

The Punjab State Dental Council (Reconstitution and Reorganisation) Order, 1971

PUNJAB

India

The Punjab State Dental Council (Reconstitution and Reorganisation) Order, 1971

Rule

THE-PUNJAB-STATE-DENTAL-COUNCIL-RECONSTITUTION-AND-REORGANISATION-ORDER-1971

- Published on 21 April 1971
- Commenced on 21 April 1971
- [This is the version of this document from 21 April 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab State Dental Council (Reconstitution and Reorganisation) Order, 1971 Published by Gazette of India Part 2, dated 21.4.1971.S.O. 1740. - In exercise of the powers conferred by sub-section (1) of section 4 of the Inter-State Corporation Act, 1957 (38 of 1957) and sub-section 2 of section 38 of the State of Himachal Pradesh Act, 1970 (53 of 1970), the Central Government, after consulting the Governments of the States of Punjab & Haryana and Himachal Pradesh with the Administrator of the Union Territory of Chandigarh, hereby approves, with certain modifications, the scheme forwarded by the Government of Punjab relating to the reorganisation and re-transaction of the Punjab State Dental Council, being a corporation constituted under the Dentists Act, 1948 (16 of 1948), and now functioning in the State of Punjab, Haryana and in Himachal Pradesh in the territories transferred to the former Union Territory of Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), and the Union Territory of Chandigarh and for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following Order, namely :-

1. Short title and commencement.

(1) This Order may be called the Punjab State Dental Council (Reconstitution and Reorganisation) Order, 1971. (2) It shall come into force on the first day of May, 1971.

2. Definitions.

(1) In this Order, unless the context otherwise requires, -(a) "Act" means the Dentists Act, 1948 (16 of 1948); (b) "appointed day" means the date of commencement of this Order. -(c) "existing Council" means the Punjab State Dental Council, constituted under the Act and functioning and operating immediately before the appointed day in the State of Punjab as it existed immediately before the 1st day of November, 1966; (d) "Haryana Council" means the Haryana State Dental Council constituted under the Act as from the appointed day for the State of Haryana; (e) "Punjab Council" means the Punjab State Dental Council constituted under the Act as from the appointed day, for the State of Punjab; (f) "successor Council" in relation to the existing Council means the Punjab Council, the Haryana Council or the Government of Himachal Pradesh functioning as the Council in relation to the transferred territory, and the Administrator of the Union Territory of Chandigarh functioning as the Council under the Act in relation to the Union territory; (g) "transferred territory" means the territory forming part of the State of Himachal Pradesh by virtue of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966) read with section 3 of the State of Himachal Pradesh Act, 1970 (53 of 1970); (2) All other words and expressions used herein but not defined in the Order shall have the meanings assigned to them in the Act.

3. Dissolution of the existing Council and Constitution of separate Dental councils for the States of Punjab and Haryana.

- As from the appointed day :- (a) the existing Council shall stand dissolved and the members thereof shall vacate their offices; (b) the Government of Punjab shall constitute a Dental Council of the State of Punjab in the manner specified in sub-section (2) of section 21A of the Act; (c) the Government of Haryana shall constitute a Dental Council for the State of Haryana in the manner specified in sub-section (3) of section 21A of the Act. (d) the members of the Dental Council constituted under clause (b) or clause (c) shall, notwithstanding anything contained in section 27 of the Act, hold office for a period of five years from the appointed day or until such time as the Dental Council is duly constituted under section 21 of the Act, whichever is earlier, and (e) the President and Vice-President of each of the Dental Councils constituted under clause (b) and (c) shall, notwithstanding anything contained in sub-section (1) of section 25 of the Act, be nominated from amongst the members of the Dental Council by the Government of the State for which the said Council has been constituted.

4. Powers of State Dental Council in the transferred territory and the Union territory of Chandigarh to be exercised by the Government of Himachal Pradesh and the Administrator of Chandigarh Administration respectively.

- Until the time as a Dental Council is duly constituted under section 21 of the Act for the transferred territory, and the Union Territory of Chandigarh, the Government of Himachal Pradesh and the Administrator of the Union Territory of Chandigarh shall, in the transferred territory and the Union territory respectively exercise the powers and perform the functions of the said Council under the Act.

5. Appointment of Registrars.

(1)The Registrar of the existing Council holding office immediately before the appointed day, shall as from the day, be deemed to have been appointed as the Registrar of the Punjab Council and the terms and conditions of service applicable to the Registrar shall be the same as were applicable to him immediately that day, and until they are varied by a competent authority under the Act.(2)Until a Registrar is duly appointed by the Haryana Council under section 23 of the Act, the Government of Haryana shall appoint a Registrar for the said Council on such terms and conditions as it deems fit.

6. Provision regarding registers.

- Registers duly maintained under sections 35 and 36 of the Act and in force immediately before the appointed day, shall be deemed to be registers for each of the States of Punjab and Haryana or the transferred territory and for the Union territory of Chandigarh and accordingly the names of dentists, dental hygienists and dental mechanics on such registrar shall without further fee or charge, be continued 'hereon for the period for which the registration was made and thereafter on the register of any of the said State or territory in which the registered person concerned desires to continue his or her registration on payment of the renewal fee until the name is duly removed from the register under the Act.

7. Recovery of outstanding fees and other dues.

- All fees and other dues payable to the existing Council under the Act upon the appointed day shall,
-(a)If the dues are payable by a person ordinarily residing in the area of any successor Council, be recovered by that Council; and(b)in any other case, be recovered by the Punjab Council.

8. Division of cash balance of the existing Council.

- The cash balance held by the existing Council immediately before the appointed day shall, after deduction of all the liabilities of that Council upto that day be mentioned among the successor Councils in proportion to the number of registered dentist, dental hygienists and dental mechanics, ordinarily residing in the area of such successor Council.

9. Residuary Provision.

- Any other assets or liabilities of the existing Council immediately before the appointed day, not expressly hereinbefore provided for, shall be appointed in the manner indicated in paragraph.

10. Legal Proceedings.

- Where immediately before the appointed day, the existing Council is a party to any legal proceedings instituted in any Court, by or against any registered dentists dental bygienist, dental mechanic or other person the successor Council within whose area such registered dentist, dental

hygienist, dental mechanic or other person is ordinarily residing shall be deemed to be substituted for the existing Council as a party to those proceedings and the proceedings may continue accordingly.

11. Contracts.

- Where immediately before the appointed day, the existing Council has made any contract which on that date is subsisting such contract shall be deemed to have been made -(a)if the purposes of the contract are, as from the appointed day, exclusively relatable to the area of any successor Council, by that Council; and(b)in any other case, by the Punjab Council;and all rights or liabilities which have accrued or may accrue under any such contract shall to the extent to which they would have been the rights or liabilities in the existing Councilist be the rights or liabilities of the appropriate successor Council.

12. Transfer of certain proceedings pending before the existing Council.

- Any proceedings relating to any registered dentist, dental hygienist, dental mechanic or other person, which are pending immediately before the appointed day before the existing Council shall on that day stand transferred to the successor Council within whose area such registered dentist, dental hygienist dental mechanic or other person is ordinarily residing for disposal according to law.

13. Saving.

- All rules and regulations framed in respect of or by the existing Council, shall, until other provision is made under the Act in respect of the respect successor Council, be deemed to be the rules and regulations framed in respect of or by that Council and shall continue to apply to them mutatis mutandis.

14. Adaptations and modifications in the Act.

- As from the appointed day the Act shall, until altered, repealed or amended by the competer's Legislature have effect in the States of Punjab and Haryana the transferred territory and the Union Territory of Chandigarh subject to the adaptations and modifications specified in Schedule annexed hereto.The Schedule(See paragraph 1914)The Dentists Act, 1948(Central Act 16 of 1948)

1. In clause (h) of section 2, after the word and figure "section 21", the words, figure and letter "or section 21A" shall be inserted.

2. After Section 21, the following section shall be inserted namely :-

"21A. Temporary provisions in respect of state Councils. - Notwithstanding anything contained in this Act. -(1)The Punjab State Dental Council constituted under section 21 and functioning and operating in the States of Punjab and Haryana the transferred territory and the Union Territory of

Chandigarh immediately before the appointed day as defined in the Punjab State Dental Council (Reconstitution and Reorganisation) Order, 1971 issued under section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), shall as from that date, stand dissolved and the members thereof shall, notwithstanding anything contained in section 27, vacate their office.(2)As from the date referred to in sub-section (1), the Government of Punjab shall constitute a Council for the State of Punjab in the manner specified in section 21, to be known as the Punjab State Dental Council;Provided that the members referred to in clauses (a), (b) and (d) of section 21 shall be nominated by the Government of Punjab from among dentists registered in Part A or Part B of the State register or in the case may be, members of the Medical Council or the Council of Medical Registration of the State, ordinarily residing in the State of Punjab instead of being elected in the manner indicated in any of those clauses.(3)As from the date referred to in sub-section (1), the Government of Haryana shall constitute a Council for the State of Haryana in the manner specified in section 21, to be known as the Haryana State Dental Council:Provided that the members referred to in clauses (a), (b) and (d) of section 21 shall be nominated by the Government of Haryana from amongst dentists registered in Part A or Part B of the State register or, as the case may be, members of the Medical Council or the Council of Medical Registration of the State, ordinarily residing in the State of Haryana, instead of being elected in the manner indicated in any of those clauses.(4)In respect of the transferred territory, the Government of Himachal Pradesh shall, until a Council is duly constituted for the said area under section 21, exercise the powers, perform the functions and discharge the duties of the Council under this Act.(5)In respect of the Union Territory of Chandigarh, the Administration of the Union territory shall, until a Council is duly constituted for the said territory under section 21, exercise the powers perform the functions and discharge the duties of the Council under this Act.(6)The members of the Punjab State Dental Council and the Haryana State Dental Council constituted under this section shall notwithstanding anything contained in section 27, hold office for a period of five years from the date referred to in sub-section (1) or until such time as a Council is duly constituted under section 21, whichever is earlier.(7)The President and Vice-President of each of the Councils constituted under sub-sections (2) and (3) shall, notwithstanding anything contained in sub-section (1) of section 25, be nominated from amongst the members of the State Council by the Government of the State for which the Council has been constituted."

3. After section 38, the following section shall be inserted, namely :-

"38 A. Temporary provision in respect of registers - All dentists, dental hygienists and dental mechanics, who immediately before the appointed day as defined in the Punjab State Dental Council (Reconstitution and Reorganisation) Order, 1971 issued under section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), were on the registers maintained under this Act, shall, on and from that day, without further fee or charge, continue to be on the registers of the States of Punjab and Haryana, the transferred territory and the Union Territory of Chandigarh for the period for which the registration was made and thereafter on the register of any of the said State or territory in which the registered person concerned desires to continue his or her registration on payment of the renewal fee until the name is duly removed from the register under the Act."