

# **The Bombay State Dental Council (Reconstitution And Reorganization Order, 1961**

UNION OF INDIA

India

## **The Bombay State Dental Council (Reconstitution And Reorganization Order, 1961**

### **Rule**

### **THE-BOMBAY-STATE-DENTAL-COUNCIL-RECONSTITUTION-AND-RE of 1961**

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### **2002.**

G.S.R 1361 dated 11th November, 1961. - In exercise of the powers conferred by sub-section (1) of Sec. 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Gujarat, Mysore and Rajasthan approves with certain modifications, the scheme forwarded by the Government of Maharashtra relating to the reconstitution and reorganisation of the Bombay State Dental Council, a corporation established under the Dentists Act, 1948 (16 of 1948) and functioning in parts of the States of Maharashtra, Gujarat, Mysore and Rajasthan, 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 Bombay State Dental Council (Reconstitution and Reorganisation) Order, 1961.(2)It shall come into force on the 15th day of November, 1961.

## 2. Definitions.

- In this Order, unless the context otherwise requires, (a) "Abu area" means the Abu road taluka of Banaskantha district transferred from the former State of Bombay to the new State of Rajasthan by virtue of the State Reorganisation Act, 1956 (37 of 1956); (b) "Act" means the Dentists Act, 1948 (16 of 1948); (c) "appointed day" means the date of commencement of this Order; (d) "Bombay area of the State of Gujarat" means the area of the State of Gujarat excluding the Saurashtra and Kutch areas thereof; (e) "Bombay" area of the State of Maharashtra" means the area of the State of Maharashtra excluding the Vidarbha region and Hyderabad area thereof; (f) "existing Council" means the Bombay State Dental Council, constituted under the Act, functioning and operating immediately before the appointed day in a part of the States of Maharashtra, Gujarat, Mysore and Rajasthan; (g) "former State of Bombay", "former State of Kutch" and "former State of Saurashtra" mean the State of Bombay, Kutch or Saurashtra, as the case may be, as on 31st October, 1956; (h) "Hyderabad area of the State of Maharashtra" means the territories of the former State of Hyderabad transferred under Cl. (b) of sub-section (1) of Sec. 8 of the States Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Maharashtra; (i) "Karnataka area" means the districts of Bijapur, Dharwar and Kanara and the Belgaum district (excluding the Chandgad taluka) transferred from the former State of Bombay to the new State of Mysore by virtue of CL (b) of sub-section (1) of Sec. 7 of the States Reorganisation Act, 1956 (37 of 1956); (j) "Kutch area of the State of Gujarat" means the territory of the former State of Kutch transferred under Cl. (c) of sub-section (1) of Sec. 8 of the States Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Gujarat; (k) "Saurashtra area of the State of Gujarat" means the territories of the former State of Saurashtra transferred under Cl. (d) of sub-section (1) of Sec. 8 of the States Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Gujarat; (l) "Vidarbha region of the State of Maharashtra" means the territories of the former State of Madhya Pradesh transferred under Cl. (c) of sub-section (1) of Sec. 8 of the States Reorganisation Act, 1956 (37 of 1956), which form part of the State of Maharashtra; (m) words and expressions used herein and not defined in this Order but defined in the Act, shall have the meaning assigned to them in the Act.

## 3. Dissolution of existing Council and Constitution of separate Councils in the State of Maharashtra and the State of Gujarat.

- As from the appointed day- (a) the existing Council shall stand dissolved, and the members thereof shall vacate their office; (b) the Government of Maharashtra shall constitute a Council which shall be called the Maharashtra State Dental Council and which shall be constituted in the manner specified in Sec. 21. of the Act: Provided that the eight members to be elected by registered dentists under Cls. (a) and (b) of Sec. 21 of the Act and the member to be elected by the Medical Council under Cl. (d) of the said section, shall also be nominated by the Government of Maharashtra; (c) the Government of Gujarat shall constitute a Council which shall be called the Gujarat State Dental Council and which shall be constituted in the manner specified in Sec. 21 of the Act: Provided that the eight members to be elected by the registered dentists under Cls. (a) and (b) of Sec. 21 of the Act and the member to be elected by the Medical Council under Cl. (d) of the said section, shall also be nominated by the Government of Gujarat; (d) the members of the Maharashtra State Dental Council and the Gujarat State Dental Council shall hold office for a period of five years from the date of their nomination or

until such time as a Council is duly constituted (which the State Government is hereby empowered to do) under Sec. 21 of the Act after a register of dentists for the State of Maharashtra or the State of Gujarat, as the case may be, is prepared, whichever is earlier;(e)the Presidents and the Vice-Presidents of the Maharashtra State Dental Council and the Gujarat State Dental Council shall be nominated by the Government of Maharashtra and the Government of Gujarat, as the case may be, from amongst the members of the Council;(f)the Maharashtra State Dental Council shall function and operate(i)in the Bombay area and the Hyderabad area of the State of Maharashtra, with effect from the appointed day; and(ii)also in the Vidarbha region of the State of Maharashtra, with effect from the date of commencement of the Order which may be issued in respect of the Madhya Pradesh State Dental Council by the Central Government under Sec. 4 of the Inter-State Corporations Act, 1957;(g)the Gujarat State Dental Council shall function and operate in the whole of the area of the State of Gujarat, with effect from the appointed day.

#### **4. Powers of Council over the Karnataka area and Abu area to be exercised by the Government of Mysore and the Government of Rajasthan, respectively.**

- Until such time as a State Council is duly constituted for the State of Mysore, and the State of Rajasthan, the Government of Mysore and the Government of Rajasthan shall, in the Karnataka area and the Abu area, respectively, exercise the powers and perform the functions of the State Council under the Act.

#### **5. Appointment of Registrar.**

(1)The Registrar of the existing Council holding office immediately before the appointed day, shall, as from that date, be deemed to be appointed the Registrar of the Maharashtra State Dental Council on the same terms and conditions as were applicable to him immediately before that date, and until they are duly varied by a competent authority under the Act.(2)Subject to the provisions of Sec. 28, the Government of Gujarat shall appoint a person to be the Registrar of the Gujarat State Dental Council on such terms and conditions as it deems fit.

#### **6. Provision relating to employees of existing Council other than Registrar.**

(1)All officers and servants (other than the Registrar) of the existing Council holding office immediately before the appointed day, shall as from that date, be deemed to have been allotted to serve under the Maharashtra State Dental Council on the same terms and conditions which were applicable to them immediately before that date, and until they are duly varied by a competent authority under the Act.(2)Until the Gujarat State Dental Council makes any other provisions in this behalf under Sec. 28 of the Act, the Government of Gujarat shall appoint officers and servants (other than the Registrar) of the Gujarat State Dental Council on such terms and conditions as it deems fit.

## **7. Provisions regarding Register.**

(1)The Maharashtra State Dental Council shall prepare a register of dentists for the State of Maharashtra which shall include the names of all dentists included in the register of dentists for the former State of Bombay and the former State of Kutch prepared and maintained under Sec. 31 of the Act, whose residential addresses as shown in that register on the appointed day do not fall in the territories of the State of Gujarat or in the Karnataka or Abu area, and the names of all dentists included in the register of dentists for the former State of Madhya Pradesh prepared and maintained in like manner, whose residential addresses as shown in that register on the aforesaid date fall in the territories of the State of Maharashtra:Provided that, the names of dentists in the register of dentists for the former State of Madhya Pradesh shall not be included in the register for the State of Maharashtra until the Council starts functioning and operating in the Vidarbha region of the State of Maharashtra under sub-clause (ii) of Cl. (f) of paragraph 3.(2)The Gujarat State Dental Council shall prepare a register of dentists for the State of Gujarat which shall include the names of all dentists included in the register of dentists for the former State of Bombay and the former State of Kutch prepared and maintained under Sec. 31 of the Act, and the names of all dentists included in the register of dentists prepared under Saurashtra Ordinance 25 of 1948, as amended by Saurashtra Ordinance 40 of 1949, whose residential addresses as shown in the register on the appointed day, fall in the territories of the State of Gujarat.(3)Until a new register is prepared under sub-paragraph (1) or sub-paragraph (2), the register duly maintained and in force in the Bombay area of the State of Maharashtra and the Bombay and Kutch areas of the State of Gujarat shall be deemed to be a register of dentists for that part of the State of Maharashtra or Gujarat, as the case may be, in which it was in force.(4)Any person whose name stands included in the register of dentists for the former State of Bombay and the former State of Kutch prepared and maintained under Sec. 31 of the Act and whose residential address as shown therein on the appointed day falls in the Karnataka area or the Abu area shall be entitled to have his name entered in the register of dentists for the State of Mysore or the State of Rajasthan, as the case may be, without being required to pay any fee.

## **8. Recovery of outstanding fees and dues.**

- All fees and other dues payable to the existing Council under the Act, shall-(a)if the dues are payable in respect of the period beginning with the first day of May, 1960 and ending on the day immediately preceding the appointed day, by any dentist or other person who is ordinarily recovered by the Gujarat State Dental Council;(b)if the dues are payable in respect of the period beginning on the first day of November, 1956 and ending on the appointed day, by any dentist or other person who is ordinarily resident in the Karnataka area or the Abu area, be recovered by the Government of Mysore or the Government of Rajasthan, as the case may be;(c)in any other case, be recovered by the Maharashtra State Dental Council.

## **9. Division of money of existing Council.**

- The cash balances whether in the form of cash or securities held by the existing Council immediately before the appointed day, shall, after deducting all the liabilities of the existing Council up to that date, be apportioned among the Maharashtra State Dental Council, the Gujarat State

Dental Council, the Government of Mysore and the Government of Rajasthan in proportion to the number of dentists ordinarily resident in the Bombay area of the State of Maharashtra, the Bombay and Kutch areas of the State of Gujarat, the Karnataka area and the Abu area, as shown on the day immediately preceding the appointed day in the register prepared and maintained under Sec. 31 of the Act for the area of the former State of Bombay and the former State of Kutch.

## **10. Residuary provision.**

- Any other assets or liabilities of existing Council, immediately before the appointed day, not expressly hereinbefore provided for shall be apportioned in the manner provided in paragraph 9.

## **11. 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 dentist or other person, -(a) if the Court is situated in the Bombay or Kutch area of the State of Gujarat, the Gujarat State Dental Council, (b) if the Court is situated in the Karnataka area, the Government of Mysore, (c) if the Court is situated in the Abu area, the Government of Rajasthan, (d) in any other case, the Maharashtra State Dental Council, shall respectively be deemed to be substituted for the existing Council as a party to these proceedings, and the proceedings may continue accordingly.

## **12. Contracts.**

- Where before the appointed day, the existing Council has made any contract which on that date is subsisting, that 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 Bombay or Kutch area of the State of Gujarat, by the Gujarat State Dental Council; (b) if the purposes of the contract are as from the appointed day exclusively relatable to the Karnataka area, by the Government of Mysore; (c) if the purposes of the contract are as from the appointed day exclusively relatable to the Abu area, by the Government of Rajasthan; (d) in any other case, by the Maharashtra State Dental Council, and accordingly, all rights and liabilities which have accrued or may accrue under any such contract, shall, to the extent to which they would have been the rights and liabilities of the existing Council, be the rights and liabilities of the Gujarat State Dental Council, the Government of Mysore, the Government of Rajasthan or the Maharashtra State Dental Council, as the case may be.

## **13. Transfer of certain proceedings pending before existing Council.**

- Any proceeding relating to a dentist or any other person which is pending immediately before the appointed day before the existing Council shall, on that day, stand transferred for disposal according to law: (a) to the Gujarat State Dental Council, if the person concerned is ordinarily resident in the Bombay, Kutch or Saurashtra area of the State of Gujarat; (b) to the Government of Mysore, if he is ordinarily resident in the Karnataka area; (c) to the Government of Rajasthan, if he is ordinarily resident in the Abu area; (d) in any other case, to the Maharashtra State Dental Council.

## **14. Saving.**

- Any rules framed in respect of the existing Council, shall, until other provision is made under the Act in respect of the Maharashtra State Dental Council and the Gujarat State Dental Council.

## **15. Adaptations and modifications in the Act.**

- As from the appointed day, the Act shall, until altered, repealed or amended by the competent Legislature, have effect in the States of Maharashtra, Gujarat, Mysore and Rajasthan, subject to the adaptations and modifications specified in the Schedule annexed hereto.

## **Schedule**

[See paragraph 15]The Dentists Act, 1948(16 of 1948)

### **1. After Sec. 21, the following section shall be inserted, namely:**

"21A. Temporary provision in respect of Bombay State Dental Council and constitution of State Councils for States of Maharashtra and Gujarat. - (1) The Bombay State Dental Council constituted under Sec. 21 and functioning and operating in a part of the States of Maharashtra, Gujarat, Mysore and Rajasthan immediately before the date on which the Bombay State Dental Council (Reconstitution and Reorganisation) Order, 1961, issued under Sec. 4 of the Inter-State Corporations Act, 1957 (38 of 1957), comes into force shall, as from that date, stand dissolved and the members thereof shall notwithstanding anything contained in Sec. 27 vacate their office.(2)As from the date specified in sub-section (1)(a)the Government of Maharashtra shall constitute a State Council which shall be called the Maharashtra State Dental Council and which shall be constituted in the manner specified in Sec. 21: Provided that the eight members to be elected by registered dentists under Cls. (a) and (b) of Sec. 21 and the member to be elected under Cl. (d) of that section, shall also be nominated by the Government of Maharashtra.(b)the Government of Gujarat shall constitute a State Council to be called the Gujarat State Dental Council which shall be constituted in the manner specified in Sec. 21: Provided that the eight members to be elected by registered dentists under Cls. (a) and (b) of Sec. 21 and the member to be elected by the Medical Council under Cl. (d) of that section, shall also be nominated by the Government of Gujarat;(c)the members of the Maharashtra State Dental Council and the Gujarat State Dental Council so constituted shall, notwithstanding anything contained in Sec. 27, hold office for a period of five years from the date of their nomination or until such time as a State Council is duly constituted under Sec. 21 (which the State Government is hereby empowered to do), after the register of dentists for the State of Maharashtra or the State of Gujarat, as the case maybe, is prepared under Sec. 33A, whichever is earlier;(d)the Presidents and the Vice-Presidents of the Maharashtra State Dental Council and Gujarat State Dental Council, shall, notwithstanding anything contained in Sec. 25, be nominated by the Government of Maharashtra and the Government of Gujarat, as the case may be, from amongst the members of the State Council;(3)The Maharashtra State Dental Council shall, notwithstanding anything contained in this Act, function and operate(i)in the Bombay area and the Hyderabad area

of the State of Maharashtra with effect from the date specified in sub-section (1), and(ii)in the Vidarbha region of the State of Maharashtra, with effect from the date on which the order which may be issued in respect of the Madhya Pradesh State Dental Council by the Central Government under Sec. 4 of the Inter-State Corporation Act, 1957 (38 of 1957) comes in force.(4)The Gujarat State Dental Council shall, notwithstanding anything contained in this Act, function and operate in the whole of the area of the State of Gujarat, with effect from the date specified in sub-section (1).(5)Until such time as a State Council is duly constituted under Sec. 21 for the State of Mysore and the State of Rajasthan, the Government of Mysore and the Government of Rajasthan shall, respectively, in the Karnataka area and the Abu area, exercise the powers and perform the functions of the State Council."

## **2. After Sec. 33, the following section shall be inserted, namely:**

"33A. Provision in respect of registers of dentists for State of Maharashtra and State of Gujarat. - (1) (a) As soon as possible, after the date on which the Bombay State Dental Council (Reconstitution and Reorganisation) Order, 1961, issued under Sec. 4 of the Inter-State Corporations Act, 1957 (38 of 1957) comes into force, the Maharashtra State Dental Council shall, notwithstanding anything contained in Secs. 31, 32 and 33, prepare and maintain thereafter a register of dentists included in the register of dentists for the former State of Bombay and the former State of Kutch prepared and maintained under Sec. 31 whose residential addresses as shown therein on the appointed day do not fall in the territories of the State of Gujarat or in the Karnataka or Abu area, and the names of all dentists included in the register of dentists for former State of Madhya Pradesh prepared and maintained in like manner whose residential addresses as shown therein on the aforesaid date fall in the territories of the State of Maharashtra; Provided that the names of the dentists in the register for the former State of Madhya Pradesh shall not be included in the register for the State of Maharashtra until the Maharashtra State Dental Council starts functioning and operating in the Vidarbha region of the State of Maharashtra under Cl. (ii) of sub-section (3) of Sec. 21A.(b)Any person who resides or practises dentistry in any part of the Hyderabad area of the State of Maharashtra and who satisfies the conditions for registration as set out in Sec. 33, shall, on an application made in the prescribed form, and accompanied by the prescribed fee, to the Maharashtra State Dental Council within a period of one year from the aforesaid date, be entitled to have his name entered in the register.Explanation. - For the purpose of this clause, the period referred to in Cl. (b) of sub-section (1) of Sec. 33 and sub-section (2) of Sec. 33, shall be computed with reference to the aforesaid date.(2)As soon as possible, after the date specified in sub-section (1), the Gujarat State Dental Council shall, notwithstanding anything contained in Secs. 31, 32 and 33, prepare and maintain thereafter a register of dentists for the State of Gujarat. The register shall include the names of all dentists included in the register of dentists for the former State of Bombay and the former State of Kutch duly prepared and maintained under Sec. 31. and the names of all dentists included in the register of dentists prepared under Saurashtra Ordinance 25 of 1948, as amended by Saurashtra Ordinance 40 of 1949, whose residential addresses as shown therein on the aforesaid date, fall in the territories of the State of Gujarat.(3)Until a new register of dentists for the State of Maharashtra or the State of Gujarat, is prepared under sub-section (1) or (2), as the case may be, the register duly maintained under Sec. 31 and in force immediately before the date specified in sub-section (1) in the Bombay area of the State of Maharashtra and the Bombay and

Kutch areas of the State of Gujarat, as the case may be, shall be deemed to be the register of dentists for that part of the State of Maharashtra and the State of Gujarat, as the case may be, in which it was in force.(4)All dentists included in the register of dentists for the former State of Bombay and the former State of Kutch duly prepared and maintained under Sec. 31, whose residential addresses as shown therein on the date specified in sub-section (1) fall in the area of the former State of Bombay transferred to the new State of Mysore or the area of the former State of Bombay transferred to the new State of Rajasthan, shall be entitled to have their names included in the register of dentists for the State of Mysore or the State of Rajasthan, as the case may be, without being required to pay the prescribed fee."