 (XVI of 1948), the Governor is also pleased to nominate the Director of Health Services, West Bengal to be the President of the said State Dental Council.

By order of the Governor,  
Sd/- B.C. Das Gupta,  
Secy. to the Govt. of West Bengal.

**Governor of West Bengal  
Department of Health and Family Planning  
Medical Branch**

No. Medl. 4549/2d-8/76

Calcutta the 9<sup>th</sup> April, 1976

Form : Shir M.N. Pal, M.Sc., W.B.C.S.  
Dy. Secretary to the Govt. of West Bengal.

To: The President ,  
West Bengal Dental Council,  
8, Lyons Range (3<sup>rd</sup> floor)  
Calcutta-1.

Subject: Payment of gratuity to the staff of the West Bengal Dental Council.

Sir,

With reference to the correspondence resting with your letter No. 1176/d dated the 16<sup>th</sup> April, 1976 on the above subject I am directed to communicate the approval of Government to the Council's proposal for payment of gratuity to its regular staff at the rate of half a month's pay for each completed year of service, subject to a limit of 15 month's pay, to an employee who has rendered continuous good service for not less than 15 year, in addition to the contributory Provident Fund benefit.

Yours faithfully,  
Sd/- M.N. Pal,  
Deputy Secretary.

**GOVERNMENT OF WEST BENGAL  
Legislative Department**

**NOTIFICATION**

No. 621L. – 1st April, 1951. – The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information :-

**West Bengal Act XIII of 1951.  
THE WEST BENGAL DENTISTS (REPEALING) ACT, 1951.**

Passed by the West Bengal Legislature. Assent of President was first published in the Calcutta Gazette, Extraordinary, of the 19<sup>th</sup> April, 1951.

An Act to repeal the Bengal Dentists Act, 1939, and to make certain other consequential Provisions.

WHEREAS it is expedient to repeal the Bengal Dentists Act, 1939, and to make Ben. Act XII of certain other consequential provision;  
1939.

It is hereby enacted as follows :-

1. (1) This Act may be called the West Bengal Dentists (Repealing) Act, 1951.

Short title, extent (2) It extends to the whole of West Bengal.  
And commencement. (3) It shall be deemed to have come into force on the first day of January 1951.

2. In this Act unless there is anything repugnant in the subject or context,-

Definition (a) "Board" means the Board established under the Bengal Dentists Act, 1939.

(b) "State Council" means the West Bengal Dental Council constituted under the Dentists Act, 1948.

3. (1) The Bengal Dentists Act, 1939 is hereby repealed.

XVI OF 1948 (2) All properties vested in the Board immediately before the commencement of this Act, shall, on such commencement, vest in the State Council.

Repeal of Bengal Act XII of 1939 (3) The officers (including clerks but excluding the Registrar) and servants of the Board appointed under section 9 of the Bengal Dentists Act, 1939, and continuing in office immediately before the commencement of this Act shall on such commencement, be deemed to be officers and servants of the State Council duly appointed under section 28 of the Dentists Act, 1948 on the same salaries and allowances and other conditions of service on which they had been so continuing in office.

XVI of 1948

By order of the Governor,  
S.K. D. Gupta,  
Secy. to the Govt. of West Bengal.

## GOVERNMENT OF WEST BENGAL

### Medical and Public Health Department Medical Branch.

No. Medl. 4564/2d-31/51

Calcutta, the 4<sup>th</sup> August 1951

### NOTIFICATION

In exercise of the powers conferred by sub-section (1) and in particular, by clause (e) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to make the following rules, namely :-

Rules for the constitution and function of the Executive Committee under the West Bengal Dental Council.

1. In these rules -

- (a) 'Council' means the West Bengal Dental Council,
- (b) 'President' and 'Vice-President' means the 'President and the 'Vice-President' respectively of the West Bengal Dental Council,
- (c) 'Section' means a section of the Dentists Act, 1948,
- (d) 'Schedule' means the schedule to the Dentists Act, 1948,
- (e) 'Central Council' means the Dental Council of India,
- (f) 'Government' means the Government of West Bengal.

2. The Executive Committee shall consist of the President and the Vice- President ex-officio and three members elected in accordance with the rules in Part VI of the rules published under Notification No. Medl/4818/2D-24/50 dated the 14<sup>th</sup> October, 1950.
3. The functions of the Executive Committee shall, besides any particular matter that may be referred to it by the Council or by the President, comprise :-
  - (1) Examining and reporting on, for the consideration of Council, any proposal for recognition of a new qualification not referred to in Part I of the schedule, regarding which the Central Council or the Government may ask for opinion of the Council. (Section 10 (2)).
  - (2) Examining and reporting on, for the consideration of Council, any proposal for recognition of a qualification for dental Hygienists, regarding which the Central Council or the Government, may ask for opinion of the Council. (Section 11).
  - (3) Examining and reporting on, for the consideration of the Council, any question of withdrawal of recognition, regarding which the opinion of the Council may be asked for by the Government. (Section 16(2)).
  - (4) Examining and reporting on, for the consideration of the Council, any appeal against the order of the Registrar rejecting an application for registration. (Section 35 (3)).
  - (5) Enquiring into and reporting on, for the consideration of the Council, all cases of removal from the register and all cases of restoration to the register. (Section 41 (1)) (Section 42).
  - (6) Examining complaints or information of offences under section 47, 48, 49, 50 and 51, reporting, when required, to the Government for order or to the Council for sanction to the lodging of a complaint in Court. (Section 52).
4.
  - (1) The Executive Committee shall meet as often as may be necessary for the discharge of their functions, The place of their meeting shall be the office of the Council, unless the President directs for any special reason that a particular meeting shall be held at any other place.
  - (2) Ordinarily 5 days' notice shall be required for a meeting of the Executive Committee : but in emergent cases a meeting may be called on shorter notice under an order of the President.
  - (3) The President, or, in his absence, the Vice-President, shall preside at the meeting of the Executive Committee. In the absence of both the President and the Vice-President, the members present shall elect one of their number to be the President at that particular meeting.
  - (4) The presence of at least 3 members shall be necessary to form a quorum. In case of difference of opinion, the decision shall be taken according to the opinion of the majority : but the views of the dissenting member of members should also be briefly stated.

By order of the Governor,  
Sd. B.C. Das Gupta,  
Secy. to the Govt. of West Bengal.



## **DENTAL COUNCIL (ELECTION) REGULATIONS, 1952**

**Regulation made by the Dental Council of India, with the approval of the Central Government, under Section 20 of the Dentists Act, 1948 (XVI of 1948), prescribing the manner in which elections under Chapter II of the Act, are to be conducted.**

### **CHAPTER- I**

#### **Preliminary**

- Short title      1. These Regulations may be called the Dental Council (Election) Regulations, 1952.
- Definition.      2. In these Regulations, unless the context otherwise requires
- (a) 'Act' means the Dentists Act, 1948 (XVI of 1948)
  - (a-i) 'Appendix' means an Appendix to these regulations;
  - (b) 'Council' means the Dental Council of India constituted under section 3 of the Act;
  - (b-i) 'Elector' in relation to an election to the Council, means any person entitled to vote at any such election;
  - (b-ii) 'Electoral Roll', in relation to an election to the Council, means the list of electors maintained by the Returning Officer;
  - (c) 'Form' means a form annexed to these Regulations;
  - (c-i) 'Member' means a member of the Council ,
  - (d) 'President' means the President of the Dental Council of India;
  - (e) 'Registrar' means a register of dentists prepared and maintained under the Act;
  - (f) 'Returning Officer' means :-
    - (f-i) In relation to election under Chapter II of these Regulation, the Returning Officer appointed by the State Government; and
    - (f-ii) In relation to an elections under Chapter IV of these regulations, the Returning Officer appointed by the Central Government; and
  - (g) 'Section' means a section of the Act.

**CHAPTER – II**  
**Election to the Council under clause (a) of section 3.**

Preliminary  
electoral roll

3. (1) Part A of the register as published with reference to sub-section (3) and (4) of section 31 and sub-section (4) of section 32, together with the list or lists published in the official gazette by the Returning Officer, of dentists registered under Part A subsequent to the publication of the register, shall be the preliminary electoral roll for the electorate specified in clause (a) of section 3.

Provided that in the case of elections other than those held for the first time under the Act, the preliminary electoral roll shall be Part A of the register as last printed under Section 45, together with the list or lists, published by the Returning officer, of dentists registered subsequent to the printing of the register.

- (2) The Returning Officer shall prepare and publish in the official Gazette on a date to be fixed by the State Government, preliminary electoral rolls in Forms I in Appendix I, containing the means of all the electors for the electorate specified in clause (a) of section 3.

- (3) The Returning Officer shall simultaneously publish a notice in the official Gazette specifying the mode in which the time within which claims and objections relation to the entries or omissions in the preliminary rolls shall be preferred.

- (4) On or after the date fixed for the receipt of the claims and objections, the Returning Officer shall pass order in writing on each claim or objection and revise the preliminary electoral rolls in accordance with such orders, and the rolls, as revised, shall be published in the official Gazette as the final electoral rolls.

Fixation of  
Dates for  
Various  
Stages of  
Election

4. The Returning Officer shall appoint and shall notify in the official Gazette and in such other manner as he thinks fit, the date, time and place for :-
- (a) the receipt, of nomination papers and their scrutiny;
  - (b) the dispatch of voting papers to the electors;
  - (c) the poll; and
  - (d) the scrutiny and counting of votes.

Nomination  
of Candidates

5. Every candidate for elections shall be nominated by means of a nomination paper in Form II Appendix I which shall be supplied free of cost by the returning Officer to any elector applying for the same.

Nomination  
papers

6. (1) Every nomination paper shall be signed by two electors as proposer and seconder and sent by post or otherwise so as to reach the Returning

Officer on or before a date fixed by him, which shall not be less than four weeks before the date appointed for the poll.

Provided that no elector shall sign more nomination paper than there are seats to be filled up.

Provided further that if more than the prescribed number of nomination papers are signed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nomination papers signed by the same elector are received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.

(2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse the date and hour of receipt.

- |                                   |  |
|-----------------------------------|--|
| Rejection of<br>Nomination papers | 7. A nomination paper which is not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.  |
| Fees payable by<br>candidates     | 8. (i) On or before the date appointed for the receipt of nomination papers each candidate wishing to stand for election shall pay the Returning Officer a fee of fifty rupees in cash and no candidate shall be deemed to be duly nominated unless such fee has been paid.<br><br>(ii) The fee so paid shall be credited to the Council and shall not in any circumstances be refunded.   |
| Scrutiny of nomination<br>papers  | 9. (1) On the date and at the time appointed by the Returning Officer for scrutiny of nomination papers the candidates and the proposer and seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.<br><br>(2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final. |
| Withdrawal<br>of Candidature      | 10. (1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than twenty one clear days before the date appointed for the poll. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.<br><br>(2) The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the official Gazette.  |
|                                   | 11. (1) If the number of candidates who stand duly nominated does not exceed the number of members to be elected, the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidate or candidates to be duly elected.  |

- (2) If the number of such candidates exceeds the numbers of members to be elected, the Returning Officer shall forthwith publish their names and addresses in the official Gazette and shall further cause their names to be entered in alphabetical order in the voting papers in the voting papers in Form IV I Appendix I.
- (3) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefore, send by post to each elector a letter of intimation in Form V in appendix I together with numbered declaration paper I Form III in the said appendix, a voting paper in Form IV in the said appendix containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover addressed to him. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector.
- (4) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoiled, may transmit a declaration to that effect signed by himself and require the Returning Officer to send him fresh papers and if the papers have been spoiled, the spoiled paper shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.
- (5) No election shall be invalidated by reason of an elector not receiving his voting paper, provided that a voting paper has been issued to him in accordance with these regulations.

Votes to be sent  
by registered post

12. Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer and send the outer envelope by registered post at the electors own cost to the Returning Officer, so as to reach him not later than 5 p.m. on the day fixed for the poll. All envelopes received after that day and hour or received by unregistered post shall be rejected.

Endorsement by  
Returning  
Officer on  
registered  
covers.

13. On receipt of the envelopes by registered post containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.

Candidates may  
be present when  
registered  
covers are  
opened.

14. The Returning Officer shall open the outer envelopes immediately after 5 p.m. on the day fixed for the poll as the place to which the envelopes addressed to him. Any candidate may be present in person or may send a representative duly authorized by him in writing to attend at the time the outer envelopes are opened.

15. (1) A voting paper cover shall be rejection by the Returning Officer, if :-

Rejection of  
voting papers

- (a) the outer envelope contains no declaration paper outside the voting paper cover, or
  - (b) the declaration papers is not the one sent by the Returning Officer, or
  - (c) the declaration paper is not signed by the elector, or
  - (d) the voting paper is placed outside the voting paper cover, or
  - (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.
- (2) In each case of rejection, the word 'Rejected' shall be endorsed on the voting paper cover and the declaration paper.
- (3) After satisfying himself that the electors have affixed their signature so the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under Regulation 18.

Scrutiny and  
counting of  
votes

16. (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes, at the date, time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.
- (2) All the voting paper covers, other than those rejected under Regulation 15 shall be opened and the voting papers shall then be scrutinized and the valid votes counted.
- (3) A voting paper shall be invalid if :-
- (a) it does not bear the Returning Officer's initials; or
  - (b) a voter signs his name or writes a word or makes any mark on it, by, which it becomes recognizable as his voting paper; or
  - (c) no vote is recorded thereon; or
  - (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
  - (e) it is void for uncertainty of one or more votes exercised.

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall, be invalid on than account.

- (4) Any candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of counting.
- (5) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorized representatives, at the time of scrutiny and counting of votes.

- (6) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decisions shall be final.
- (7) The Returning Officer shall nominate such number of scrutinizers not exceeding four as he thinks fit. The scrutinizers shall be Gazetted Officers of the Government.

Declaration of results.

17. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes have been given to be duly elected and shall forthwith inform each successful candidate by letter of his being elected to the Council. If any candidate thus shown to be elected has withdrawn from the election or refuses to accept election then in the place of that candidate one of the remaining candidates to whom the next largest number of votes have been given shall be held to have been elected and so on for as many of the remaining candidates as there may be vacancies caused in this way.

(2) If there is an equality of votes between any two or more candidates, the Returning Officer shall, after notice to the candidates concerned, decided by drawing lots which candidate or candidates he shall declare to have been elected.

Voting papers to be retained for six months.

18. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and he shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the State Government.

Publication of results.

19. The Returning Officer shall report the result and date of the election to the State Government, who in turn shall communicate the information to the Government of India. The Central Government shall then publish the result in the Gazette of India and the State Government shall thereafter re-publish the notification of the Central Government in the Official Gazette of the State concerned.

Procedure for setting aside election

20. (1) Before setting aside an election under Section 5 the Central Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.
- (2) A decision under Section 5 may be given on the inquiry and report of any person appointed by the Central Government in that behalf.

[Chapter III & V omitted]

**APPENDIX I**  
**FORM 1**

(See clause (2) of regulation (3) )

A. List of persons qualified to vote under clause (a) of section 3 of the Dentists Act, 1948.

Name	Qualification	Address	Remarks
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**Form II**

(See Regulation 5)

**NOMINATION PAPER**

Election under clause (a) of Section 3 of the Dentists Act, 1948.

1. Name of candidate .....
2. Father's name.....
3. Age.....
4. Nature of qualification and registration number .....
5. Address.....
6. Signature of proposer .....
7. Signature of seconder.....

Declaration by the Candidate

I hereby declare that I agree to this nomination.

Signature of the candidate

This nomination paper was received by me at ..... hour on the date .....

Returning Officer

**Instructions**

1. Nomination papers which are not received by the Returning Officer before the .....will be invalid.
2. The names of the proposer and seconder, as they appear in the electoral rolls, their registered qualifications and registration certificate numbers should also be clearly written below their respective signatures.

**FORM III**

[See clause (3) of regulation 11]

**Declaration Paper**

Election to the Dental Council of India of Section 3 of the Dentists Act, 1948.

Serial No. ....  
Elector's name .....  
Number on the electoral roll, if any .....

**Elector's declaration**

I..... (Name in full, and designation, if any) declaration that I am an elector for the election of a member to the Dental Council of India by the electorate under clause (a) of section 3 of the Dentists Act, 1948 and that I have signed no other voting paper at this election.

Station..... Signature.....  
Dated,..... Address.....  
.....

**FORM IV**  
[See clause (2) of regulation 11]

**Voting Paper**

Election to the Dental Council of India under clause (a) of section 3 of the Dentists Act, 1948.

Serial No.	Name of candidate duly nominated	Vote
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**Instruction**

1. The number of vacancies to be filled is.
2. Place a cross-mark (thus 'X') against the name of the candidate (or each of the candidates) for whom you wish to vote.
3. A voting paper will be invalid if :-
  - (a) it does not bear the Returning Officer's initials or facsimile signature; or
  - (b) a voter signs his name or writes a word or makes any mark on it, by which it become recognizable as his voting paper; or
  - (c) no vote is recorded thereon; or
  - (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
  - (e) it is void for uncertainty of one or more votes exercised.



## FORM V

(See clause (3) of Regulation 11)

### Letter of Intimation

Sir/Madam,

The persons whose names are printed on the voting paper sent herewith, have been duly nominated as candidates for election to the Dental Council of India. Should you desire to vote at the election, I request that you will :-

- (a) fill up and sign the declaration paper;
  - (b) mark your vote in the column provided for the purpose in the voting paper as directed on the voting paper;
  - (c) enclose the voting paper in the smaller cover, and stick it up, and
  - (d) enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 p.m. on the ..... of 19.....
2. The voting paper will be rejected, if :-
- (a) the outer envelope enclosing the voting paper cover is not send by registered post or received later than the hour fixed for the closing of the poll; or
  - (b) the outer envelope contains no declaration paper outside the smaller cover; or
  - (c) the voting paper is placed outside the voting paper cover; or
  - (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
  - (e) more than one declaration paper voting paper cover has been enclosed in one and the same outer envelope; or
  - (f) the declaration is not signed by the elector; or
  - (g) the voting paper is invalid.
3. A voting paper will be invalid, if :-
- (i) it does not bear the Returning Officer's initials or signature; or
  - (ii) a voter signs his name, or writes any word or makes any mark by which it becomes recognizable as his voting paper, or
  - (iii) no vote is recorded thereon; or
  - (iv) the number of votes recorded thereon exceeds the number of vacancies to be filled; or

- (v) it is void for uncertainty of one or more votes can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper, shall be invalid on that account.
4. If a voter inadvertently spoils a voting paper, he can return it to the Returning Officer who will, if satisfied of such inadvertence, issue to him another voting paper.
5. The scrutiny and counting of votes will begin on  
(date) at (hour)
6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorized representatives.

Returning Officer

**Government of West Bengal**  
Medical and Public Health Department  
Medical Branch

No. Medl. 1548/2D-24/53 dated Calcutta, the 20<sup>th</sup> March, 1953.

Form : Sri P. M. Datta, M.Sc., B.L., W.B.C.S.  
Deputy Secretary to the Government of West Bengal

To : The President, West Bengal Dental Council.

Sir,

I am directed to say that in pursuance of clauses (b) and (d) of sub-section sanction the following, namely:-

The appointment and salaries and allowances of the following officers and servants of the State Council.

- (a) one whole time permanent clerk on a pay of Rs.100 per month in the scale of Rs.100-4-180-5-200 plus usual dearness and other admissible allowance,
- (b) one part-time Account (of the Faculty and Medical Council) with an allowance of Rs.15/- per month only,
- (c) one part time Cashier (of the Faculty and Medical Council) with an allowance of Rs.15/- per month only,
- (d) one part-time duftry (of the faculty and Medical Council) with an allowance of Rs.2/- per month only, and
- (e) one part-time peon (of the Faculty and Medical Council) with an allowance of Rs.7/- per month only;

the existing incumbents of the above posts should be allowed to continue in service till superannuation. (Vide : section 3 (3) of the West Bengal Dentists (Repealing) Act,1951 (West Bengal Act XIII of 1951).

2. I am to add that the Governor I also pleased, under clause (e) of sub-section (2) of section 28 of the said Act, to sanction the fixation of an allowance at the rate of Rs.116/- to be payable to each member of the State Council for attending each meeting of the State Council which will be held twice a year.

Yours faithfully,  
Sd/- P.M.Datta,  
Deputy Secretary.

Government of West Bengal  
Medical and Public Health Department  
(Medical Branch)

No. Medl.1547/2D-24/53.

Dated Calcutta, the 20<sup>th</sup> March, 1953.

#### NOTIFICATION

In exercise of the power conferred by sub-section (1) and, in particular, by clause (f) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to make the following rules regarding the powers and duties of the Registrar and other officers and servants of the West Bengal Dental Council namely :-

#### Rules

1. The Registrar shall perform all the duties imposed on him by the Dentists Act, 1948 and by the rules and regulations made thereunder.
2. The Registrar shall conduct and have charge of the correspondence of the West Bengal Dental Council.
3. The Registrar shall have power to sanction casual leave to other officers and servants for a period not exceeding 14 days (including 4 days on religious grounds) in a year.
4. The Registrar shall have the general control and management of office and authority over other officers and servants of the State Council.
5. The duties of other officers shall be such as may be assigned to them by the Registrar.
6. The conditions of service including leave of the Registrar and other officers and servants shall be governed by the West Bengal Services Rules.
7. The Services of the Registrar and other officers and servants of the State Council shall be non-pensionable.

8. The whole-time and permanent officers other than the Registrar, and the servants of the State Council shall be eligible to a Contributory Provident Fund at the same rate as for those of the West Bengal Medical Council and the Faculty namely 6.25 per cent of the basic pay, the State Council contributing an equal sum.

By order of the Governor,  
Sd/- B.C. Das Gupta  
Secy. to the Govt. of West Bengal.

**Government of West Bengal**  
Medical and Public Health Department  
(Medical Branch)

No. Medl. 6472/2B-86/53,

dated Calcutta, the 29<sup>th</sup> October, 1953.

**NOTIFICATION**

In exercise of the power conferred by sub-section (1) of section 32 of the Dentists Act, 1948 (XVI of 1948) and in pursuance of clause 2 of the agreement dated the 13<sup>th</sup> September, 1953 executed between the State of West Bengal and the State of Tripura under sub-section 91) of section 22 of the said Act, the Governor is pleased to constitute a Registration Tribunal consisting of the following persons for the purpose of first preparing the register of dentists for the State of Tripura :-

- 1) Dr. S.K. Majumdar, D.M.D.(Harvard)  
flat No. 8, 30, Chowromghee, Calcutta.
- 2) Dr. A.S. Ghosh, M.B., L.D.S.R.C.S. (Eng.)
- 3) Dr. Bankim Mukherjee, L.D.S., R.C.S.(Eng),  
3, Waterloo Street, Calcutta.

2. The Governor is further pleased to appoint the Registrar, West Bengal Dental Council to be the Registrar, under the said Act for the State of Tripura.

By order of the Governor  
Sd/- B.C. Das Gupta,  
Secy. to the Govt. of West Bengal

No. Medl/6472/2D-86/53/2(1)

Copy forward to the Registrar, West Bengal Dental Council for information. A copy of the agreement between this State and the Tripura State is sent herewith. Necessary action may be taken in terms of the agreement. The same procedure and rules as adopted for the preparations of first Register of dentists of West Bengal and also subsequent registrations should be followed. The last date of receiving applications from the dentists of Tripura State for registration purpose should be settled in direct correspondence with the Chief Medical Officer, Tripura State and intimated to this Department at an early date for publication in the Calcutta Gazette.

Calcutta,  
The 29<sup>th</sup> October, 1953

Sd/- ILLEGIBLE  
Deputy Secretary.

Articles of Agreement made this 13<sup>th</sup> day of September of one thousand nine hundred and fifty three between the Governor of the State of West Bengal, of the one part and the Chief Commissioner of the State of Tripura of the other [art.

Witnesses And It is hereby agreed as follows:-

1. That in accordance with the provisions of clause (b) of sub-section (1) of section 22 of the Dentists Act, 1948 (XVI of 1948), (hereinafter referred to as the said Act,) the State Dental Council of West Bengal will serve the needs of Tripura for the purposes of the said Act.

2. That the several functions of the State Government under the said Act (including the appointment of Registration Tribunal under sub-section (1) of section 32 of the said Act, and of the appellate authority under sub-section (4) of that section) shall be exercised by the Government of West Bengal and the rules framed and to be framed by the Government of West Bengal under section 55 of the said Act, shall be applicable mutatis mutandis to Tripura under this Agreement.

3. That all application for the registration I the first register under section 32 or for subsequent registration under section 34, shall be made through the Chief Medical Officer, Tripura, by whatever name called, to the Registrar, West Bengal Dental Council, who shall also be the Registrar of the Registration Tribunal.

4. The West Bengal Dental Council may, if necessary, refer any matter for the purpose of consultation or information to the said Chief Medical Officer, Tripura, and, in the case of any difference of opinion, refer to the Government of West Bengal, whose decision thereon shall be final.

5. That a separate register shall be maintained for the dentists applying for registration from the State of Tripura who may be admitted to registration under the said Act.

6. That all fees received on account of registration and renewal shall be credited to the West Bengal Council. If after deducting one-fourth of the fees payable to the Dental Council of India, under section 53 of the said Act, there be a deficit, such part of the deficit as will be proportionate to the number of dentists registered from the State of Tripura, shall be borne by the State of Tripura.

7. That the Registration Tribunal appointed under section 32 of the said Act shall have its office in the same place as the office of the West Bengal Dental Council in Calcutta.

8. The Registration Tribunal many, if necessary require any applicant from Tripura to appear at its office in Calcutta for an interview at his own expense.

9. That this Agreement shall remain in force for the period of one year from date of these presents and shall be subject to renewal for a further period of another year.

In witness whereof the parties to these present have hereunto set and subscribed their respective hands and seals the day month and year first above written.

Signed sealed and delivered for and

on behalf of the Governor of the State of West Bengal by B.C. Das Gupta, Secretary to the Government of West Bengal in the Medical and Public Health Department in the presence of :-

Sd/- B.C. Das Gupta.

- 1) Sd/- S.C. Roy,  
Asstt. Secretary,  
Medl. & P.H. Deptt.
- 2) Sd/- B.N. Brahmachari,  
Regional Asstt. Director of  
Health Services, West Bengal

Signed sealed and delivered by the Chief Commissioner of Tripura in the presence of:-

Sd/- V. Nanjappa.

- 1) N.L. Deb Barman,  
Secretary to Govt. of Tripura,  
Agartala.
- 2) C. Deb Chowdhuri,  
Legal Remembrancer to the Govt.  
of Tripura, Agartala

Sd/- N. L. Deb Barman.

Sd/- C. Deb Chowdhuri.

**THE CALCUTTA GAZETTE, JULY, 15, 1957**  
(Part I, Page No. 2313)

**ORDER**

No. Medl. 4953/2D-72/54- 3<sup>rd</sup> July 1954 – In exercise of the power conferred by clause (d) of sub-section (1) of section 28 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to sanction the following rules proposed to be made by the West Bengal Dental Council providing for the creation of a provident fund for the benefit of the employees of the said Council and for opening of a Savings Bank Account for depositing the Provident Fund money with the post office and for the control and management of such Fund.

**West Bengal Dental Council Provident Fund Rules.**

1. Every whole time permanent employee of the West Bengal Dental Council shall be entitled to the benefit of a Provident Fund.
2. The Fund shall consist of the employees' subscription amounting to 8.33(vide Govt. order No. Medl. 7852/2D-4/56 date 4.9.57) per cent of the monthly basic salary, an equal amount as the employers' contribution, and the interest accrued thereon on investment in the Postal Savings Bank hereinafter referred to as the Savings Bank.
3. The President and the Registrar of the Council shall be the Trustees of the Fund. The Registrar shall, on behalf of the Trustees, operate the account in accordance with these rules.

4. The management of the Fund shall be entrusted to a Managing Committee consisting of 3 members, namely, the President, the Registrar and one member nominated by the subscribers.
5. The Managing committee shall maintain an individual ledger for each of the subscribers in form "A" (annexed herewith) and shall, when the Savings Bank has credited the account with interest, distribute the interest proportionately to each subscriber at the end of each year. Every subscriber shall satisfy himself as to the correctness of his account and shall sign a certificate in token of his acceptance thereof.
6. Withdrawal of deposit.- (a) The total sum at the credit of a subscriber in the Fund shall be payable to him on the termination of his service subject to the right of the employers to deduct therefrom any sum due to themselves, provided that the sum deducted shall not exceed their contributions to the subscriber's account in the Fund:

Provider further that if a subscriber is dismissed or removed from service, the employers' contribution for a period not exceeding two years may be withheld at the discretion of the Managing Committee.

(b) On the death of any subscriber while in service, the amount at the credit in the fund shall be paid to his nominees or nominee in accordance with the nomination made by such subscriber in Form "B" (annexed herewith).

(c) A temporary advance subject to the following conditions may be allowed by the Managing committee to a subscriber, provided that he has been in service for not less than two years, for expenses in connection with the illness of the subscriber or of any member of his family, marriage or funerals of any member of his family or religious ceremonies to be observed by the subscriber and the like:-

(i) Advances so allowed shall not exceed the aggregate of the subscribers' subscriptions, and shall be recovered in 12 to 24 equal monthly installments from the first payment of a full month's salary after the advance is paid, but no recovery shall be made from a subscriber while he is on leave other than leave on full pay.

(ii) When an advance is repayable in 12 installments or more, an additional installment representing interest calculated to nearest an equivalent to 4 percent of the amount of advance shall be paid by the subscriber provided that two such additional installments shall be paid when the advance is repayable in 24 installments.

(iii) When an advance has already been granted to a subscriber, a subsequent advance shall not be granted to him, except for strong reason to be recorded in writing by the Managing Committee, unless at least 12 months have elapsed since the complete repayment of the last advance taken.

7. The employers shall not be bound by, or recognize, any assignment or encumbrance executed or attempted to be created which affects the disposal of the amount to the credit of subscriber who dies before retirement.

8. The decision of the Managing Committee on all questions arising out of these rules shall be final.
9. These rules may at any time be modified by the employers but not so as to affect prejudicially the interests of the subscribers prior to the date of modification.

**Form "A"**  
**Ledger**

Name.....  
 Scale of pay .....  
 Designation .....  
 Date of admission to the present scale .....  
 Address .....

Year.....

Date and month	Employee's subscription			Employer's contribution			Total amount			Remarks
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	

**Form "B"**  
**Form of nomination**

I hereby direct that the amount at my credit in the Provident Fund at the time of my death shall be distributed among the members of my family/persons mentioned below in the manner shown against their names:-

Name and address of the nominee or nominees	Relationship with the subscriber.	Age of the nominee	Amount or share of accumulation.

Date.....

Signature of subscriber

Signature of two witnesses:-

- 1.
- 2.

By order of the Governor,  
P.M. DATTA, Dy, Secy.

**GOVERNMENT OF INDIA**  
Ministry of Law

The following Act of Parliament received the assent of the President on the 15<sup>th</sup> April, 1955 and is hereby published for general information:-

**ACT NO. XII OF 1955**  
**THE DENTISTS (AMENDMENTS) ACT, 1955.**

An Act further to amend the Dentists Act, 1948.

[15<sup>th</sup> April 1955]



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 XVI of 1948.
3. In section 2 of the principal Act, -
  - (i) in clause (f), after the words, figure and brackets "the Indian Medical Council Act, 1933 (XSVII of 1933", the words "or specified in any other law for the time being in force in any State," shall be inserted; Amendment of section 2, Act XVI of 1948.
  - (ii) for clause (m), the following clause shall be substituted, namely:-

‘(m) references to "State" and "States" shall be constituted as excluding any reference to the State of Jammu and Kashmir or to the territories for the time being comprised within the said State.’

Amendment of section 3, Act XVI of 1948.
4. In section 3 of the principal Act, -
  - (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 recognized dental qualifications include 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 recognized 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.”

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

Amendment of section 6, Act XVI of 1948

- (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.

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 15, Act XVI of 1948

7. In section 21 of the principal Act,-

Amendment of section 21, Act XVI of 1948

- (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 recognized 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 XVI of 1948

“(c) the heads of dental colleges, of any, in all the participating States which train students for any of the recognized dental qualifications included in Part I of the Schedule, ex-officio;”.

9. In section 3 of the principal Act,

] Amendment of section 33, Act XVI 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, 1919”;

(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 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 -

(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;

Amendment of  
section 34, Act  
XVI of 1948

- (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 recognized dental qualification but has been actually practicing the profession of dentistry as his principal means of livelihood from a date prior to the 29<sup>th</sup> day of March, 1948;

Explanation – In this clause “displaced person” means any 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 1<sup>st</sup> 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 practice the profession of dentistry for personal gain and his application for registration is approved by the President of the Dental Council.

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

Amendment of section 40, Act XVI of 1948

12. In section 41 of the principal Act, -

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

Amendment of section 41, Act XVI of 1948

- (ii) that he having been permitted temporary registration under clause (b) of sub-section (2) of section 34 has, on such registration, been found to practice the profession of dentistry for personal gain.”

- (iii) 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 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),-

(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;

Amendment of section 46, Act XVI of 1948

(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 XVI of 1948

“(d) not possessing recognized 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 figure “the date appointed under sub-section (2) of section 32” shall be substituted.

Amendment of section 49, Act XVI of 1948

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

Amendment of section 51, Act XVI 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;

Amendment of the Schedule, Act XVI of 1948

(ii) in Part I, -

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

(b) in entry No. (2) for the figures, letters and words “the 31<sup>st</sup> day of December, 1939”, the figures, letters and words “the 30<sup>th</sup> 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 15<sup>th</sup> day of August, 1947.

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

K.Y. BHANDARKAR, Secy.

**GOVERNMENT OF WEST BENGAL**

**Medical & Public Health Department.**

**(Medical Branch)**

No. Medl. 6728/2H-14/54

dated Calcutta the 4<sup>th</sup> August, 1955.

From : Sri S.C. roy, MA, WBCS,  
Asst. Secy. to the Govt. of West Bengal

To : Payment of rent and electric charges by the West Bengal Medical Council and Other bodies occupying the 3<sup>rd</sup> floor of the premises No.8, Lyons Range.

Sir,

I am directed to state that the 3<sup>rd</sup> floor of premises No. 8, Lyons Range, Calcutta, rented by the works & Buildings Deptt., has been allotted to the West Bengal Medical Council, State Medical Faculty, West Bengal, West Bengal Dental Council, West Bengal Nursing Council and West Bengal Pharmacy Council and they are in occupation of the portions allotted to them with effect from the 23<sup>rd</sup> August, 1954.

2. The question of payment of rent by these bodies has been under the consideration of Govt. It has now been decided that they will pay rent as follows per month:-

(i) West Bengal Medical Council	----	----	Rs.294-12-0
(ii) State Medical Faculty	----	----	Rs. 98-4-0
(iii) Dental Council	----	----	Rs. 50-0 0
(iv) Nursing Council	----	----	Rs. 97-8-0
(v) Pharmacy Council	----	----	Rs. 102-2-0

The State Medical Faculty, the Dental, Nursing and Pharmacy Council will pay their respective share of the rent of each month within the 10<sup>th</sup> of the month following to the Registrar of the West Bengal Medical Council on taking proper receipt and he will pay the sum thus collected for each month together with the West Bengal Medical Council's share of the rent (i.e. Rs.347/14/-plus Rs.294/12/- for the month to the Executive Engineer, City Division by the 15<sup>th</sup> of the month following on taking proper receipt.

3. The arrears at the above rates from the other respective bodies from the 1<sup>st</sup> September, 1954 to the 30<sup>th</sup> June, 1955, should be collected from them by the Registrar of the

West Bengal Medical Council on the proper receipt and the sum thus collected together with the West Bengal Medical Council's share of the rent for the same period should be paid to the Executive Engineer without delay on taking receipt.

4. The electric charges for each month should be paid by these bodies (except the Dental Council) in the proportion shown below:-

(i) West Bengal Medical Council	----	1/3 <sup>rd</sup>
(ii) State Medical Faculty	----	1/6 <sup>th</sup>
(iii) Nursing Council	----	1/6 <sup>th</sup>
(iv) Pharmacy Council	----	1/6 <sup>th</sup>

The Registrar of the West Bengal Medical Council will realize the same from the other bodies and pay the sum together with West Bengal Medical Council's share to the Calcutta Electric Supply Corporation Ltd. with effect from the current month. A separate order regarding the payment of the arrear electric charges will follow.

5. The works & Buildings Department are being informed.

Yours faithfully,  
Sd/- S.C. Roy  
Assistant Secretary.

## GOVERNMENT OF WEST BENGAL

Department of Health

Medical Branch

From : The Asstt. Secy. to the Govt. of West Bengal.

To : The Commerce and Industries Department of this Govt.

No. Medl. 6300/2D-23/56

dated Calcutta, the 20<sup>th</sup> August, 1956.

### MEMORANDUM

The undersigned is directed to request the Commerce and Industries Deptt. to kindly include the name of the West Bengal Dental Council, a statutory body constituted under the West Bengal Dental Act, in the list of Council, the State Medical Faculty and the Nursing Council. Steps may also kindly be taken for supply of the Govt. calendars to the Registrar, West Bengal Dental Council, 8, Lyons (3<sup>rd</sup> floor), Calcutta-1, free of cost in the usual way.

Sd/- ILLIGIBLE  
Assistant Secretary.

## GOVERNMENT OF WEST BENGAL

Department of Health

Medical Branch

No. Medl./314/2D-33/56

dated Calcutta, the 15<sup>th</sup> January' 57.

### NOTIFICATION

In pursuance of Sub-section (3) of section 22 of the Dentists Act, 1948 (XVI of 1948), the following agreement entered into under clause (b) of sub-section (1) of the said section, between the Government of West Bengal and the Government of Orissa are hereby published.

The Articles of Agreement made on the 19<sup>th</sup> September, 1956.

Article of Agreement made this nineteenth day of September One thousand nine hundred and fifty six between the Governor of the State of West Bengal of the One Part and the Governor of the State of Orissa of the other part. Witnessed and it is hereby agreed as follows:-

1. That in accordance with the provision of clause (b) of sub-section (1) of section 22 of the Dentists Act, 1948 (XVI of 1948) (hereinafter referred to as the Act) the State Dental Council of West Bengal will serve the needs of Orissa for the purposes of the said Act.
2. That the several functions of the State Government under the said Act shall be exercised by the Government of West Bengal and the rules framed and to be framed by the Government of West Bengal under section 55 of the said Act shall be applicable mutatis mutandis to Orissa under this Agreement.
3. The West Bengal Dental Council may if necessary, refer any matter for the purpose of consultation or information to the Director of Health Services, Orissa, Bhubaneswar and in the case of any difference of opinion, refer it to the Government of West Bengal whose decision thereon shall be final.
4. That a separate register shall be maintained for the dentists applying for registration from the State of Orissa who may be admitted to registration under the said Act.
5. That all applications for registration in the First Register under section 32 for subsequent registration under section 34 shall be made through the Director of Health Services, Orissa to Registrar, West Bengal Dental Council who shall also be the Registrar of the Registration Tribunal. That the Registration Tribunal appointed under section 32 of the said Act, shall have its office in the same place as the office of the West Bengal Dental Council in Calcutta, The registration Tribunal may, if necessary, require any applicant from Orissa to appear at its office in Calcutta for an interview at his own expenses.
6. That the expenditure of the West Bengal Dental Council shall be borne by the State of West Bengal and Orissa in proportion to the number of Dentist Registered from each State. That all fees received on account of registration and renewal shall be credited to the West Bengal Dental Council. If after deduction of one fourth of the fees payable to the Dental Council of India under section 53 of the said Act there be a deficit such part of the deficit as will be proportionate to the number of dentists registered from the State of Orissa shall be borne by the State of Orissa.



7. That the Agreement shall remain in force for the period of two years from the date of these presents and may be renewed for a further period if the State of Orissa so desire.
8. In witness whereof the parties to these presents have hereunto acted and subscribed their respective hands the day, month and year first above written.

Signed for and on behalf of the Governor of the State of West Bengal, by the Secretary, Department of Health, Government of West Bengal in presence of:-

Sd/- D.N. Chakravarti.

Sd/- S.C. Roy,  
Assistant Secretary to the  
Government of West Bengal,  
Department of Health.

Signed for and on behalf of the Governor of the State of Orissa by the Secretary, Health Department, Government of Orissa in the presence of:-

Sd/- P.K.Tripathy,  
Secretary, Health Depptt.  
Government of Orissa,  
19/9/56.

1) Sd/- M.P.Nand  
19/9/56.

Deputy Secretary to Government of Orissa,  
Health Department.

2) Sd/- K.C. Mohanty,  
19/9/56.

Asstt. Secy. to the Govt. of Orissa, Health  
Department.

By order of the Governor,  
Sd/- D.N. Chakravarti,  
Secy. to the Govt. of West Bengal.

**GOVERNMENT OF WEST BENGAL**

**Department of Health**

**Medical Branch**

Medl. 7853/2D-4/56

Calcutta, the 4<sup>th</sup> September, 1957.

**N o t i f i c a t i o n**

In exercise of the power conferred by sub-section (1) and in particular, by clause (f) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to make the following amendment in the rules regulating the powers and duties of the Registrar and other officers and servants of the West Bengal Dental Council, published with notification No. Medl1547-eD-24/53, dated the 20<sup>th</sup> March, 1953, at page 889 of part I of the Calcutta Gazette of the 26<sup>th</sup> March, 1953, namely:-

**A m e n d m e n t**

In rule 8 of the said rules, for the figure “6.25” substitute the figure “8.33”

By order of the Governor,  
Sd/- N. C. Kar.  
Dy. Secy. to the Govt. of W. B.

**Government of West Bengal**

**Department of Health**

**Medical Branch.**

No. Medl. 7852/2D-5/56

Dated the 4<sup>th</sup> September, 1957.

**ORDER**

In exercise of the power conferred by clause (d) of sub-section (1) of section 28 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to sanction the following amendment proposed to be made by the West Bengal Dental Council in the West Bengal Dental Council Provident Fund Rules published with order No. Medl 4953-2D-72/54, dated the 3<sup>rd</sup> July, 1954, at pages 2313-2314 of Part I of Calcutta Gazette of the 15<sup>th</sup> July, 1954, namely:-

**Amendment**

In rule 2 of the said rules, for the figure “6.25” substitute the figure “8.33”

By order of the Governor,  
Sd/- N. C. Kar.  
Dy. Secy. to the Govt. of W. B.

**Government of West Bengal**

**Department of Health**

**Medical Branch.**

No. Medl.5061/2-D-8/58

Dated Calcutta, the 24<sup>th</sup> May, 1958.

**Notification**

In exercise of the powers conferred by sub-section (1) and particular, by clause (h) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased to make the following amendments in the West Bengal Dentists Rules 1950 published with Notification No. Medl. 5924/2D-35/50 dated the 23<sup>rd</sup> December, 1950, namely :-

**Amendments**

1. Re-number rule 10 of the said rules as sub- rule (1) of rule 10; and
2. After sub-rule (1) of rule 10 as so re-numbered.  
and the following sub-rule namely:-

(2) the charges for supplying copy of the register of registered dentists, shall be

- (i) for the consolidated list showing all the names on the register Rs.2/- per copy, postage extra.

Provided that a person registered with the Council shall be entitled, on an application made within one year of the date of the publication of such list and on payment of fifty naya paise plus the requisite postage, to receive a complete set of consolidated and supplementary lists of registered dentists wherein his name appears for the first time.

By order of the Governor,  
Sd/- D.N. Chakravarti,  
Secy, to the Govt. of West Bengal.

**GOVERNMENT OF WEST BENGAL**

**Department of Health**

**Medical Branch**

Medl. 6260/2D-21/58

Calcutta, the 23<sup>rd</sup> June, 1958.

**NOTIFICATION**

In pursuance of sub-section (3) of section 22 of the Dentists Act, 1948 (XVI of 1948), the following agreement entered into under clause (b) of Sub-section (1) of the said Section, between the Government of West Bengal and Government of Orissa is hereby published.

The Articles of Agreement made on sixth day of May, 1958 between the Government of the State of West Bengal of the one Part and the Governor of the State of Orissa of the Other Part.

WHEREAS an Agreement was entered into on the 19<sup>th</sup> day of September, 1956 by and between the parties hereto in accordance with the provisions of clause (b) of Sub-section (2) of Section 22 of the Dentists Act, 1948 (XVI of 1948) whereby it was agreed that the State Dental Council of West Bengal will also serve the State or Orissa for the period of two years.

AND WHEREAS it has now been agreed by and between the parties hereto that the said Agreement shall stand cancelled and be of no effect as from the sixth day of May one thousand nine hundred and fifty eight.

WITNESSETH AND IT IS HEREBY AGREED that a Agreement dated the 19<sup>th</sup> day of September, 1956 entered into by and between the parties hereto under clause (b) of sub-section (2) of section 22 of the Dentists Act, 1948 (XVI of 1948) and published in the Calcutta Gazette of the 7<sup>th</sup> day of February, 1957 under Notification No. Medl. 314/2D-33/56 of the 15<sup>th</sup> day of March, 1957 under Notification No.1533H, respectively shall stand cancelled and be no effect as from the sixth day of May one thousand nine hundred and fifty eight.

SIGNED for and on behalf of the State of West Bengal by the Secretary, Department of Health, Government of West Bengal in the presence of :-

Sd/- D. N. Chakravarti

Sd/- S. C. Roy,

Assistant Secretary, Health Department.

SIGNED for and on behalf of the State of Orissa by the Secretary,, Department of Health. Government of Orissa in the presence of :-

Sd/- P.K. Chakravarti 6.5.58

Sd/- U.N. Patnaik 6.5.58  
Dy. Secy. to Govt., Health Deptt.

Sd/- Abohy Chandra Mohanty  
Asstt. Secy. to Govt. Health Deptt.

By order of the Governor,

Sd/- D.N. Chakravarti.  
Secy. to the Govt. of West Bengal.

**Government of West Bengal  
Department of Health and Family Planning  
Medical Branch**

No. Medl. 8946/2D-9/75

Calcutta, the 9<sup>th</sup> November, 1975

**Notification**

In exercise of the power conferred by sub-section (1) and in particular, by clause (h) of sub-section (2) of section 55 of the Dentists Act, 1948 (16 of 1948), the Governor is pleased hereby to make the following amendments to the West Bengal Dentists Rule, 1950 published with this department notification No. Medl. 5924/2D-35/50 dated the 23<sup>rd</sup> December, 1950, as subsequently amended namely:-

In the rules, for rub-rule (2) of rule, 10 the following sub-rule shall be substituted, namely:-

(2) The charge for supplying copy of the register of registered dentists shall be :-0

- |   |  |
|---|--|
| (i) for the consolidated list showing all the names on the register | Rs.4/- (Rupees four only) per copy, postage extra. |
| (ii) for a supplementary list                                       | Re.1/- (Rupee one only) per copy, postage extra.   |

Provided that a person registered with the Council shall be entitled, on an application made within one year from the date of the publication of such list and on payment of fifty paise plus the requisite postage, to receive a complete set of consolidated and supplementary lists of registered dentists wherein his name appears for the first time.

By order of the Governor,  
Sd/- M .N Pal,  
Dy. Secy. to the Govt. of West Bengal.

**GOVERNMENT OF WEST BENGAL  
Department of Health  
Medical Branch  
NOTIFICATION**

Medl. 6662/2D-7/58,

dated Calcutta, the 23<sup>rd</sup> June, 1958.

In exercise of the powers conferred by sub-section (1) and, in particular by clause (d) of sub-section (2) of section 55 of the Dentists, Act, 1948 (XVI of 1948) the Governor is pleased to make the following rules regarding the powers and duties of the President of the West Bengal Dental Council, namely:-

Rules.

1. The President of the West Bengal Dental Council shall perform all the duties imposed on him by the Dentists Act, 1948 and by the rules and regulations made thereunder.

2. The President shall have the power to sanction leave to the Registrar and other officers and servants of the Council. Provided that the Registrar shall continue to grant casual leave to such other officers and servants of the Council.

By order of the Governor,  
Sd/- D. N. Chakravarti,  
Secretary to the Govt. of W. Bengal.

Medl. 6662/2D-7/58,

dated Calcutta, the 23<sup>rd</sup> June, 1958.

Copy forwarded to the Registrar, West Bengal Dental Council for information. Government have been advised that the power to appoint the officers and servants of the Council as contemplated in section 28 of the Dentists Act, 1948 and also to fix their salaries and allowances, are clearly the powers of the State Dental Council under Clauses (b) and (d) of sub-section (1) of the said section of the Act, irrespective of the fact that the appointments are temporary or not. In the circumstances, Government cannot make a rule empowering the President to appoint temporary staff because such rule will be inconsistent with the provisions of Clauses (b) & (d) of sub-section (1) of section 28 of the Dentists Act, 1948.

Sd/- S.C. Roy.  
Assistant Secretary.

**GOVERNMENT OF WEST BENGAL**  
**Department of Health**  
**Medical Branch**  
**NOTIFICATION**

Medl. 6662/2D-7/58,

dated Calcutta, the 23<sup>rd</sup> June, 1958.

In exercise of the powers conferred by sub-section (1) and, in particular, by clause (h) of sub-section (2) of Section 55 of the Dentists, Act, 1948 (XVI of 1948) the Governor is pleased to make the following amendment in the West Bengal Dentists Rules, 1950, published with notification No. Medl/5924-2D-35-50, dated the 23<sup>rd</sup> December, 1950, as subsequently amended, namely:-

Amendment.

In sub-rule (2) of rule 10 of the said rules, after, item No. (i) insert the following new item, namely –

“(ii) for a supplementary list .....50 naye paise per copy, postage extra.

By order of the Governor,  
Sd/- S. C. Roy,  
Asstt. Secretary to the Govt. of W. Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Department of Health**  
**Medical Branch**  
**NOTIFICATION**

In exercise of the power conferred by sub-section (1) and, in particular, by clauses (a), (c), (g), (h) and (i) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased hereby to make the following amendments in the West Bengal Dentists Rules, 1950, published with this Department Notification No. Medl./5924/2D-3550, dated the 23<sup>rd</sup> December, 1950, as subsequently amended (hereinafter referred to as the said rules), namely:-

#### Amendments

In rule 12 of the said rules-

(a) in sub-rule (1) for the words “the certificate of registration in original and the prescribed renewal fee”. Substitute the following words, namely- “the certificate of registration in original, the prescribed renewal fee and such evidence of identity as may be required by the Council”

(b) to sub-rule (1) add the following proviso, namely.

“Provided that a person who does not apply for renewal of registration within the time stated above, shall if he desires a renewal, be required to apply for restoration of his name to the register under the proviso to sub-section (2) of section 39 and for renewal of registration. The applications shall be accompanied by the certificate of registration in original, the prescribed fees for restoration and such evidence of identity as may be required by the Council”, and

(c) omit sub-rule (3)

By order of the Governor,  
Sd/- D. N. Chakravarti,  
Secretary to the Govt. of W. Bengal.

### GOVERNMENT OF WEST BENGAL

#### LAW DEPARTMENT

#### Legislative.

#### NOTIFICATION

No.227L – 3<sup>rd</sup> February, 1960.- The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:

### West Bengal Act XXVI of 1959

THE DENTISTS (WEST BENGAL AMENDMENT) ACT, 1959.

(Passed by the West Bengal Legislature.)

[assent of the President was first published in the Calcutta Gazette, Extraordinary, of the 3<sup>rd</sup> February, 1960.]

XVI of 1948

Whereas it is expedient to amend the Dentists Act, 1948, in its application to West Bengal for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

Short title extent and commencement.

1. (1) This Act, may be called the Dentists (West Bengal Amendment) Act, 1959.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Application of the Act.

2. The Dentists Act, 1948 (hereinafter referred to as the said Act), shall in its application to West Bengal, be amended in the manner hereinafter provided.

The Dentists (West Bengal Amendment) Act, 1959.

(Section 3)

Amendment of section 34 of Act XVI of 1948

3. After clause (a) of sub-section (2) of section 34 of the said Act, the following clause shall be inserted, namely:-

“(aa) during the period of two years immediately after the commencement of the Dentists (West Bengal Amendment) Act, 1959, any person who does not hold any recognized dental qualification but has been engaged in practice in Chandernagore as defined in the Chandernagore (Meger) Act, 1954, or in the district of Cooch Behar as a dentist as his principal means of livelihood for a period of not less than five years prior to the date appointed under sub-section (2) of section 32 shall be entitled, on payment of the prescribed fee, to have his name entered on the register of dentists, if he is a citizen of India and resides and carries on the profession of dentistry in the State of West Bengal.”.

XX VI of 1954

By order of the Governor,  
K. K. Hajara  
Secy. to the Govt. of West Bengal

**Government of West Bengal**  
**Department of Health**  
**Medical Branch**

No. Medl/3377/2D-47/59

dated the Calcutta, 6<sup>th</sup> April, 1960.

From: Shri S.C. Roy, M.A., W.B.C.S.,(Retd),  
Special Officer & Assistant Secretary (Ex-officio).



To : The Registrar,  
West Bengal Dental Council.

Sub:- West Bengal Dental Council – supply of Calcutta Gazette to the Request for –

Sir,

I am directed to invite a reference to your letter No. 45/D dated 13<sup>th</sup> January, 1960, on the above subject and to say that the Registrar, West Bengal Medical Council has informed Government that there will be no difficulty in lending copies of the Calcutta Gazette to the West Bengal Dental Council located in the same premises and as a matter of fact, this has been the practice so long.

Government consider that the existing arrangement should continue.

Yours faithfully,  
Sd/- S. C. Roy                      5.4.1960  
Special Officer & Assistant  
Secretary (ex-officio).

**Government of West Bengal  
Department of Health  
Medical Branch**

No. Medl 10705/2D-1/63

dated the Calcutta, 26<sup>th</sup> August, 1963

**ORDER**

WHEREAS it has been made to appear to the Governor that one Shir Bimal Kumar Chakraborty of the Islampur, son of Late Atullya Dhar Chakraborty, not being a registered dentist, falsely assumed and used the description 'Dentist' and opened a dispensary at Islampur Bazar, Police Station Islampur, District Dinajpur, for practicing as dentist indicating thereby that he is prepared to practice dentistry and has thereby committed an offence punishable under sub-section (2) of section 49 of the Dentists Act, 1948 (XVI of 1948);

NOW THEREFORE, in exercise of the power conferred by section 52 of the Dentists Act, 1948 (Act XVI of 1948), the Governor on a consideration of the facts and circumstances of the case, is pleased hereby to order that a complaint be made by the District Magistrate of West Dinajpur, to the court of the sub-divisional Magistrate, Islampur in the district of West Dinajpur against the said Shir Bimal Kumar Chakraborty of Islampur, District West Dinajpur, for having committed the said offence punishable under sub-section (2) of section 49 of the Dentists, Act, 1948 (SVI of 1948),

By order of the Governor,  
Sd/- B.R. Gupta,  
Secy. to the Govt. of West Bengal.

**Government of West Bengal  
Department of Health and Family Planning  
Medical Branch**

No. Medl H-6/7280/2D-11/71 Pt. I

dated the Calcutta, 26<sup>th</sup> August, 1963

**NOTIFICATION**

In exercise of the powers conferred by sub-section (1) and, in particular by clause (d) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), the Governor is pleased hereby to make the following rules regarding the powers and duties of the Vice-President of the West Bengal Dental Council, namely :-

## **RULES**

If the office of the President is vacant or if due to illness or any physical incapacity or for any other reason the President is unable to exercise the powers and perform the duties of his office, the Vice-President shall act in his place and exercise the powers and perform the duties of the President.

By order of the Governor,  
Sd/- A.K. Majumdar,  
Secy. to the Govt. of West Bengal.

**GOVERNMENT OF INDIA**  
**Ministry of Health & Family Planning**  
**(Department of Health)**

New Delhi, the 2<sup>nd</sup> August, 1976

### **Notification**

G.S.R. 1225. – In exercise of the power conferred by section 17 of the Dentists Act, 1948 (16 of 1948), the Dental Council of India hereby makes the following regulations for laying down standards of professional conduct and etiquette or the code of ethics for dentist, namely :-

1. Short title and commencement – (1) These regulations may be called the Dentists (Code of Ethics) Regulations, 1976.

(2) They shall come into force on the date of their publication in the Office Gazette. (w.e.f. 21.8.1976)

2. Definitions – In these regulations, unless the context otherwise requires, -

(a) Act, means the dentists Act, 1948 (16 of 1948).

(b) Council means the Dental Council of India.

(c) All expression unexplained and not defined in these regulations shall have the meaning assigned to them in the Act.

3. Declaration. – Every dentists who has been registered (either on Part A or Part B of the State Dentists Registered shall, within a period of thirty days from the date of commencement of these regulation, and every dentists who gets himself registered after the commencement of these regulations shall, within a period of thirty days from such registration, make before the Registrar of he State Dental Council a declaration in the from set for the purpose in the Schedule to these regulations and shall agree to abide by the same.

4. Duties and obligation of dentists towards patients and public – Every dentist shall -

- (a) be mindful of the high character of his mission and the responsibilities he holds in the discharge of his professional duties and shall always remember that care of the patient and treatment of the disease depends upon the skill and prompt attention shown by him and always remembering that his personal reputation, professional ability and fidelity remain his best recommendations;
- (b) treat the welfare of the patient as paramount to all other considerations and shall conserve it to the utmost of his ability.
- (c) be courteous, sympathetic friendly and helpful to, and always ready to respond to, the call of his patients and that under all conditions his behavior towards his patients and the public shall be polite and dignified;
- (d) observe punctuality in fulfilling his appointment;
- (e) deem it a point of honour to adhere with as much uniformity as the varying circumstances may admit, to the remuneration for professional services;
- (f) not permit consideration of religion, nationality, race, cast and creed, party politics or social standing to intervene in his duties towards his patients;
- (g) keep all the information of a personal nature which he comes to know about a patient directly or indirectly in the course of professional practice in utmost confidence; and be mindful that the auxiliary staff viz., dental hygienist and dental mechanics and other staff employed by him also observe this rule for the reason that knowledge or information of a patient gained during the course of examination and treatment is privileged, and a dentist is not bound to disclose professional secrets, except with the consent of the patients, or on being ordered to do so by a court of law.

5. Dentists of one dentist towards another – Every dentist shall -

- (i) Cherish a proper pride in his colleagues and shall not disparage them either by actions, deeds or words;
- (ii) on no account contemplate or do anything harmful to the interest of the members of the fraternity.
- (iii) honour mutual arrangements made regarding remuneration etc., when one dentist is entrusted with the care of patient of another dentist during the latter's sickness or absence.
- (iv) retire in favour of the regular dentist after the emergency is over when a dentist called upon in any emergency to treat the patient of another dentist.

Note :- He shall be entitled to charge the patient for his services.

- (v) institute correct treatment at once, with the least comment, and in manner that will avoid any reflection on such other dentist if a dentist is consulted by a patient of another dentist, and if the later finds indisputable evidence that such a patient is suffering from previous faulty treatment;

- (vi) regard it as a pleasure and privilege to render gratuitous service another dentist his wife and family members, although there is no legal bar to a dentist from charging another dentist for professional service.
6. Unethical practices:- The following shall be unethical practices for a dentist, namely:-
- (a) employment of a dentist in his professional practice of any professional assistant (not being a registered dental hygienist or a registered dental mechanic) whose name is not registered in the State Dentists Register, to practice dentistry as defined in clause (d) of section 2 of the Act;
  - (b) styling by any dentist or a group of dentists his/their 'Dental Clinic' or chambers by the name of 'Dental Hospitals';
  - (c) any contravention of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the rules made thereunder as amended from time to time, involving an abuse of privileges conferred thereunder upon a dentist, whether such contravention has been the subject of criminal proceedings or not;
  - (d) signing under his name and authority any certificate which is untrue, misleading or improper, or giving false certificates or testimonials directly or indirectly concerning the supposed virtues of secret therapeutic agents or medicines;
  - (e) immorality involving abuse of professional relationship;
  - (f) conniving at or aiding in any kind of illegal practice;
  - (g) promise of radical cure by the employment of secret methods of treatment;
  - (h) advertising, whether directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage;
  - (i) acquiescing in the publication of notice commending or directing attention to the practitioner's skill, knowledge, service or qualifications, or of being associated with or employed by those who procure or sanction such advertising or publication through press reports;
  - (j) employing any agent or canvasser for the purpose of obtaining patients, or being associated with or employed by those who procure or sanction such employment;
  - (k) using or exhibition of any sign, other than a sign which in its character, position, size and wording is merely such as may reasonably be required to indicate to persons seeking them the exact location of, and entrance to, the premises at which the dental practice is carried on;
  - (l) using of sign-board larger than 0.9 meter by 0.6 meter and the use of such words as "Teeth" Painless Extraction' or the like, or notices I regard to practices on premises other than those in which a practice is actually carried on, or show-cases, or flickering light signs, and the use of any sign showing any matter other than his name and qualifications as defined under clause (j) of section 2 of the Act;
  - (m) affixing a sign-board on a Chemist's shop for in places where the dentist does not reside or work;

- (n) insertion of any paragraphs and notice in the press and also the announcement of names in the trading lists and the display of their names or announcements at the places of entertainments, other than the change of his address;
  - (o) allowing the dentist's name to be used to designate commercial articles such as tooth paste, tooth brush, tooth powder, liquid cleaners or the like or on circulars for such items, or permitting publication of his opinion on any such items, in the general or lay papers or lay journals;
  - (p) mentioning after the dentist's name any other abbreviations except those indicating dental qualifications as earned by him during his academic career in dentistry and which conform to the definition of 'recognized dental qualification' as defined in clause (j) of section 2 of the Act, or any other recognized academic qualifications;
  - (q) using of abbreviations like (i) R.D.P. for Registered Dental Practitioner, (ii) M.I.D.A. for Member Indian Dental Association, (iii) F.I.C.D. for Fellow of International College of Dentists (v) F.A.C.D. for Fellow of American College of Dentists, (iv) M.R.S.H. for member of Royal Society of Hygiene, etc., and the like, which are not academic qualifications.
7. Change of address and announcements relating thereto :- (1) A notice for the change of address shall be intimated to the concerned State Dental Council.
- (2) A dentist may issue a formal announcement in the Press, one insertion per paper, regarding the following (namely) :-
- (a) on starting practice;
  - (b) on change of type of practice;
  - (c) on changing address;
  - (d) on temporary absence from duty;
  - (e) on resumption to practice;
  - (f) on succeeding to another practice.
8. Action for unethical conduct. – (1) When complaint or information is received by the State Dental Council that any dentist is resorting to any unethical practice as mentioned in regulation 6, or is committing a breach of any other of these regulations, the concerned State Dental Council may call upon him to explain and after giving him a reasonable opportunity of being heard and after making such enquiries, if any, as it may deem fit, decide whether such a practice tantamounts to in-famous conduct in any professional respect or contravenes any of the provision of any other of these regulations, and then determine the action to be taken against the dentist under section 41 of the Act.
- (2) As and when a complaint of breach of these regulations is brought to the notice of the Registrar of a State Dental Council, he shall take prompt action.

**SCHEDULE**  
**FORM OF DECLARATION**  
**(See Regulation 3)**

- (i) I solemnly pledge myself to devote my life to the cause of serving humanity in the field of dental care;
- (ii) I shall not use my dental knowledge contrary to the laws of humanity;
- (iii) I shall not permit consideration of religion, nationality, race, caste and creed, party politics or social standing to intervene in my duty towards my patient and the profession;
- (iv) I shall look after the dental health of my patient as my first consideration;
- (v) I shall honour the secrets which are confided in me by my patients during the professional services;
- (vi) I shall always maintain the honour and noble traditions of the dental profession;
- (vii) I shall deem it an honour to cherish a proper pride in my colleagues and shall not disparage them by my actions, deeds or words;
- (viii) I shall abide by the various provisions of the Act and desist from using a degree/diploma or an abbreviation indicating for implying a dental qualification, which is not in accordance with definition of 'recognised dental qualification' as defined under clause (j) of section 2 of the Act;
- (ix) I shall not indulge in any activity which might bring discredit to the dental profession.

Signature

Dated the  
Place

Name of dentist.....  
Registration No. ....  
State.....

[V-12025/7/73-MPT]  
S.SRINIVASAN, Dy. Secy.

## **Recruitment rules for the post of Registrar, West Bengal Dental Council**

The method of recruitment, and qualifications required for the above post of the Registrar of the West Bengal Dental Council shall be as detailed below :-

**(A) Method of recruitment :**

(i) By direct recruitment through advertisement,

or,

(ii) By promotion of whole-time staff from the office of the West Bengal Dental Council provided the incumbent has been working for at least 3 years in a supervisory capacity,

or,

(iii) By deputation of a Government official, who has been working in a supervisory capacity;

**(B) Qualifications:-**

A Graduate of recognized University with at least 3 years experience in a supervisory capacity in a Government office, statutory or corporate organization, local body or in a reputed commercial establishment and having good knowledge in Bengali both spoken and written. Preference will be given to a Registered Dental Surgeon (Registered in Part 'A') only with 2 years administrative experience.

**(c) Age :-**

**(i) For entry into Service**

Not below 35 years and not above 45 years on the first day of January of the year or recruitment.

**(ii) For retirement**

On completion of the age of 60 years. The above age restriction for appointment to this post will not however, be applicable in the case of Govt. official, if deputed for the purpose, or in the case of a person promoted from the staff of the West Bengal Dental council.

## Part II

Copy of letter No. F. 18-4/51-MI, dated 1<sup>st</sup> February, 1951, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject :- The Dentists Act, 1948- Registration of Dental Mechanics and Dental Hygienists.

Section 36

With reference to your letter No. F. D-6E-50/414, dated the 5<sup>th</sup> January, 1951, I am directed to say that in accordance with the provisions of sub-section (1) of Section 36 of the Dentists Act, 1948, a State Government may, by notification in the official Gazette, direct the State Dental Council to maintain a register of dental hygienists or a register of dental mechanics. The work of registration of dental mechanics and dental hygienists cannot therefore be entrusted to the Registration Tribunals appointed for the preparation of the first Registers of Dentists but will have to be done by the State Dental Council, when constituted.

2. Copy of letter No. F. 6-4/51-mi, dated 23<sup>rd</sup> July, 1951, from Government of India, Ministry of Health, New Delhi, to the Secretary to the Government of the Punjab, Health and Local Government Departments, Simla, and copy to the Secretary, Dental Council of India, Regal Building, New Delhi.

Subject: The Dentists Act, 1948-Levy of renewal fees under section 39 of the Act.

Section 39.

With reference to your letter No. 2360-HB-51/II-1363, dated the 3<sup>rd</sup> April, 1951, I am directed to say that although the various Medical Registration Acts, as originally enacted, did not provide for the levy of renewal fees, yet financial considerations have compelled the Government of Madras and Bombay to amend their Acts with a view to permitting the State Councils to levy renewal fees from the medical practitioners registered in those States. As the number of dentists in the country is comparatively smaller than the number of medical practitioners, it is even more necessary to secure the financial stability of the State Dental Councils by levying annual renewal fees as provided under section 39 of the Dentists Act, 1948. The Government on India, therefore, regret that they would not be justified in amending the Dentists Act for the purpose suggested by the State Government. The Dental Council of India who have been consulted concur in this view.

3. Copy of letter No. F. 6-3/51-MI, dated 30<sup>th</sup> July, 1951, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, Regal Buildings, New Delhi.

Subject: The Dentists Act, 1948- Maintenance of the 'Indian Dentists Register'.

Section 18 (I)  
Indian Dentist  
Register.

With reference to your letter No. D-24G-51/236, dated the 5<sup>th</sup> June, 1951, I am directed to say that the "Indian Dentists Register" required to be maintained by the Dental Council of India under sub-section (1) of section 18 of the Dentists Act, 1948, has to be a permanent document brought up-to-date from time to time by appropriate alterations and additions. The provisions of this sub-section would not be complied with by merely stitching together the printed copies of the State Registers issued every year. There is no legal obligation, however, either to print the "Indian Dentist Register" or to publish it. I am,



therefore, to suggest that a single register should be compiled with the names of dentists registered in the various state registers arranged in alphabetical order and maintained up-to-date in manuscript form by periodical additions or alterations.

4. Copy of letter No. F.18-19/51-MI, dated the 22<sup>nd</sup> August, 1952, from the Government of India, Ministry of Health, to the Secretary, Government of Madras, Health Department.

Sub:- Indian Medical Degrees Act, 1916- Assumption of (Medical) titles and qualifications by dentists :

With reference to your letter No. 1456.Q/51-12-Health, dated the 14<sup>th</sup> April, 1952, I am directed to say that the Government of India are advised that in the absence of any specific legislation prohibiting the use of the prefix 'Dr' by persons other than those who hold recognized medical qualification, the use of this title by dentists registered in Part B and practitioners of any system of medicine does not constitute a breach of the Indian Medical Degrees Act, 1916, as amended by the Indian Medical Degrees (Madras Amendment) Act, 1940. I am to suggest that if the State Government desire that the title 'Dr' should not be used by dentists registered in Part B and any other classes of medical practitioners, it is open to them to promote special legislation for the purpose”.

5. Copy of letter No. F. 6-2/52-MI, dated 16<sup>th</sup> February, 1953, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, 65, Regal Buildings, New Delhi.

Sub:- Dental Council of India – Constitution Election of members Issue notification.

Section 3. With reference to your letter No. F. D-2C-52/1216, and F. D-2C-52/1213, dated the 11<sup>th</sup> February, 1953 I am directed to say that persons who have been declared elected by the Returning Officer in accordance with regulation 17 of the Dental Council (Election) Regulations, 1952, are entitled to attend the meetings of the Council irrespective of the fact whether their elections has or has not been notified in the official gazette.

2. The election of Dr. N.N. Kapadia as a member of the Dental Council of India from Uttar Pradesh will be notified by the Government of India on receipt of report from the Government of Uttar Pradesh.

6. Copy of letter No. F. 18-17/52-MI, dated 25<sup>th</sup> February, 1953, from the Government of India, Ministry of Health, New, Delhi, to the Secretary, Dental Council of India, 65, Regal Buildings, New Delhi.

Sub:- Dentists Act. 1948 – Practice of dentistry by companies and corporate bodies – Clarifications.

Section 51 With reference to your letter No. F D-6F-52/1014, dated the 14<sup>th</sup> January, 1953, I am directed to say that the Government of India are advised that so long as a company or other corporate body makes no profit from the dental treatment facilities which it provides for its employees at the hands of registered dentists, the provisions of section 51 of the Dentists, Act, 1948, are not attracted in view on the terms of clause (b) sub-section (2) of section 51 of the Act. At such a clinic a company or other corporate body can also charge its employees for

services rendered, and may also treat others for payment, but not so as to make any profit.

7. Copy of letter No. F. 18-16/52-MI, dated the 16<sup>th</sup> April, 1953, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Government of West Bengal, Medical & Public Health Department, Calcutta.

Subject:- Dentists Act, 1948-Registration of dentists.

With reference to your letter No. 5964/2D-68/52, dated the 10<sup>th</sup> December, 1952, I am directed to communicate the following observations of the Government of India on the various points raised therein :-

### **I. Renewal of registration under section 39.**

Under Sections 33 and 34 of the Dentists Act, 1948, a dentist possessing the requisite qualifications can be registered in the Register of Dentists of the State in which he resides or carries on the profession of dentistry. Accordingly the words "State Council" occurring in Section 39 of the Act mean the Dental Council of the State on whose register his name is registered. Since section 39 of the Act does not lay down any condition as to the place of residence or practice of the dentist for the purpose of renewal of registration, a State Dental Council will not legally be justified in imposing any such condition. Moreover, a person registered in , say West Bengal, is free to reside and carry on the profession of dentistry in any other State without informing the provisions of section 49 of the Dentists Act, 1948. This has been made clear in sub-section (5) of section 46 of the Act.

### **II. Registration of Dentists already registered in another State.**

Section 34 of the Dentists Act, 1948, governs the registration of dentists subsequent to the expiry of the date appointed under sub-section (2) of section 32 of the Act. Provided an applicant for registration under this section satisfies all the requirements laid down in this section, no State Dental Council can legally refuse registration merely on the ground that the applicant was previously registered in another State, unless his name was removed from a State Register under the provisions of section 41 of the Act.

### **III. Position at election under section 21.**

In view of the existing provisions of the Act, it is quite possible that there may be cases of double registration, or registration of one and the same person with the State Dental Councils of more than one State and there may be cases in which dentists residing and carrying on the profession of dentistry in one State exercise their voting rights in another State by virtue of their being registered in the latter State. The Government of India do not consider that any amendment of the Dentists Act, 1948, is necessary in order to prevent a registered dentist from taking part in the elections of a State where he is not residing or practicing but where his registration has been renewed. As such cases are not likely to be many, the Government of India suggest that they should not be taken notice of.

2. As regards paragraph 2 of your letter, I am to add that the Government of India do not consider it necessary to promote legislation to amend the Dentist Act,

11948, for the purpose of making provisions for the transfer of the name of a dentist from the register of one State to that of another State when he permanently transfers his practice to the latter State.

8. Copy of letter No. F. 6-11/54-Med., dated 10<sup>th</sup> April, 1954, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, 65, Regal Buildings, New Delhi, and copy endorsed to all Government of Part A States, Government of Delhi and the Director General of Health Services New Delhi.

Subject :- The Dentists Act, 1948- Clarification of Section 21.

Section 21 With reference to your letter No. F.D-9G 53/2167, dated the 29<sup>th</sup> January, 1954, on the subject mentioned above, I am directed to say that section 27 of the Dentists Act, 1948, provides for cases in which an elected or nominated member is to be deemed to have vacated his seat on the State Council and one of such cases is the removal of his name from the register. The Government of India are advised that a member elected to State Dental Council under section 21 (b) of the Act whose registration in the State Register of Dentists has subsequently been transferred from Part B to Part A of the Register under Section 34 of the Act, does not cease to be a member of the State Dental Council simply because his name is transferred from Part B to Part A of the State Register.

9. Copy of the letter No. F-6-21/54 Med, dated 7<sup>th</sup> June, 1954, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India. 65, Regal Building, New Delhi.

Subject:- The Dentists Act, 1948 Clarification of Section 52.

Section 52 With reference to your letter No. F.D-18E-54/145, dated the 21<sup>st</sup> April, 1954 I am directed to say that if a dentist registered in one State subsequently resides and carries on his profession of dentistry in another State and commits an offence in the latter State, the competent authority to initiate legal proceedings against him under Section 52 MI, of the Dentists Act, 1948 would be the Government and the Dental Council of the State in which the said dentist commits the offence.

10. Copy of letter No. F.18-7/52-MI, dated 7<sup>th</sup> June, 1955, from the Secretary to the Government of India, Ministry of Health, to the Secretary, Dental Council of India.

Subject :- Dentists Act 1948 Sharing of fees between the Dental Council of India and the State Dental Council under Section 53 Clarification.

Section 53 With reference to the correspondence resting with this Ministry's letter No. 18-7/52 MI, dated the 28<sup>th</sup> December, 1954 I am directed to say that as Section 53 of the Dentists Act, 1948, makes it obligatory on the State Dental Council to pay to the Dental Council of India one-fourth of the total fees realized under the Act, the latter Council are not legally competent to waive this payment. As such, any order of such waiver by the Dental council of India would be without any legal sanction.

In view of the fact that the Madras State Dental Council is not in a sound financial position and the Government of Madras have recommended that the recovery of the Dental Council of India's share in the fees realized by the former should be waived, the Government of India consider it advisable that the Council

should not insist for the compliance of the provisions of Section 53 of the Dentists Act, 1948, by the State Dental council, Madras for a definite period, say two years.

11. Copy of letter No. F.6-38/55 MI, dated 16<sup>th</sup> December, 1955 from the Government of India, Ministry of Health, to the Secretary, Dental council of India.

Subject: - Registration under the Dentists Act, 1948 of Citizens of Nepal.

Section 34

In continuation of this Ministry's letter No. F.638/55-MI, dated the 24<sup>th</sup> September, 1955, I am directed to say that at present there is no restriction on Indian Citizens holding dental qualifications, practicing the profession of dentistry in Nepal, The Government of India, therefore, consider that there is no objection to a Nepali citizen holding qualifications specified in Part I of the Schedule to the Dentists Act, 1948, being registered under section 34 (1) (a) of the said Act.

12. Copy of letter No. F.6-52/55-MI, dated 5<sup>th</sup> April, 1956, from the Government of India, Ministry of Health, to the Secretary, Dental Council of India.

Subject :- Transfer of a name of a dentist from one State Register to the Register of another State.

With reference to your letter No. 18E-55.5051, dated the 31<sup>st</sup> January, 1956, I am directed to say that a dentist can only stand for election or vote in the State where he is registered.

13. Copy of letter No. F 6-58/56-MI, dated 19<sup>th</sup> September, 1956, from the Government of India, Ministry of Health, to the Secretary, Dental Council of India.

Subject:- Dental Mechanics and Dental Hygienists-Registration of :

With reference to your letter No. F.D.6E (i) 56/1230 dated the 3<sup>rd</sup> August, 1956, on the subject mentioned above, I am directed to say that there is no objection to the registration of a dental Mechanic as a "Dental Hygienists" in the first Register if he fulfils the qualifications prescribed for the purpose under Section 37 of the Dentists Act, 1948.

14. Copy of letter No.F.6-7/57MI, dated 4<sup>th</sup> April, 1957, from the Government of India, Ministry of Health, New-Delhi to the Secretary, Dental Council of India.

Subject :- The Dentists Act, 1948, section 46 Clarification of :

With the reference to your letter No.F.D.9G-56/2784, dated the 7<sup>th</sup> January, 1957, on the subject mentioned above, I am directed to say that once a dentist is registered in Part A of the Dentists Register y qualification or by passing the examination No. I envisaged under the second proviso to section 34 (1) of he Dentists Act, 1948, he is entitled to hold any teaching or public appointment. I am further to say that it is not necessary to prescribed any additional dental qualification for this purpose, except those prescribed by the Dental Council of India and approved by the Government of India for teaching purposes.

15. Copy of letter No. F 6-60/56 MI, dated the 9<sup>th</sup> April, 1957 from the Government of India, Ministry of Health New Delhi to the Government of West Bengal, Department of Health, Calcutta and copy endorsed to the Secretary, Dental Council of India.

Subject:- Dentists Act 1948; Registration of dentists belonging to the former States of Cooch Behar and Chandernagore.

In continuation of this Ministry's letter No. F.6-60/56-MI, dated the 25<sup>th</sup> January, 1957, on the subject mentioned above, I am directed to say that the Government of West Bengal have not given any information about the number of unqualified dentists to whom it is proposed to give the benefit of first registration under the provisions of Section 32 and 33 of the Dentists Act, 1948. Dentists who possess the requisite qualifications can get themselves registered under Section 34 (1) (i) without any difficulty, Under section 34 (1) (ii) a dentist who does not possess the recognized qualifications may still be registered if he has been engaged in practice as dentist as his principal means of livelihood for a period of not less than 2 years before the date appointed under sub-section (2) of Section 32 and has passed within a period of 10 years after the said date recognized examination.

The Government of India are advised that as the proposals made by the Government of West Bengal deal with a purely local problem, the legislation should, if necessary, be promoted to amend the Dentists Act, 1948, in its application to West Bengal. This subject is reliable to entry 26 in List III of the seventh Schedule to the constitution of India. I am to request that the State Government may send a draft bill to this Ministry for the prior concurrence of the Government of India before it is introduced in the State Legislature.

16. Copy of Office Memo No. F.6-21/56-MI, dated 29<sup>th</sup> November, 1957 from the Government of India, Ministry of Health, New Delhi, to the Ministry of Defence, New Delhi and copy endorsed to the Secretary, Dental Council of India, New Delhi.

Sub:- Registration of Dentists Serving in the Defence Service.

With reference to the Ministry of Defence Office Memorandum No. F.2(139)56/D Mel, dated the 29<sup>th</sup> October, 1957, on the subject mentioned above, the undersigned is directed to say that the Dentists Act, 1948, has been extended to the whole of India (except Jammu & Kashmir). Registration Tribunals are also being formed under section 32(1) of the Act in those States to which the Act has recently been extended, viz. the former Part B States and it will not therefore be difficult for dentists serving in the Defence Forces to secure registration in one State or the other. It is also not necessary for the Army Dental Corps Officers to keep on changing their registration from State to State on their transfer from one State to the other as under Section 46 (5) of the Dentists Act, 1948, it is provided that any person who is a registered dentist in a State may practice as such in any other State. The difficulties if any pointed out in para 2 of the Ministry of Defence Office Memorandum also equally apply to civilian dentists who definitely outnumber those serving in the Defence Services. The question of amending the Act for creation a Central Register for Defence Personnel is therefore not necessary. The Army Dental Practitioners can all get themselves registered in different State registers.

With regard to para 3 of the Ministry of Defence Office memorandum under reference, as the dentists serving in the Defence Forces are permitted to do private

practice, it will be unfair to exempt them from paying a retention fee on the plea that they are Government servants, as other Government Dentists (Dental Teachers) in civil employ pay the fee. The State Dental Council's constituted in the various State under Section 21 of the Act whose financial position is rather weak, will be greatly handicapped for want of funds if the dentists serving in the Defence Forces are exempted from payment of renewal fees. The Dental Council of India had also previously considered this question and could not see their way to waive the levy of renewal fees.

17. Copy of letter No. F.16-18/58 MI, dated the 26<sup>th</sup> March, 1958 from the Secretary to the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- Dental Council of India-Election of Members Clarification of

With reference to your letter No. FD. 2C-57/3740 dated the 15<sup>th</sup> January, 1958, on the subject mentioned above, I am directed to say that any dentist whose name has been registered in Part 'A' of the dentists Register and whose name is included in the electoral roll published by the Returning Officer under the Dental Council (Election) Regulations, 1952, can contest election if duly nominated under Regulation No. 5 of the Regulations. The Government of India consider that there is no objection to a public servant contesting election to the Dental Council of India under Section 3(a) of the Dentists Act, 1948, provided that the authority under whom he is employed is satisfied that his duties will not suffer in any way.

18. Copy of letter No. F. 6-39/58-MI., dated 4<sup>th</sup> September, 1958 from the Secretary to the Government of India, Ministry of Health, New Delhi, to the Secretary to the Government of Madras, Health Education and Local Administration Department. Madras and copy endorsed to the Secretary, Dental Council of India, New Delhi.

Subject:- Dental Council of India –Re-election of a member in the place of Dr. C. A. Pillai. :

With reference to the correspondence ending with your letter No. 103912 H2/58-9 Health, dated the 8<sup>th</sup> August, 1958, on the subject mentioned above, I am directed to say that the Central Government are inclined to the view that the rejection by the Returning Officer of the Nomination Paper filed on behalf of Dr. C.A. Pillai by Dr. M.G. Rao, merely on the ground that the name of the proposer was not written in the Nomination Paper as it was found in the electoral rolls, was not proper. It appears that no difficulty was experienced by the Returning Officer in establishing the identity of the proposer and seconder. In the circumstances if it was not correct for the Returning Officer to consider that the Nomination Paper filed on behalf of Dr. B.L.Rao as the only valid nomination.

I am therefore to request that the other party concerned viz., Dr. B.L. Rao, may be asked to show cause why his election cannot be set aside, This opportunity is being given under Regulation No. 20 (1) of the Dental Council of India (Election) Regulations, 1952. It is requested that Dr. B.L. Rao may be asked to make the representation before 30<sup>th</sup> September, 1958, and if no representation is made before that date it will be assumed that Dr. B. L. Rao has no objection to his election being set aside. The representation if any received may be forwarded to this Ministry.

19. Copy of letter No. F. 6-5/59-MI., dated the 31<sup>st</sup> January, 1959, from the Secretary to the Government of India, Ministry of Health, to the Secretary, Dental Council of India, New Delhi.

Subject:- Dental Council of India-Election of a President-Clarification of :

With reference to your letter No. F. D. 2C-58/4329 dated the 17<sup>th</sup> January, 1959, on the subject mentioned above, I am directed to say that on the expiry of the term of office of Dr. R. Ahmed as member of the Dental Council of India, the election of the President of the Council should be held, even if Dr. R. Ahmed is re-nominated by the Government of West Bengal as a member of the Dental Council of India. In this connection attention is invited to section 6(1) of the Dentists Act, 1948, according to which Dr. Ahmed will continue to be a member of the Dental Council of India until his successor has been nominated. Notwithstanding the fact that he may continue as a member beyond his term of 5 years by virtue of the latter part of Section 6(1), still in view of Section 7(2), he will cease to be the President of the Council because he can hold office only for such period not extending beyond the expiry of his term as member of the Council. The term of membership of the Council as stated in section 6(1) is 5 years.

20. Copy of letter No. F.6-11/59-MI (MII), dated 8<sup>th</sup> September, 1959, from the Secretary to the Government of India, Ministry of Health, New Delhi to the Secretary, Dental Council of India, New Delhi.

Subject: - 1<sup>st</sup> Supplement to the Indian Dentists Register 1957- Preparation of :

With reference to your letter No. F. D-24G-59/2668, dated the 25<sup>th</sup> August, 1959, (it relates to our original letter No. F. D-24G-59/2136, dated 24<sup>th</sup> July 1959), on the subject mentioned above, I am directed to say that as the action on the part of the three doctors viz. Drs. Arjan Singh Sant Ram, Chhabrani Newandram and Beldevraj Bhugra as well on the part of Madhya Pradesh State Dental Council, Nagpur, with regard to their registration with them on Part 'B' of the State Dentists Register on reciprocal basis is contrary to the provisions of the Dentists Act, 1948, it is therefore suggested that the Registrar, Madhya Pradesh Dental Council, Nagpur, may be asked to refund the whole amount of the fees paid to him by the three doctors, and these doctors should be asked to renew their registration with the State Dental Councils with which they were previously registered.

This Ministry may kindly be informed of the development in the case in due course.

21. Copy of letter No. F. 38-3/59-MI, dated the 26<sup>th</sup> February, 1960, from the Secretary to the Government of India, Ministry of Health, to the Secretary, Dental Council of India, New Delhi.

Subject:- Resolution No. 20 passed at the Seventh Meeting of the Central Council of Health held at Shillong in January 1959 Proposal to regulate and register medical and public health Laboratories, Dental Clinics, Nursing Homes etc.

I am directed to refer to your letter No. F. D. 27E-59/5944 dated the 16<sup>th</sup> January, 1960, on the above subject and to say that the Government of India have not so far finalized any legislation to provide for the regulation and registration at medical and public health laboratories, dental clinics, nursing homes and

physiotherapy Centre as envisaged in the above resolution. In so far as the term 'Dental Clinics' is concerned the Ministry of Health are advised that this term would include all places where work related to the care and maintenance of the health of the teeth and oral cavity as well as treatment of diseases and disorder of these parts is carried out. The intention of the Central Council of Health was that all such places should be controlled and regulated to ensure that they are of a certain essential minimum standard. This control was visualized over the clinics (consulting places) of doctors also. In the circumstances the dental clinics under the control of registered dental practitioners also will come within the purview of the proposed legislation.

22. Copy of letter No. F.3-61/59-MII., Dated the 14<sup>th</sup> September, 1960, from the Secretary, to the Government of India, Ministry of Health, to the Secretary, Dental Council of India, New Delhi.

Subject:- Registration of displaced persons under Section 34(2) of the Dentists Act, 1948:

In supersession of this Ministry's letters noted in the margin\*, on the subject mentioned above, I am directed to say that on reconsideration, it has been decided that under Section 34(2)(a) of the Dentists Act, 1948 a displaced person could be registered even though he did not hold a registered dental qualification if he had been actually practicing the profession of dentistry as his principal means of livelihood from a date prior to the 29<sup>th</sup> March, 1948. the questions to be determined for the purposes or registration under this section are:-

(i) whether the person was actually practicing the profession of dentistry before the 29<sup>th</sup> March, 1948, and

(ii) whether he was so doing as his principal means of livelihood.

\* (i) Endt. No. F. 3-61/59-MII., dated 10<sup>th</sup> November, 1959.  
(ii) Letter No. F. 3-61/59-MII., dt. the 2<sup>nd</sup> February '60.  
(iii) No. F.3-61/59-MII., dated 17<sup>th</sup> June 1960 &  
(iv) No. F.3-61/59-MII., dt. the 28<sup>th</sup> June 1960.

Section 34(2)  
& 41.

It is indeed true that a teenager would not ordinarily satisfy these conditions but the section quoted above does not place any restriction on the age of the person to be registered. Registration can be cancelled under Section 41 of the Act for the three reasons set out in Sub-section (1) thereof. Cancellation of the registration on the only ground that the person was minor on the 29<sup>th</sup> March, 1948, is not within the contemplation of this sub-section. Under clause (i) of the sub-section that cancellation would be justified only if the registration was made (a) by error (b) on account of misrepresentation, or (c) on account of suppression of material fact. Before canceling the registration any of these grounds, the person concerned has to be given a reasonable opportunity of being heard. The cases of dentists in question are to be examined on the above lines.

If the above requirements have not been complied with the cases of S/Shri A.K. Kakar and B. S. Duggal, the cancellation of their registration is bad in law and should be withdrawn. Thereafter, it may be considered whether any ground specified in the sub-section can be urged in these cases, and if so, further action may be taken following the procedure prescribed in the sub-section.

23. Copy of letter No. F.61/60-MII., dated 19<sup>th</sup> November, 1960, from the Secretary to the Government of Indian Ministry of Health to the Secretary, Dental Council of India, New Delhi.



Subject:- Use of Dental Degrees by the Dentists registered on Part 'B' of the Dentists Register:

Section 21, 41  
& 42

I am directed to refer to your letter No. F.D.5E-60/3321 dated the 10<sup>th</sup> October, 1960, on the subject mentioned above, and to say that Section 31 of the Dentists Act, 1948 deals with preparation and maintenance of a register of dentists in the State Under sub-section (2) of Section 31, the duty of maintaining the Register has been cast on the State Council. The register has to be maintained in accordance with provisions of the Act. Sub-section (3) of Section 31 provides that the register of dentists shall be maintained in two parts, A & B, persons possessing recognized dental qualifications being registered in Part A and persons not possessing such qualifications being registered in Part B. It would thus be noticed that the requirements of section 31(3) are mandatory.

It would thus be evident that the State Council is bound to register the means of the persons possessing recognized dental qualification only in Part A of the Register these names can not be entered in Part B of the Registrar because the statute directs that Part B of the Register must consists of the names of persons not possessing such qualifications. In the circumstances, the person seeking registration is not entitled to any choice. He cannot insist on being registered in Part B when he is entitled to be registered in Part A. It is not clear how the West Bengal State Dental Council registers the names of the persons in Part B when they were entitled to be registered in Part A. the Dental Council of India may obtain clarification in this respect.

Section 41 of the Dentists Act, 1948 deals with removal of the names from register. Under sub-section (1) (i) of section 41, the State Dental Council can order that the name of any person may be removed from the Register where it is satisfied that his name has been entered in the Register by error or on account of misrepresentation or suppression of a material fact. The West Bengal State Dental Council may be requested to consider whether these cases fall within the purview of this sub-section. If so, action for removal can be taken after giving the person a reasonable opportunity of being heard and after such further enquiry, of any , as it thinks fir to make. It would be open to the State Council to restore the name of the person concerned in the proper part of the Register under section 42 after complying with the requirements of that section and of section 41(6).

24. Copy of letter No. F. 6-38/58-Ml. dated the 5<sup>th</sup> May, 1958, from the Secretary to the Government of India, Ministry of Health, New Delhi, to the Secretary Dental Council of India, New Delhi.

Subject:- Dentists Act, 1948-Prposal to amend Section 34 and Schedule Part-I.

With reference to your letter No. F.D. 7G-57/4387, dated the 3<sup>rd</sup> March, 1958, on the subject mentioned above, I am directed to say that the Government of India have been advised that there is nothing inconsistent between the provisions of Section 31(3) read with section 2(j) and the second proviso to section 34 of the Dentists Act, 1948 (16 of 1948). In this connection a copy of he detailed note dated the 8<sup>th</sup> April, 1958, recorded by the Ministry of law, is sent herewith.

+ Ministry of Law (Advice (B))

Under Section 31(3) of the Dentists Act, 1948, persons possessing recognized dental qualifications as defined in section 2(j) of the Act would be registered in Part A of the Dentists Register. The Second proviso to section 34 provides that a person registered in Part B of the Register would be entitled to seek registration in Part A thereof provided he passes the examination recognized for the purpose. The Dental Council of India seems to feel that this second proviso to section 34 is inconsistent with section 31(3) read with section 2(j) and seeks advice whether it is not necessary to amend the Dentists Act to resolve the conflict.

It is a well settled rule of construction that different provisions of the same statute which are apparently in-consistent with one another should be construed so as to give effect to all the provisions in order to avoid repugnancy. It is also a well settled principle that where there is a general provision which, if applied in its entirety, would neutralize a special provision must be read as a proviso to the general provision. In other words, where the same statute makes a general provision with respect to a particular subject matter and makes specific provisions with respect to a special category, the latter must prevail over the general.

Reading sections 2(j) and 31(3) along with section 34 of the Act, the intention of the Legislature appears to be to lay down in section 31(3) read with section 2(j) a general provision with reference to registration in Part A of the Register and to make a special provision with respect to persons registered in Part B of the Register in the Second proviso to section 34. Thus, the second proviso to section 34 will have to be taken as a proviso to the general rule, viz., that through the persons registered in part B of the Register do not possess the registered dental qualification as defined in section 2(j), the passing of the test recognized for the purpose would be sufficient qualification entitling them to registration in Part A. In this connection, attention may also be invited to the decision in *Ramchandraprasad and another Versus the State of Bihar and others* (AIR 1954 Patna 247). In that case, the question whether the provisions of section 85 of the Factories Act are inconsistent with the definition of the word 'Factory' in section 2(m) of that Act was considered. It was contended there that the definition of 'Factory' under section 2(m) in the Act had been rendered nugatory by the provisions of section 85. In dealing with this question, their Lordships had stated:-

“ Reading section 2(m) alongwith section 85 of the Act, it is clear that a place wherein a manufacturing process is carried on with the aid of power by less than ten workers is not a factory within the meaning of section 2(m); but if there is a notification by the State Government under Section 85(c) of the Act, then such a place under section 85(2) of the Act, will be taken to be a factory for the purpose of the Act, provided the manufacturing process is not being carried on by the owner only with the aid of his family.

Thus, we find that in section 35(2) an extended meaning has been given to the word 'Factory' as defined in section 2(m). In section 85, sub-section (2), there is an artificial definition of the word 'Factory' and of the expressions 'occupier' and 'worker'. It is evident, therefore that there may be a factory, if it satisfies the requirement of section 2(m) and there may also be a factory provided the conditions in section 85(1) are satisfied in which case there would be a factory as contemplated by section 85(2) of the Act”.

Sections 31(3),  
2(j) and Second  
Proviso to  
Section 34.

The principle laid down in that decision would equally apply to the case under consideration.

I do not, therefore, find any inconsistency between the provisions of section 31(3) read with section 2(j) and the provisions in section 34 of the Act.

Sd/- K. K. Raju,  
Assistant Legal Adviser,  
7.4.1958

Sd/- V. S. Jetly,  
Addl. Legal Adviser,  
Ministry of Law.

Ministry of Health  
Ministry of Law u. o. No. 1222/58-Adu(b)  
Dated 8.4.58.

25. Copy of letter No. Medl, 1888/2D-3/61 dated the 25<sup>th</sup> February, 1961, from the Spl. Officer & Asstt. Secy, (Ex-Officio) Government of West Bengal, Department of Health Medical Branch, to the Registrar, West Bengal Dental Council.

Subject:- Functions of the President of the West Bengal Dental Council till election of the next one.

I am directed to invite a reference to your letter No.113/D dated 23<sup>rd</sup> February, 1961, on the above subject and to say that in view of the difficulties explained therein, the outgoing President of the West Bengal Dental Council may continue to pass bills and operate on the accounts of the Council with the Bank till assumption of the charge by a new President after election”.

26. Copy of letter No. F. 3-56/61-MI, dated 27<sup>th</sup> January, 1962, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India.

Subject:- Issue of Death Certificate by a Dentist to a patient expiring during Dental Treatment.

I am directed to refer to your letter No. F.D. 1G-61/3074 dated the 29<sup>th</sup> September, 1961, on the subject mentioned above, and to say that a dentist is not empowered to issue a death certificate. Such provisions are normally made by the State Governments in their respective Medical Acts etc. as it will be observed from Section 10 and 33 of the Bombay Medical Act, is not competent to issue a birth or death certificate required by any Law or Rule to be signed by a duly registered medical practitioner.

27. Copy of letter No. F. 20/63 MPT, dated the 3<sup>rd</sup> July, 1963, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, New Delhi. ]

Subject:- Transfer to Part ‘A’ of the Dentists Register after having acquired the necessary qualifications Clarification for:

I am directed to refer to your letter No. F.D. 7G/63/717, dated the 9<sup>th</sup> May, 1963, on the subject mentioned above and to say that the matter has been considered in consultation with the Ministry of Law. There appears to be no provision in the Dentists Act, 1948, obliging a person who is registered in Part B of the register to get himself registered in Part A, on being qualified to do

Second proviso  
to section 34 &  
Section 41(1) (i)

so. The second proviso to section 34 (1) of the Dentists Act, 1948, 'entitles' a person registered in Part B of the register, to be registered in Part A thereof, if he passes an examination recognized for the purpose by the Council, within a period of 10 years after the date of his registration in Part B. Entitle means, that a person has a claim to do a thing; it does not impose any obligation to do a thing.

2. Reference to section 41(1) (i) made by the Dental Council of India in this connection in their letter referred to above does not appear to be relevant. This provision empowers the State Council to remove the name of a person from any register where it is satisfied, that the name has been 'entered' in the register by error or misrepresentation or suppression of a material fact the clean implication of this provision is, that a name which has been entered, in the register by error, misrepresentation or suppression of a material fact can be removed by an order of the State Council. This provision, however, does not empower the State Council to remove the name of a person from Part B of the register after it has been validly 'entered' therein, even though the person may have a claim thereafter to have his name registered in Part A of the register.

28. Copy of letter No.F.17-7/64-MPT, dated the 13<sup>th</sup> October, 1964, from the Government of India, Ministry of Health, New Delhi, addressed to the Secretary, Dental Council of India, New Delhi.

Subject:- Interpretation of the expression "any offence" used in section 41(1) (ii) of the Dentists Act, 1948:

Section 41(1)  
(ii)

With reference to the correspondence resting with your letter No. Medl, 5185/2D-10/64 dated the 19<sup>th</sup> August, 1964, on the subject mentioned above, I am directed to say that the Ministry of Law were consulted. Ordinarily, the words or expressions appearing in a statute are to be given their ordinary meaning unless from the context in which it has been used, it appears that any narrower or limited interpretation should be put. So the point which needs consideration is as to whether the term 'offence' in clause (ii) of sub-section (I) of section 41 of Dentists Act, 1948, has been used in a narrower sense. If the term 'offence' is to be read as qualified by the expression 'in any professional respect', it would not make much sense. If the intention had been to use the term 'offence' in a narrower sense, the appropriate expression to use should have been "in any professional conduct". The expression "convicted of any offence" is therefore not to be read as qualified by the expression "in any professional respect". The latter expression goes well and should be taken to qualify only the immediately preceding expression "any infamous conduct".

The fact that the expression "convicted of any offence" is not to be read subject to the aforesaid qualification does not imply that this term is to be understood in the sense in which it has been used in the Cr. P.C. The expression 'offence' has been defined by section 3(38) of the General Clauses Act, ....., as under :-

"Offence shall mean any act or omission made punishable by any Law for the time being in force".

Since there is nothing repugnant in the subject or context of clause (ii) of sub-section (I) of section 41 of the Dentists Act, 1948, the expression 'offence' is to be understood as defined in section 3(38) of the General clauses

Act, ..... This is so by virtue of operation of Section 4(2) of the General Clauses Act, .....

29. Copy of letter No. F, 3-39/64-MPT., dated 9-3-1965 from the Government of India, Ministry of Health , New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- Inpreation of section 41(1) of the Dentists Act, 1958  
Clarification of;

With reference to your letter No. F.D.5E-64/6211 dated the 20<sup>th</sup> January, 1965, on the subject mentioned above, I am directed to say that the Ministry of Law were consulted on the point and they have made the following observations:

“An analogous provision such as contained in section 41(1)(ii) of Dentists Act, 1948, also occurs in the U.K. Dentists Act. The following observations of Lord Esher in the case of Allinson V. General Council of Medical Education and Registration, (1984) 1 Q.B. 750 at 760 are helpful in this regard.

Section 41(1)(ii) If it is shown that a medical man in the pursuit of his profession has done something with regard to it which would be reasonably regarded as ..... or dis-honorable by his professional brethren of good repute and competency, then it is open to the General Medical Council to say that he has been guilty of “infamous conduct in a professional respect”. The question is, not merely whether what a medical man has done would be an infamous thing for a medical man to do. An act done by a medical man may be “infamous”, though the same act done by anyone else would not be infamous; but, on the other hand, an act which is not done “in a professional respect” does not come within this section. There may be some acts, which although they would not be infamous in any other person, yet if they are done by a medical man in relation to his professional brethren, may be fairly considered “infamous conduct in a professional respect”.

Lord Usher’s definition of infamous conduct in professional respect has been accepted in a recent case of Flix V. General Dental Council (1962) 2 All E.R. 391. The question whether a person has been guilty of any infamous conduct in any professional respect, is a question of fact to be decided by the prescribed authorities under the Act”.

30. copy of letter No., F. 3-12/65-MPT., dated the 5<sup>th</sup> May, 1965, from the Government of India, Ministry of Health, New Delhi; to the Secretary, Dental Council of India, New Delhi.

Subject:- Dentists Act, 1948-Clarification regarding Sections 41 & 52 dealing with “Unethical Practice” & Cognizance of offence” etc.

Section 41 &52 With reference to your letter No, F.D.5E-64/517, dated the 30<sup>th</sup> November, 1964, on the subject mentioned above, I am directed to say that removal of the name of a person from the Register by the State Dental Council under section 41 of the Dentists Act, 1948, does not contemplate an order of the court unless such removal is founded on a conviction for an offence. In the present case, it would meet the requirements, if the West Bengal Dental Council collects the evidence of unethical practice of the Dentists concerned and forward it to the State Dental Council with which he is registered. It will then be for that

Council to take action for removal of his name after complying with procedure prescribed by section 41 of the Act.

31. Copy of letter No. F.3-21/65-MPT dated 24<sup>th</sup> June, 1965, from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- Clarification of age of the candidates who apply for registration as Dental Mechanics and Dental Hygienists by virtue of practice:

Section 37 &  
38

With reference to your letter No. F.D.7G-64/7081 dated the 25<sup>th</sup> February, 1965, on the subject mentioned above, I am directed to say that the position stated in this Ministry's letter No. F.3-61/59-MII., dated the 14<sup>th</sup> September, 1960, in respect of dentist will also hold good in respect of Dental Hygienists and Dental Mechanics. (See Serial No. 22)

32. Copy of letter No. F.3-11-64/MPT dated 3<sup>rd</sup> July, 1965 from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- General Anesthesia and the Dentists :

Section 2(d) (ii)

I am directed to refer to your letter No. F.D. 4E-63/6170 dated the 15<sup>th</sup> January, 1964, on the subject mentioned above, and to say that under section 2(d) (ii) of the Dentists Act, 1948, a dentist is authorized to give anesthesia for the performance of any operation on and the treatment on any disease of human teeth or jaws. As the giving of anesthesia is limited to only dental work, it is not necessary for a dentist to be given training in General Anesthesia. The general opinion of all Medical authorities is that only medical graduates should be given such training.

33. Copy of letter No. 12-78/64-MPT, dated 8<sup>th</sup> December, 1965, from the Govt. of India, Ministry of Health, New Delhi, to all State Governments (including Union Territories) and copy endorsed to the Secretary, Dental Council of India, New Delhi.

Section 46(3)

I am directed to say that in this Ministry's letter No. F.6-50/57-MI, dated the 29<sup>th</sup> July, 1957, it was held that in accordance with section 46(3) of the Dentists Act, 1948, persons registered in Part 'A' of the Dentists Registers whether graduates or licentiates were eligible to hold appointments as dentists in any dispensary, hospital or other institution which was supported wholly or partially from public or local funds. In other words, no distinction was to be shown between a graduate and a licentiate in the matter of eligibility for these appointments. The position has been re-examined in consultation with the Ministry of Law. A careful perusal of section 46(3) with Ministry of Law. A careful perusal of section 46(3) of the Dentists Act, 1948, will reveal that this sub-section relates merely to the effect of registration. It only provides that a person who is not registered in Part A of the (State) register of dentists shall not registered in Part A of the (State) register of dentists shall not normally hold any appointment as dentist. It has not been stipulated in the above sub-section that all persons registered in Part 'A' of the Dentists Register shall be equally eligible for holding any and every appointment as dentist. It will therefore be open to the employing authorities to prescribe higher qualifications if and where they consider it necessary, for any particular dental

post. This will not be a violation of any of the provisions of the Dentists Act, 1948.

I am to request that the content of this letter may kindly be carefully noted and also brought to the notice of the other concerned authorities.

Please acknowledge receipt of this letter.

34. Copy of letter No. F.3-39/65-MPT, dated 9<sup>th</sup> February, 1966 from the Government of India, Ministry of Health, New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- Practice by unregistered persons-penal provision under the Dentists Act, 1948:

Sections 47,48  
& 49

In continuation of this Ministry's endorsement No. F.3-39/65-MPI dated the 14<sup>th</sup> January, 1966, on the subject mentioned above, I am directed to say that under sub-section (1) of section 49 of the Dentists Act, 1948, no person other than a registered dentist, registered dental hygienists or registered dental mechanic can 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 practice. Sub-section (2) of section 49 further provides that he is prepared to practice. Sub-section (2) of section 49 further provides that if any person contravenes this provision he can be punished 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. These provisions should be a great deterrent to the growth of unrecognized institutions. If these provisions are given wide publicity, people will not flock to such institutions, which will ultimately result in their closure. I am, therefore, to request that publicity be given to these provisions and for this the State Dental Councils may kindly be addressed suitably. Their attention may also be drawn to sections 47 and 48 of the Act.

35. Copy of letter No. F.3-8/68-MPT, dated 19-4-68 from the Government of India, Ministry of Health, F.P. & U.D., New Delhi to the Secretary, Dental Council of India, New Delhi.

Subject: Dental Council of India – Term of membership Clarification of Section 6 (1) & 9 (1) of the Dentists Act, 1948:

Sections 6(1) &  
9(1)

With reference to your letter No, P-1-67/8133, dated the 22<sup>nd</sup> March, 1968, on the subject mentioned above, I am directed to say that under section 6(1) of the Dentist Act, 1948, the term of membership on the Dental Council of India expires on completion of 5 years where the election or nomination of the successor has taken place within that period, but where such an election or nomination has not taken place then the membership would stand automatically extended till such time his successor is elected or nominated, The membership of the Executive Committee will co-terminate with the membership of the Council, be it five years or more than 5 years under the latter part of section 6(1).

36. Copy of letter No. F.3.-29/68-MPT dated the 20<sup>th</sup> September, 1968, from the Government of India, Ministry of Health, Family Planning & Urban

Development, New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- Registration of Dental Hygienists and Dental Mechanics under section 36, 37 and 38 of the Dentists Act, 1948- Clarification:

Sections 36,  
37 & 38

With reference to the correspondence resting with your letter No. GA-172-68/2634, dated the 14<sup>th</sup> August, 1968 on the subject mentioned above, I am directed to say that the position stated in para 2 of your letter No. GA-172-68/2001, dated the 10<sup>th</sup> July, 1968, is correct. It is not necessary that a person seeking registration as a dental hygienists or a dental mechanic under provisions to sections 37 and 38 should acquire experience for a period of two years in the same State in which he seeks registration. This experience could be acquired anywhere in the country and this could count for purposes of registration in all States.

37. Copy of letter No. F.3-29/68-MPT., dated the 10<sup>th</sup> December, 1968, from the Government of India, Ministry of Health, F.P. & U.D., New Delhi, to the Secretary, Dental Council of India, New Delhi.

Subject:- Registration of Dental Hygienists and Dental Mechanics Sections 36, 37 and 38 of the Dentists. Act, 1948-Clarification of :-

Sections 36,  
37 & 38

With reference to your letter No. GA-172-68/3558, dated the 30<sup>th</sup> October, 1968, on the subject mentioned above, I am directed to say that section 38 of the Dentists Act, 1948, read with section 12, does not refer to any resident condition in regard to registration by a dental mechanic. A dental mechanic can therefore be registered with a Dental Council of any State.

38. Copy of letter No. V.11016/1/73-MPT dated the 28<sup>th</sup> February, 1973 from the Government of India, Ministry of Health, to the Secretary, Dental Council of India, New Delhi.

Sub:- Registration under the Dentists Act, 1948 of the citizens of Sikkim-Clarification regarding:

Section 34

With reference to your letter No. GA-167(i)-72/7275 dated the 5<sup>th</sup> January, 1973, on the subject mentioned above, I am directed to say that there are no restrictions placed by the Sikkim Government on the India therefore consider that there is no objection to a Sikkim citizen holding a dental qualification specified in Part 1 of the Schedule to the Dentists Act, 1948, being registered under section 34(1) (a) of the said Act.

39. Copy of letter No, Med, 4568/H-6/2D-11/712 Pt, I dated the 23<sup>rd</sup> July 1973, from the Asstt. Secy., Government of West Bengal, Department of Health & Family Planning, to the President, West Bengal Dental Council.

Subject:- Publication of the name of the President (Actg.), in the Calcutta Gazette : regarding.

I am directed to refer to your letter No, 228/D dated the 29<sup>th</sup> May, 1973 on the above subject and to say that there is no provision in the Dentists Act, 1948 for such a post as "Acting President". The rules framed in this Department Notification No. Medl, 4818/2D-24/50 dated the 14<sup>th</sup> October, 1950 as mentioned in your letter under reference on the rules for the elections of members including the President and Vice-President of West Bengal Dental



Council and of the members of the Executive Committee of the said Council. Rule 19 of the aforesaid rules provided for publication of the names of the elected President and Vice-President only in the Calcutta Gazette. The G.O. No. Medl, H-6/7680/2D-11/71 Pt. I dated the 15<sup>th</sup> December, 1972 envisages that the Vice-President shall act and shall exercise the powers and perform the duties of the President, if the office of the President is vacant or due to illness or any physical incapacity or for any other reason the President is unable to exercise the powers and perform the duties of his office. It does not convey any meaning when the suffix "President (Actg.)" West Bengal Dental Council, is added after the name of Dr. A. K. Sinha, the Vice-President of the said Council. So, the question of publishing the name of Dr. A. K. Sinha, as the President, or for that matter of fact as the Acting President, in the Calcutta Gazette, does not arise at all"

40. Copy of letter No, V. 12013/1/73-MPT, dated the 23<sup>rd</sup> November, 1973, from the Government of India, Ministry of Health & Family Planning, to the President (Actg.), West Bengal Dental Council.

Subject:- Election dispute in respect of member to the Dental Council of India under Section 6(3) of the Dentists Act, 1948.

Sections 6(3),  
27(3) & 39(2)

With reference to your letter No. 269/D dated the 25<sup>th</sup> July, 1973 on the subject mentioned above, I am directed to say that under the provisions of section 39(2) of the Dentists Act, 1948, the name of a dentist is removed from the Register of dentists if he has not paid the renewal fee before the due date. The name is restored to the Register on payment of the renewal fee under the proviso of section 39(2) of the Act. The restoration of the name in the register does not mean re-registration. It has the effect of regularizing the break and the defaulter continues to be registered on the Dentists Register. No casual vacancy is thus caused in between the period and the provisions of section 6(3) section 27(3) will not apply. These sections refer to vacancies which are caused on permanent removal of name from the Register.

41. Copy of letter No. Medl 15/2D-22/75 Pt. I dated the 2<sup>nd</sup> January, 1975, from the Dy. Secy., Government of West Bengal, Department of Health & Family Planning, to the Registrar, West Bengal Dental Council.

Subject:- Election of a member to the Dental Council of India under section 3(a) of the Dentists Act, 1948.

Section 39(1)

I am directed to refer to your letter No. 1789/D dated 13<sup>th</sup> November, 1975 on the above subject and to say that the matter was examined in consultation with legal officers of the State. It has been advised that since during the grace period of 3 (three) months from January to March of every year granted under Section 39(1) of the Dentists Act, 1948 to a registered dentist to enable him to have his annual registration renewed before the 1<sup>st</sup> day April of the year to which it relate, a registered dentist is entitled to all the privileges of the above Act, he therefore, shall automatically have the legal right to exercise his franchise in the proposed election, if the same be held between January 1976 and March 1976, without renewing his registration certificate for 1976 during the period from 1.1.76 to 31.3.76.

### **Part III**

#### **Standing orders of the West Bengal Dental Council**

**1. Seal of the Council:** “ The design as approved by the Executive committee at their meeting of 20.9.1951 was approved” (Item No.4, Minutes No.3 dated 14.1.1952)

“Registrar placed before the Committee the Seal prepared with the emblem as in the late West Bengal Dental Board, and as was decided by the Executive Committee at their meeting on 27<sup>th</sup> June, 1951. The Seal was approved” (Proceedings of the Executive Committee dated 20.9.1951. Item No.5).

“Design of the seal for the State Dental Council :- There was a design for the previous Dental Board and the question was whether the same design should be adopted for the State Dental Council with necessary changes in the name etc., or whether the design adopted by the Dental Council of India should be followed.

Comparing the two designs the Committee considered that the design of the late Provincial Dental Board, which was simpler need not be changed except for the name and reference to the Act” (Proceedings of the Executive Committee dated 27<sup>th</sup> June, 1951. Item No.3).

**2. Ethical Rules:** “Registrar stated that in 1950, the Dental Council of India had drawn up a set of Ethical Rules, and as no opinion was sought for they were taken as final. The same Ethical Rules were, however, sent to us again on 13<sup>th</sup> December, 1952, for our “guidance” “approval” and “adoption”.

The Executive Committee referred those to a sub-committee with request to report whether there was any point in them for any observation. That Committee had reported that they had no comment to make.

Resolved that this be recorded, and the Ethical Rules made by the Dental Council of India be followed as already being done” (Item No. 3. Minutes No.5 dated 29.5.1953).

**3. Prosecution under section 49 of the Dentists Act, 1948:** “Considered endorsement No. Medl/7335/2D-31/56/(1) dated the 26<sup>th</sup> September, 1956, from the Assistant Secretary to the Government of West Bengal, Department of Health, Medical Branch, forwarding a copy of Government Order No.Medl/7335/2D-31/56 of the same date, to the commissioner of Police, Calcutta, requesting him to take steps for an enquiry in regard to persons who had been practicing dentistry without having their names registered under the Dentists Act, 1948, or whose names were removed from the Register on account of non-payment of renewal fees and thereby contravening the provision of Section 49 of the Act and to take necessary action against the delinquents so far as the persons had their address in this State, in consultation with the Registrar of this Council. The Registrar had at the same time been requested to communicate the formal consent of the Council to prosecution under Section 52 of the Act and also to help the Commissioner of Police in the matter.

Registrar intimated that the President had already addressed the Commissioner of Police , the Deputy commissioner, Anti-corruption & Enforcement Branch and the Inspector General of Police, West Bengal, to extend their co-operation and expedite the matter.

Registrar further intimated that the respective State Dental Councils had been requested regarding prosecution against persons registered with this Council but whose

names were removed from the Register for non-payment of annual renewal fees but who seemed to be practicing in other States.

**Resolved :** that it be intimated to Government that in submitting these matters to them they had already their consent to prosecution against these person under section 49 of the Dentists Act, 1948, which they formally repeat as required under Section of the Act.

**Resolved also:** That in the cases of prosecution under Section 49 of the Act Government be requested to adopt the same procedure as was followed in prosecutions under Section 6 of the Medical Degrees Act, 1956, viz :-

(a) that necessary investigation be made by the Police and collect evidence regarding the offence committed;

(b) that chief Presidency Magistrate, Calcutta or the District Magistrate concerned be requested by Government to instruct the Public Prosecutor or the Court Inspector to start the prosecution; provided that evidence collected by the Police justify such prosecution;

(c) that Registrar would then lodge the complaint in accordance with the advise of the Public Prosecutor or the Court Inspector”.(Item No.1 Minutes No. 14 dated 5.11.1956).

#### **4. Procedure to be observe at the time of holding meeting of the Council:**

“The President (Dr. S.P. Neogi) said that from his past experience he found that the meeting of the Council and its committees were unnecessarily prolonged owing to the fact that each member spoke as many times as he liked on a single item. This resulted a seer waste of time and energy. He suggested that the Parliamentary procedure adopted in such matters by bodies like the Calcutta University, the Dental Council of India, the State Medical Faculty etc. of allowing a member to speak once on a particular item should be followed here also.

Dr. S. K. Mazumdar agreed with the suggestion and added that on certain specific points President should allow a member to speak more than once.

The suggestion of the President and the addition proposed by Dr. S. K. Mazumdar were accepted” (1<sup>st</sup> Item Minutes No. 24 dated 25.12.1959).

**5. “Resignation tendered by Dr. S.C. Mazumdar from the membership of the Executive Committee as well as from the Council :** (Item NO.5 of Executive Committee meeting held on 6.1.1960):

In this connection Registrar placed before the Council Government Order No. Medl/1046/2D-2/60 dated the 5<sup>th</sup> February, 1961 and as the next general election proceedings would expire on 21<sup>st</sup> February, 1961 and as the next general election proceedings would have to be taken in 9 to 10 months time, Government did not consider, it necessary to hold the bye-election in the vacancy caused by the registration of Dr. Subodh Chandra Mazumdar”.

**Order-** To be recorded.

(Item No.5. Executive Committee Meeting held on 6.1.1960)

Registrar explained that from the letter of Dr. S.C. Mazumdar dated 28.11.1959 addressed to the Registrar, it was presumed that his resignation was from the Executive Committee alone and the subject of the letter was included in the agenda for the present meeting and the copies of he agenda were circulated to the members on 22.12.1959. It was, however, subsequently noticed that Dr. S.C. Mazumdar had desired to tender his resignation

both from the Executive Committee and the Council. As such letters should be addressed to the President and not to the Registrar under Section 27(2) of the Dentists Act, 1948, the technical defect of the letter was pointed out to Dr. Mazumdar by this office letter No.1469/D dated 23.12.1959 and the defect was rectified by Dr. Mazumdar in his letter dated 28.12.1959 which was received on the following day.

Dr. J.K. Majumdar was of opinion that the resignation of one elected member of the Council was only effective when his letter of resignation was accepted by the Council and not before that Sub-section (2) of Section 27 (of the Dentists Act, 1948) ran thus :-

“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,” and he suggested that the resignation letter be placed before the Council at their next meeting for acceptance.

President, (Dr. S.P. Neogi) however, gave the ruling that resignation was effective from the date on which the letter was received and that acceptance of the resignation by the Council was not necessary as sub-section (2) of Section 27 was quite clear in this respect.

Dr. B.C. Basak agreed with the President” (Item NO. 5, Minutes No.27 dated 15.2.1960).

#### **6. Medical benefit to the whole time staff:**

“Registrar explained that since this benefit had been modified by the Govt. in their Order dated 16.12.1966 as payable to their staff with their respective other admissible monthly allowances, with effect from 1.1.1967, the President (Dr. D. Banerjee) was pleased to sanction the same, as usual, following suit with other sister Councils.

Resolved that the election taken by the President be approved and no further reference be made to govt. in the matter” (Item No.III (Proceedings of the Executive Committee Meeting dated 12.10.1966 and 9.11.1966 : consideration of): Minutes No.47 dated 27.3.1967, Item, No.5)

#### **7. Intimation to the Calcutta University for regular supply of the pass list of the final B.D.S. Examination:**

“Registrar informed that inspite of several reminders to this effect, no reply had been received from the Controller of Examinations of the Calcutta University. He added that for registration of successful candidates West Bengal Medical Council had been following the pass lists sent by Calcutta University. Similar procedure should be adopted by the West Bengal Dental Council in order to avoid possible discrepancies.

Resolved that the Controller of Examinations of the Calcutta University be further requested on behalf of the Council for regular supply of the pass lists of the Final B.D.S. Examinations conducted by the Calcutta University from time to time”. (Item No.54 dated 24.12.1969)

#### **8. Publication of names of dentists who have surrendered their registration certificates in terms of Section 41(5) of the Dentists Act. 1948 in the Calcutta Gazette:**

“Furnishing an upto dated list of the dentists in question, Registrar pointed that since necessary provision for publication of the names of dentists who had voluntarily surrendered their registration certificates with the intention not to carry on the profession

on dentistry was contained in sub-section (5) of section 41 of the Dentists Act, 1948, it was therefore expedient to refer the matter to the State Govt. with the request that the names of such dentists might be published in the Calcutta Gazette in such manner as might be deemed fit.

Following a brief discourse on the matter, it was resolved that the Registrar be authorized to move the State Govt. for publication of the names in question in the Calcutta Gazette at as early a date as possible". (Item No. 3. Minutes No. 56 dated 26.6.1970).

#### **9. Attendance of the Staff:**

"As per decision of the Executive Committee dated 10.4.1972 (Item No.5) it was resolved that with effect from 11.4.1972 until further orders usual office hours would be as detailed below:

<b>Day</b>	<b>Previous time</b>	<b>Modified time</b>
Monday to Friday	10-30a.m. to 4-30 p.m.	10-30 a.m. to 5-30p.m.
Saturday	10-30a.m. to 1-30 p.m.	10-30 a.m. to 2 p.m.

Tiffin hours would be from 2 p.m. to 2-30 p.m. except Saturday." (Item No. 12 (c), Minutes No.62 dated 30.6.1972)

#### **10. Printed Minutes Book of the Council:**

"Resolved that with immediate effect printed Minutes Book should be maintained for record of resolutions adopted by the Council in their meetings". (Item No. 12 (c), Minutes No. 65 dated 6.7.1973).

#### **11. Sanction of Dearness Allowance to the whole time staff of the Council:**

"Decision taken by the Executive Committee approved and resolved that staff concerned shall enjoy the benefit of increase dearness allowances as sanctioned by the State Govt. form time to time keeping in view the orders of the Finance Deptt. Of the Govt. of West Bengal as prior approval of the State Govt. as contemplated in Section 28(d) of the Dentists Act, 1948." (Item No. VI (consideration of the proceedings of the Executive Committee meeting held on 21.9.1973), Minutes No. 67 dated 24.12.1973 : Item No. 7).

#### **12. Determination of the extent of power of office bearers:**

"It was resolved that all powers and authorities delegated by the Council on its behalf in the past upto the officers of the President, Vice-President, Registrar and Executive Committee till the time of the present meeting , other than those specifically vested upon the above mentioned officers by any relevant statute or any rules specifically framed by the State Govt. in accordance with the provisions of the Dentists At, 1948, were thereby revoked.

It was further resolved that any action, obligation or consequences arising out of such delegation of powers and authority in the past which had been revoked and for which the Council might be held responsible in any way, the council reserved the right to review any reconsider such issues as and when necessary and revoke, modify or retain its earlier decisions and/or issue fresh directions to its officers and others which

should be binding upon them. Registrar was further obtained before taking any action being proposed by Dr. A. K. Mitra and seconded by Dr. K.K. Roy.” (Item No. 8, Minutes No. 69 dated 22.11.1974).

### **13. Office Documents:**

“In the sequel it was unanimously resolved that unless otherwise directed by the Council no office record should be shown or handed over to any person. Any such request must be made in writing to the Registrar for approval of the Council being proposed by Dr. A. L. Sen and Seconded by Dr. P.K. Basu”. (Item No. 12, Minutes NO. 69 dated 22.11.1974)

### **14. Creation and operation of Reserve Fund:**

“It was unanimously resolved that savings Bank Account With the State Bank of India, Calcutta Main Branch be opened in the name of the West Bengal Dental Council which will be operated by the President and the Registrar of the Council jointly and that all deposit to and withdrawal from such account would be made strictly in accordance with the resolution of the Council to be taken from time to time.” (Item No. 9, Minutes NO.72 dated 24.9.1976).

### **15. Establishment and management of the West Bengal Dental Council Library:-**

“It was unanimously resolved that the Council Library be established in 1976 on the occasion of its Silver Jubilee celebration for use of the staff, members and dentists of good standing with the West Bengal Dental Council and that a Committee consisting of the following members including Principal, Dr. R. Ahmed Dental College & Hospital, Calcutta as ex-officio Chairman was also constituted to look after its establishment and management until the reconstitution of The Council.” (Item No. Minutes, No. 72, dated 24.9.1976)

### **16. Provision for supply of Spectacles to the office staff:**

“In terms of Govt. order No. Estt./8517/2M-58/76 dated the 3<sup>rd</sup> August, 1976 it was unanimously resolved that every employee of he Council who had rendered at least two years continuous service and drawing a basic pay upto Rs.825/- per mensem would be entitled to reimburse upto a maximum of Rupees forty only per pair of spectacles subject to a limit of one pair of spectacles in five years. Provided that such privilege would be confined only to every employee concerned and would not extend to the members of his family. (Item No. 18 (g), Minutes No. 72 dated 24.9.76).

### **17. Printing of the Minutes of the Council:**

“As followed by the West Bengal Medical Council and State Medical Faculty of West Bengal, it was unanimously resolved that all Minutes of he Council from 1976 onwards would be printed after confirmation and copies of he same would be sent to all members of the Council in due course.” (Item No. 18(i). Minutes No. 72 dated 24.9.1976).