



## Original Research Article

# An analysis of license termination procedures by the state dental council of India: legal framework, due process, and ethical implications

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## Abstract

The Dentists Act of 1948 governs the regulation of dental practitioners in India, empowering State Dental Councils to monitor professional behaviour and take disciplinary action, including license revocation. While meant to preserve public trust and professional standards, the procedure is frequently criticised for procedural delays, a lack of transparency, and discrepancies in enforcement. Legal difficulties typically expose concerns of due process, particularly adherence to natural justice concepts such as equal opportunities and impartial decision-making.

**Objective:** To examine the legislative framework, procedural protections, and ethical consequences of license termination by India's State Dental Councils, identify loopholes in due process, and recommend improvements to guarantee justice, openness, and accountability.

**Method:** The study examines the Dentists Act of 1948, DCI Regulations, and the Code of Ethics to better understand the legal and ethical foundation for license termination. Secondary data, such as DCI Annual Reports, judicial judgments, and dental literature, were analysed to provide insights about termination cases, results, and procedural consequences.

**Result:** The Dental Council of India's control over dental licenses is governed by the Dentists Act of 1948, which sets circumstances for suspension or termination due to misbehaviour or ethical breaches and is reinforced by DCI regulations that ensure investigations, hearings, and fair procedures. Court verdicts highlight the need for openness, fairness, and due process, which includes comprehensive investigations, the right to a fair hearing, and the ability to appeal.

**Clinical Significance:** This study emphasises ethical issues prioritising upholding responsibility, guaranteeing decision openness, and balancing professional rights and public safety during and after the clinical procedure done by any practitioner in terms of a clinician or as a patient. Furthermore, by successfully addressing major violations, the procedure protects public welfare while emphasising the value of rehabilitation above punitive measures for small infractions.

**Keywords:** License termination, State Dental Council of India, Legal framework, Ethical implications.

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## 1. Introduction

Professional licensing plays a crucial role in safeguarding public health and welfare, particularly in dentistry, where a practitioner's expertise and ethical conduct have a direct impact on a patient's well-being.

The Dentists Act, 1948 (XVI of 1948), created the Dental Council of India as a legislative organisation to oversee dental education and the dental profession nationwide. It receives funding from the Indian government's

Ministry of Health & Family Welfare (Department of Health). The Central Government, several State Governments, universities, and dental colleges are all represented by the General Body of the Dental Council of India.

The General Body of the Dental Council of India represents universities, dentistry colleges, the Central Government, and a number of State Governments. Six constituencies make up the Council, which represents the Federal Government, State Governments, Universities,

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Dental Colleges, the Indian Medical Council, and Private Dental Practitioners. The highest regulatory authority in charge of regulating dentistry education, ethics, and professional practice is the Dental Council of India (DCI). Among its key responsibilities is issuing and regulating dental licenses, a credential that grants practitioners the legal authority to serve the public. Equally important is the DCI's authority to suspend or terminate these licenses when practitioners are found in breach of professional obligations, ethical standards, or legal requirements.<sup>1</sup>

There are many State Dental Councils, like Andhra Pradesh State Dental Council, Arunachal Pradesh State Dental Council, Assam State Dental Council, Bihar State Dental Council, Chattisgarh State Dental Council, Chandigarh State Dental Council, Delhi State Dental Council, Goa State Dental Council, Gujrat State Dental Council, Haryana State Dental Council, Himachal Pradesh State Dental Council, Jharkhand State Dental Council, J & K State Dental Council, Karnataka State Dental Council, Kerala State Dental Council, Madhya Pradesh State Dental Council, Maharastra State Dental Council, Meghalaya State Dental Council, Mizoram State Dental Council, Manipur State Dental Council, Nagaland State Dental Council, Orissa State Dental Council, Puducherry State Dental Council, Punjab State Dental Council, Rajasthan State Dental Council, Sikkim State Dental Council, Tamil Nadu State Dental Council, Tripura State Dental Council, Telangana State Dental Council, Uttar Pradesh State Dental Council, Uttarakhand State Dental Council, West Bengal State Dental Council.

A licence termination is not merely an administrative action; it is a major regulatory intervention with wide-ranging consequences. It has a direct effect on a practitioner's income, reputation, and professional identity, even though it is meant to safeguard patients and maintain the integrity of the profession.<sup>2,3</sup> Furthermore, it calls into question the standards, processes, and protections that go into making such decisions. The stakes are enormous on both sides: maintaining public safety and trust while upholding the practitioners' fundamental rights.<sup>3</sup>

The State Dental Council of India's intricate and multifaceted license termination procedure is examined in this article. The legal framework created by the Dentists Act 1948 and associated regulations, which specify the requirements for rescinding a license, is examined first.<sup>4</sup> After that, it assesses the procedural protections put in place to guarantee that due process principles—such as the right to an impartial inquiry, a fair hearing, and the ability to appeal are followed.<sup>5</sup>

The paper also explores the moral implications of license termination, which include striking a balance between the public's right to ethical and competent treatment and practitioners' rights to self-defence against misbehaviour claims. Potential issues are thoroughly examined, including

perceived prejudice, inconsistent procedures, and the effect of termination decisions on the dentistry community.<sup>6,7</sup>

By comparing these behaviours to foreign regulatory frameworks and offering suggestions for enhancing the current system, the paper places these activities in a larger context while paying close attention to every detail.<sup>7</sup> In addition to offering insights into how these procedures can be improved to produce a fairer and just result for all parties involved; this analysis attempts to give a thorough grasp of how the state council handles the nexus of ethics, professional accountability, and the law.<sup>4,5</sup>

An essential part of the healthcare system, dentistry plays a crucial role in preserving oral health, which is closely tied to overall well-being. The Dental Council of India (DCI), a statutory body created by the Dentists Act of 1948, is responsible for regulating this discipline in India.<sup>4,5</sup> In addition to granting, renewing, and, in situations of misbehaviour or incompetence, cancelling dental licenses, the State Dental Council is tasked with upholding the standards of dental education and practice.<sup>6,7</sup>

In addition to being legal authorisations, these licenses are also representations of the confidence that the public has in dental practitioners to maintain the highest ethical and caring standards.<sup>7</sup>

Because dentistry is a unique profession, license termination is a very important measure. Dentists treat diseases that have a direct impact on patient's quality of life and general health in a close, frequently invasive relationship with them.<sup>7</sup> In this situation, patients may suffer serious physical, psychological, and even financial repercussions from misconduct, carelessness, or ethical standards violations.<sup>6,7</sup> Strong regulatory monitoring is therefore essential to preserving public safety and professional trust. But losing a dental license also has serious consequences for the practitioner, sometimes leading to the end of their career and a decline in their standard of living.<sup>8,9</sup>

Maintaining the rights of dental professionals and protecting the public's health are two conflicting concerns that must be carefully balanced in the complicated procedures involving license termination in dentistry.<sup>8,9</sup> For example, accusations that result in termination may include everything from criminal activity to noncompliance with continuing education standards to professional carelessness and unethical advertising. To avoid unwarranted harm to the practitioner and to ensure accountability, the legal and procedural framework must ensure that actions are justified, backed by evidence, and performed transparently in all cases.

Dentistry, as a profession, is built on trust and the principle of non-maleficence. While license termination is intended to protect patients from harm, it must also respect the ethical rights of practitioners, such as the presumption of innocence and the opportunity for rehabilitation in cases of minor or correctable infractions.<sup>9</sup>

Lastly, the article draws comparisons with international practices to highlight gaps and opportunities for reform in India's regulatory framework. It concludes with recommendations to strengthen the processes for license termination, ensuring they are not only legally sound but also tailored to the specific demands and challenges of dental practice.<sup>10</sup>

## 2. Objectives

The primary objective of this study is to conduct a comprehensive analysis of the process and framework involved in the suspension or termination of dental licenses by the State Dental Councils in India under the purview of the Dental Council of India (DCI).

The study aims to explore the legal foundations, including provisions under the Dentists Act of 1948, DCI regulations, and ethical guidelines, which collectively govern professional conduct and accountability in dentistry.

Additionally, the study seeks to evaluate the procedures followed in the investigation, adjudication, and appeal mechanisms to determine whether they align with principles of natural justice, fairness, and transparency.

The research also examines how ethical considerations, such as rehabilitation versus punishment, the protection of patient rights, and the impact on a dentist's professional and personal life, is integrated into these procedures.

Further, the study aims to identify existing gaps, inconsistencies, or biases in the current regulatory framework and assess the practical Challenges faced by State Dental Councils in enforcing disciplinary actions. By drawing comparisons with international practices in Dental regulation, the study ultimately strives to suggest evidence-based reforms to enhance the credibility, efficiency, and ethical soundness of the license termination process in India.

## 3. Materials and Methods

### 3.1. Legal and Regulatory Documents

1. Dentists Act, 1948: To understand the legislative framework governing dental practice in India.
2. Dental Council of India (DCI) Regulations: To analyse the regulatory framework for license termination.
3. Code of Ethics and Professional Conduct: To examine the ethical standards expected of dental practitioners.

### 3.2. Secondary data sources

1. DCI Annual Reports: To gather data on license termination cases, reasons, and outcomes.
2. Judicial decisions: To analyse court judgments related to license termination cases.

3. Dental Journals and Literature: To review existing research on license termination procedures and their implications.

## 4. Result

### 4.1. Legal framework

The legal foundation for the Dental Council of India's authority over dental licenses is rooted in various statutes and regulations:

1. Dentists Act, 1948:
  - a. The Dentists Act, 1948, is the main law that regulates the dental profession in India. Under this Act, the DCI is empowered to register dental professionals and set standards for dental education and practice.
  - b. Section 16 of the Dentists Act outlines the conditions under which a dentist's registration may be suspended or cancelled, including professional misconduct, fraudulent qualifications, or violation of ethical standards.
2. The dental council's rules and regulations:
  - a. The DCI operates under a set of guidelines that further define the grounds and procedures for suspension or termination of licenses. These rules outline the need for investigations, hearings, and recommendations before any punitive action can be taken.
3. Court rulings and precedents:
  - a. Legal precedents from various cases have shaped the understanding of license termination. The judiciary has consistently emphasised the need for transparency, fairness, and adherence to due process during such proceedings.

### 4.2. Due process in license termination

The following justice and transparency criteria govern the procedure under which a dentist's licence may be suspended or revoked:

1. Investigation and complaint filing
  - a. The State Dental Council or DCI can initiate an inquiry based on complaints filed by patients, colleagues, or other concerned parties. Allegations may include malpractice, unethical conduct, violation of medical standards, or criminal activity.
  - b. Complaints must be thoroughly investigated, and the dentist involved must be notified of the charges and allowed to respond.
2. Adjudication
  - a. Following the investigation, a disciplinary committee or tribunal is often constituted to review the evidence and decide whether the dentist's actions warrant license suspension or termination.

- b. The dentist has the right to present a defence and appeal any decision made.
3. Right to fair hearing
  - a. A fundamental component of due process is ensuring that the dentist receives a fair hearing. The principles of natural justice dictate that the dentist must be informed of the allegations against them and be given a chance to cross-examine witnesses or present evidence.
4. Appeal mechanism
  - a. If the dentist disagrees with the decision of the disciplinary body, they have the option to appeal to higher authorities, including the state or central government or, ultimately, to the judiciary.

#### 4.3. Ethical implications

The termination or suspension of a dentist's license carries significant ethical considerations, as it affects not only the professional but also the trust and safety of the public.

1. Balancing public safety with professional rights
  - a. One of the primary ethical concerns in license termination is balancing the need to protect public safety with respect for the rights of the dentist. While it is crucial to ensure that unqualified or unethical practitioners are removed from the profession, it is equally important to avoid the disproportionate punishment of individuals.
2. Transparency and accountability
  - a. Ethical concerns also arise regarding the transparency of the process. Decisions related to license termination must be made with a clear rationale and are publicly communicated to maintain trust in the regulatory system. This includes not only the publicising of decisions but also ensuring that there is adequate documentation and accountability for the DCI's actions.
3. The role of ethics in professional regulation
  - a. Ethical conduct is central to the practice of dentistry. The DCI must maintain strict standards for professional ethics, ensuring that license termination is not only for legal violations but also for breaches of professional conduct that harm the reputation of the profession.
4. Rehabilitation vs. Punishment
  - a. There is an ethical debate between focusing on rehabilitating the individual or immediately resorting to punitive measures. While the suspension or termination of a license is necessary

to protect the public, it is also important to consider avenues for educating and rehabilitating dentists, especially for minor violations, to prevent future misconduct.

## 5. Discussion

The foremost regulatory organisation in charge of regulating dental practice in India is the Dental Council of India (DCI). The process for the termination or suspension of a dentist's license involves several steps. If a dentist is found guilty of professional misconduct or violates the ethical or legal norms set by the DCI, their license may be terminated or suspended by the State Dental Council. Here's an overview of the process:

### 5.1. Filing of complaint

Who can file a complaint?

Patients, co-workers, or government agencies may lodge complaints against a dentist. The complaint must be in writing and usually needs to be submitted to the State Dental Council (SDC), where the dentist is registered, or directly to the DCI in cases of more serious misconduct.

### 5.2. Nature of complaints

Complaints may involve unethical behaviour, professional misconduct, negligence, violation of rules, or criminal behaviour.

### 5.3. Investigation

**Initial inquiry:** The State Dental Council or DCI conducts a preliminary investigation to determine the validity of the complaint. This may involve gathering evidence, interviewing witnesses, and reviewing the dentist's practice.

**Hearing:** If the complaint is found to have merit, a formal hearing is held where the dentist has the opportunity to present their defence. The dentist may also be represented by legal counsel during the hearing.

### 5.4. Decision by State Dental Council (SDC)

After the investigation and hearing, the State Dental Council evaluates the evidence and makes a decision. If the Council finds that the dentist has engaged in misconduct or has violated professional norms, they may take one or more of the following actions:

1. Suspension of the license (temporary or permanent).
2. Censure or warning.
3. Fines or penalties.
4. The licence may be revoked for serious or persistent violations.

### 5.5. Appeal to the Dental Council of India (DCI)

If the dentist is dissatisfied with the decision of the State Dental Council, they can appeal to the Dental Council of

India (DCI). The DCI has the authority to review the case and pass its final judgment.

#### 5.6. Final decision

The State Council's decision may be protected, changed, or overturned by the DCI. In cases of serious misconduct or violation of laws, the DCI can order the permanent termination of the dentist's license, making them ineligible to practice dentistry in India.

#### 5.7. Public notice

Once a decision is made, especially in cases of license termination, the relevant authorities (DCI or SDC) will issue a public notice, making it clear that the dentist's license has been revoked or suspended.

#### 5.8. Reinstatement (if applicable)

In some cases, if the suspension is temporary, the dentist may apply for reinstatement after a specified period or upon fulfilling certain conditions. However, if the license is permanently revoked, there is no recourse for reinstatement.

#### 5.9. Common grounds for license termination

1. Professional misconduct (e.g., unethical behaviour, negligence).
2. Criminal offences (e.g., fraud, assault).
3. Violation of ethical standards (e.g., dishonesty, exploitation of patients).
4. Substandard practice (e.g., unsanitary conditions, lack of proper medical facilities).

The process ensures that the public is protected from malpractice and that only qualified, ethical professionals can practice dentistry in India.

#### 5.10. Overall inference

##### 5.10.1. Challenges and recommendations

Despite the clear legal and ethical frameworks, several challenges may affect the fairness and efficacy of the license termination process:

1. Lack of consistency: Inconsistent enforcement of regulations can lead to disparities in how cases are handled, creating perceptions of bias or unfairness. Clearer guidelines and more standardised procedures could help mitigate this issue.
2. Transparency in decision-making: Enhancing the transparency of the disciplinary process, especially in high-profile or controversial cases, could increase public trust in the system. This could include publishing decisions and reasons for license termination or suspension.
3. Protecting the right to appeal: Ensuring that the appeal process is accessible and efficient is critical. Dentists should be able to challenge adverse decisions without facing prohibitive costs or delays.

4. Training and awareness: Continuous education for dental professionals regarding ethical conduct, legal standards, and patient care would help reduce violations and minimise the need for extreme measures like license termination.

## 6. Conclusion

License termination procedures by the State Dental Council of India, when carried out with due diligence and fairness, are crucial in maintaining the integrity and safety of the dental profession. However, there is a need for continuous evaluation and refinement of these processes to ensure that they uphold the principles of justice, fairness, and ethics. A more transparent, consistent, and accessible process will not only protect public health but also safeguard the rights of dental professionals. By balancing punitive action with opportunities for rehabilitation and ethical growth, the DCI can strengthen the profession and its regulation.

## 7. Source of Funding

None.

## 8. Conflict of Interest

None.

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