

The M.P. Dental Council (Reconstitution) Order, 1962

MADHYA PRADESH

India

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Rule

THE-M-P-DENTAL-COUNCIL-RECONSTITUTION-ORDER-1962 of 1962

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The M.P. Dental Council (Reconstitution) Order, 1962 Published vide Notification Gazette of India, 1962, Part 2, Section 3(7), p. 1941 (w.e.f. 15th June, 1962) S.O.1562, dated 21st May, 1962. - In exercise of the powers conferred by subsection (1) of Section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Government of the State of Maharashtra, approves with certain modifications, the scheme forwarded by the Government of the State of Madhya Pradesh relating to the reconstitution of the Madhya Pradesh Dental Council, a Corporation established under the Dentists Act, 1948 (16 of 1948) and functioning in parts of the States of Maharashtra and Madhya Pradesh, 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 Madhya Pradesh Dental Council (Reconstitution) Order, 1962. (2) It shall come into force on the 1st day of June, 1962.

2. Definitions.

- 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 Madhya Pradesh Dental Council constituted under the Act and functioning and operating immediately before the appointed day in the areas comprised in the Mahakoshal and Vidarbha regions to which the Act extends; (d) "Mahakoshal region" means the territories specified in Clause (a) of subsection (1) of Section 9 of the States Reorganisation Act, 1957 (37 of 1956); (e) "New Council" means the Maharashtra State Dental Council; (f) "Vidarbha region" means the territories of the former State of Madhya Pradesh referred to in Clause (c) of sub-section (1) of Section 8 of the

States Reorganisation Act, 1956 (37 of 1956), which form part of the State of Maharashtra.

3. Reconstitution of the existing Council.

- As from the appointed day, -(a) the existing Board shall cease to function, and the new Council shall function, in the Vidarbha region; (b) the existing Council, excluding the members from the Vidarbha region, shall be deemed to be the reconstituted Council for the Mahakoshal region (hereinafter referred to as the Madhya Pradesh State Dental Council); (c) the members from the Vidarbha region in the existing Council shall vacate their office and in their place the Government of Madhya Pradesh State Dental Council such persons as are eligible for election or appointment, as the case may be, as members of a State Dental Council under the provisions of the Act, and shall further nominate the President and Vice-President respectively of the Madhya Pradesh State Dental Council from amongst the members of the said Council; (d) the members nominated under sub-paragraph (c) shall hold office for the remainder of the term for which the members in whose place they are nominated were elected or nominated, as the case may be.

4. Transfer of immovable property of the existing Council.

- All land belonging to the existing Council shall -(a) if situated within the Vidarbha region, pass to the new Council. (b) in any other case, continue to vest in the Madhya Pradesh State Dental Council. Explanation. - In this paragraph, the expression "land" includes immovable property of every kind and any rights in or over such property.

5. Transfer of movable property of the existing Council.

- All machinery, stores, articles and other goods belonging to the existing Council shall be divided between the Madhya Pradesh State Dental Council and the new Council in proportion to the number of dentists ordinarily resident in the Mahakoshal region and the Vidarbha region, as recorded on the appointed day in the register prepared under Section 31 of the Act.

6. Transfer of cash balances.

- The cash balances, whether in the form of cash or securities held by -(a) the existing Council; or (b) standing to the credit of the existing Council in any bank, treasury or sub-treasury, immediately before the appointed day, shall, after deducting all the liabilities of the existing Council up to that day, be apportioned between the Madhya Pradesh State Dental Council and the new Council in the manner provided in paragraph 5.

7. Recovery of outstanding fees and other dues, etc.

- All fees, contributions and other moneys which immediately before the appointed day are due or payable to the existing Council, and on that day remaining unpaid, shall be divided between the Madhya Pradesh State Dental Council and the new Council in the manner provided in paragraph 5.

8. Residuary provision.

- All other assets or liabilities of the existing Council immediately before the appointed day, not expressly hereinbefore provided for shall be the assets or liabilities, as the case may be, of the Madhya Pradesh State Dental Council.

9. Provisions regarding register.

(1)The Madhya Pradesh State Dental Council shall prepare and maintain a register of dentist for the whole of the State of Madhya Pradesh which shall include the names of all dentists included in the register of dentists for the former State of Madhya Pradesh prepared and maintained under Section 31 of the Act but shall not include the names of dentists whose residential addresses as recorded in that register on the appointed day show that they are residents of the Vidarbha region.(2)Until a new register of dentist is prepared under sub-paragraph (1), the register prepared and maintained under the Act and in force immediately before the appointed day, shall on and from that day, excluding the names of the registered dentists ordinarily resident in the Vidarbha region, be deemed to be the register of dentists for the Mahakoshal region and accordingly the names of the registered dentists on such register shall, without further fee or charge, be continued thereon for the period for which such registration was made until duly amended or altered under the Act.(3)The name of any registered dentist on the register who is ordinarily resident in the Vidarbha region shall if he so desires, without further fee or charge, be included in the register of the new Council for the period for which such registration was made by the existing Council until duly amended or altered under the Act by the new Council.

10. 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 Vidarbha region, by the new Council;(b)in any other case, by the Madhya Pradesh 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 or liabilities of the existing Council, be the rights or liabilities of the new Council or the Madhya Pradesh State Dental Council, as the case may be.

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 other person or with respect to any property, rights or liabilities transferred to the new Council under this Scheme, the new Council shall be deemed to be substituted for the existing Council as a party to the proceedings continued accordingly.

12. Provisions relating to the employees of the existing Council.

- As from the appointed day, the services of the Registrar and other employees of the existing Council holding office immediately before the appointed day, shall be deemed to have been appointed by the Madhya Pradesh State Dental Council on the same terms and conditions which were applicable to them immediately before the appointed day, until they are duly varied by a competent authority under the Act.

13. Modifications of the Act.

- As from the appointed day, the Act shall until altered, repealed or amended by the competent Legislature have effect in the State of Madhya Pradesh subject to the modifications specified in the Schedule hereto annexed. The Schedule [See Paragraph 13] The Dentists Act, 1948 (16 of 1948) Modifications. - (1) After Section 21 A, the following section shall be inserted namely: - "21-B. Temporary provision in respect of the Madhya Pradesh State Dental Council. - (1) The Madhya Pradesh Dental Council constituted under Section 21 and functioning and operating in a part of the States of Madhya Pradesh and Maharashtra immediately before the date on which the Madhya Pradesh Dental Council (Reconstitution) Order, 1962, issued under Section 4 of the Inter-State Corporations Act, 1957 (36 of 1957), comes into force shall, as from that day - (a) cease to function in the Vidarbha region as defined in paragraph 2(f) of the said Order; and (b) excluding the members from the Vidarbha region, be deemed to be the reconstituted Council for the Mahakoshal region as defined in paragraph 2(d) of that Order. (2) As from the date specified in sub-section (1) the members from the Vidarbha region in the existing Council shall, notwithstanding anything contained in Section 27, vacate their office and in their place the Government of Madhya Pradesh shall nominate as the members of the Madhya Pradesh State Dental Council such persons as are eligible for election or appointment, as the case may be, as members of a State Dental Council under the provisions of the Act and shall further nominate the President and Vice-President respectively of the Madhya Pradesh State Dental Council from amongst the members of the said Council. (3) The members nominated under sub-section (2) shall hold office for the remainder of the term for which the members in whose place they are nominated were elected or nominated as the case may be." (2) After Section 33A, the following section shall be inserted, namely: -

33B. Provision in respect of register of dentists for the State of Madhya Pradesh. - (1) As soon as possible after the date on which the Madhya Pradesh Dental Council (Reconstitution) Order, 1962, issued under Section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), comes into force, the Madhya Pradesh State Dental Council shall, notwithstanding anything contained in Sections. 31, 32 and 33, prepare and maintain thereafter a register of dentists which shall include the names of all dentists included in the register of dentists for the former State of Madhya Pradesh prepared and maintained under Section 31 but shall not include the names of the dentists whose residential address, as recorded in that register on the date of

commencement of the aforesaid Order show that they fall in the Vidarbha region as defined in paragraph 3(f) of the Order.

(2) Until a new register of dentists is prepared under sub-section (1), the register prepared and maintained under Section 31 and in force immediately before the date specified in sub-section (1) shall, on and from that date, excluding the names of the registered dentists ordinarily resident in the Vidarbha region, be deemed to be the register of dentists for the Mahakoshal region as defined in paragraph 2(d) of the aforesaid Order, and accordingly the names of the registered dentists on such register shall without further fee or charge, be continued thereon for the period for which such registration was made, until duly amended or altered under the Act. (3) The name of any registered dentist on the register who is ordinarily resident in the Vidarbha region as defined in paragraph 2(f) of the aforesaid Order shall, if he so desires, without further fee or charge, be included in the register of the Maharashtra State Dental Council for the period for which such registration was made by the existing Council until duly amended or altered under the Act by the Maharashtra State Dental Council."