

STATE DENTAL COUNCIL'S RULES, 1957

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RULES

PART I- PRELIMINARY

These regulations shall be called the State Dental Council's Regulations.

In these rules unless there be something repugnant in the subject or context:-

(a)The expression "The Act "means the Dentist Act 1948.

ERRATA

On pages 685 to 7085, at the top---

For THE STATE DENTAL COUNCIL'S RULES,
1957

Read THE STATE DENTAL COUNCIL'S
RULES, 1959

Assistants, Accountants, Clerks, Stenographers or
Typists appointed under Section 20 (1) (b) of the Act.

(i)Inferior Staff shall include duftries, jamadars, peons,
Chowkidars and sweepers appointed under section 8(1)
(b) of the Act.

(2) The office of the Council shall be situated at the Head
Quarters of the State Government or at a place decided by the
State Government.

PART II—APPOINTMENT OF MEMBERS OF THE COUNCIL.

1. A book shall be kept, containing the names of the members of the Council the Electorates they represent, the date of appointment of each member, the term for which he was appointed and the date of death or retirement of each member; and such book shall be regularly kept up so as to show the period at which each of the Bodies that has power to appoint should proceed to a new appointment: and the same particulars shall also be observed with regard to members appointed by the Provincial Government.

2. Sixty days before the expiration of the term of any existing appointment the Registrar shall draw the attention of

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the President and of the Appointing Authority to the vacancy that will arise in order that such new appointment may be made to take effect from the date on which the corresponding old appointment will expire.

3. On the resignation death or lapse of appointment of any member of the Council as per Section 27 of the Act, The Registrar shall draw the attention of the President and of the Appointing Authority to the vacancy thus caused in order that the same may be filled up.

PART III PROCEDURE TO BE ADOPTED FOR FILLING VACANCIES IN THE COUNCIL

4. In the case of nominated members, the President shall inform the State Government of vacancy, requesting them to fill the same.

5. In the case of elected members, the President or any other person authorised by him in this behalf shall be the Returning Officer; and such Returning Officer shall some time not less than 42 and not more than sixty days before the day on which the term of office of such member will expire and in case of the occurrence of the vacancy arising from the death or resignation of a member as soon as convenient issue his precept to the electorate concerned requiring the said electorate to select a members by a date mentioned in the precept.

6. The following shall be procedure adopted the filling up vacancies by the electorates:--

- (1) The Electoral Roll shall be prepared by the Registrar from the Register and shall contain the name, qualifications and address of every person qualified to vote for the election of a member to fill up the vacancy or vacancies. Any person, who satisfies the qualification for election to the Council is qualified for election as approved for the Council under Section 21 of the Act, may be nominated as a candidate. The electoral Roll can be had from the Registrar on payment of Rs. 2.
- (2) Candidates qualified for election must be proposed and seconded by persons qualified as electors under section 21; no elector shall propose or second the nomination of more than the vacancies to be filled in otherwise the nominations subscribed by him shall be held to be void.
- (3) The candidate shall sign the nomination paper declaring that he is willing to serve on the Council if elected failing which the nomination paper shall be invalid.
- (4) Every proposal for nomination must be in writing and must be signed by the proposer and seconder and sent by Registered post or otherwise so as to reach the Returning Officer not less than twenty eight days before such date as may be appointed by the Council in this behalf.
- (5) Any candidate shall be at liberty to withdraw his candidature within seven days of his nomination.
- (6) If in any case of election the number of candidates duly

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nominated does not exceed the number required to fill up the vacancy or vacancies the Returning Officer shall forthwith declare such candidates to be elected.

- (7) If more candidates than are necessary to fill up the vacancy or vacancies be nominated the Returning Officer shall forthwith publish their names and addresses directed by the Council and shall deem fit and shall further cause their names to be entered in voting papers in the Form as laid down in the Appendix to this rule.
- (8) Twenty one days before such date as may be appointed by the Returning Officer in this behalf, the Returning Officer shall send by post to each elector one such voting paper signed by the Returning Officer.
- (9) Before the date appointed by the Returning Officer in this behalf every elector desirous of voting shall personally deliver or send his voting paper by Registered post individually to the Returning Officer. In case of voting papers coming by post they should be accompanied by a covering letter.
- (10) Provided that voting papers which are not received by the Returning Officer on the fixed date and time as notified by the Returning Officer and papers which do not confirm to the rules shall be declared invalid. Ballot papers should not be signed or defaced in a manner likely to create doubts.
- (11) The Returning Officer shall attend for the purpose of counting the votes on such date, time and place as may be notified by him. Any candidate may be present in person or by an accredited representative at the counting of the votes.
- (12) When the counting of the votes has been completed the Returning Officer shall, forthwith declare the candidate to whom the largest number of votes have been given to be elected and shall forthwith inform the successful candidate by letter of his being elected to the Council.
- (13) The places should be filled in by numerical orders of the number of votes received. When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer.
- (14) Upon the completion of the counting result has been declared by him, shall seal up the voting papers and relating the election and shall be Secretary of the Council for safe custody of six months and thereafter they should
- (15) The Returning Officer shall inform the result of the election.

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- (16) The President shall notify in the State Government Gazette results of the election or in such other manner as it thinks fit.
- (17) The ballot paper along with the names of the candidates should specifically mention the place and the last date and time of receiving of the voting papers. It would further mention the time and place of counting of votes.
- (18) The candidate can appeal to the State Government within 15 days from the declaration of the results against the election if he is not satisfied for some valid reasons and its decision shall be final.
- (19) The decision of the Government on any question that may arise as to the intention, construction or application of these rules shall be final.

APPENDIX FORM

[See Rule 6(2),(3),(4)]

Members to be proposed and seconded for nomination to the
election under Section 21 of the Act.

Name of the Candidate _____
Qualifications _____
Address _____
Registration No. _____

I do hereby propose _____ (details above)
to be my nominee _____ for election to the
State Dental Council _____
have obtained his necessary consent.

Signature _____
Name in Full _____
Address _____
Registration No. _____
Place and Date _____

I, _____ Registration No. _____
do hereby second the proposal of _____
Registration No. _____ to the election of the State Dental
Council _____.

Signature _____
Name in full in block letters _____
Date and place _____

I, _____ who has been duly nominated and
seconded by 1. _____ 2. _____
respectively agreed to serve on the _____ State Dental

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Council, if elected. I have read the rules and regulations and promise to abide by them.

Signature of the candidate _____

Full Name _____

Address _____

Registration No. _____

Place and date _____

APPEND IX

FORM

[See Rule 6 (7)]

Members are to be elected to the Dental Council by the persons
entered in the electoral roll _____.

Name of the candidate duly nominated _____ vote

Returning Officer.

INSTRUCTIONS

1. Each elector has _____ votes.
2. He shall vote by placing the mark X opposite the name of the candidates whom he prefers.
3. The voting papers shall be invalid if the mark X is placed opposite the names of more than _____ candidates or if the marks are so placed as to render it doubtful to which candidates they are intended to apply.
4. The elector shall enclose the voting part in a small blank cover and then enclose that cover in a bigger cover in the left hand lower corner of which the elector shall write his full name and signature. If the elector fails so to write his full name and signature the voting paper shall be invalid.
5. Every elector shall send his voting paper in a separate cover by registered post to the Returning Officer.
6. If the Returning Officer receives more than one voting paper from any elector all such voting papers shall be invalid.
7. If more than one mark is placed before the name of any candidate the whole voting paper will be disqualified.

(22) On receipt of official notice of the election the President shall inform the State Government of the same for publication in the State Government Gazette. The notification of the election shall be read by the Registrar and the member shall then be introduced to the meeting by some member of the Council. The above procedure shall be adopted also in the case of nominated members.

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MEETINGS OF THE COUNCIL

1. The Council may ordinarily meet twice a year for the transaction of business at times and places to be fixed by the President. Provided that the President-----

- (i) may call a special meeting at any time to deal with any urgent matter requiring the attention of the Council;
- (ii) may call a special meeting if the received a requisition signed by not less that 2/3 members.

2. Notice of every meeting shall be sent to the address of every member 30 days before the date of the meeting. In the case of a special meeting 15 days notice will be required.

3. At every meeting of the Council 2/3rd of the members shall form a quorum but at an adjourned meeting the quorum shall be 1/3rd.

4. Notice of a motion shall reach the Registrar 21 days before the date fixed for the meeting and if approved by the President it shall be included in the agenda.

5. A motion shall not be admissible:-

- (a) If the matter to which it relates is not within the scope of the Council's functions.
- (b) If it raised substantially the same question as motion or amendment which has been moved or withdrawn with the leave of the Council within six months of the date of the meeting at which it is designed to be moved:

Provided that nothing in these regulations shall operate to prohibit the further discussion of any matter referred to the Council by the State Government in the exercise of any of their functions under the Act.

(c) Unless it is clearly and precisely expressed and raises substantially one definite issue.

(d) If it contains arguments, inferences, ironical expressions or defamatory statements.

6. The President shall disallow any motion which in his opinion is inadmissible under these regulations. Provided that if a motion can be rendered admissible by an amendment the President may in lieu of disallowing the motion admit it in an amended form.

7. When the President disallows or amends a motion the Secretary shall inform the member who gave notice of the motion of the order of disallowance or as the case may be, the form in which the motion has been admitted. No discussion on a motion disallowed by the President will be allowed or raised or questioned.

8. An agenda to be transacted at any meeting shall be sent by the Secretary at least seven days before the date of the meeting.

EXECUTIVE COMMITTEE

9. The four members of the Executive Committee elected by the Council under section 29(1) of the Act shall be elected by members present and voting.

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10. The President and the Vice-President of the Council shall be members ex-officio of the Executive Committee and shall be the President and Vice-President respectively of that meeting.

11. The meetings of the Executive Committee shall be generally governed by the regulations applicable to the meetings of the Council.

12. Three members of the Executive Committee shall form a quorum.

13. The Executive Committee may meet whenever considered necessary by the President.

14. The Executive Committee shall consider and report on any subject referred to it by the Council or the President.

15. The recommendations of the Executive Committee will be referred to the Council for consideration.

16. The Council may appoint any Sub-Committee other than the Executive Committee to consider such matters as the Council may consider necessary.

PART-IV-CONDUCT OF BUSINESS AT MEETINGS OF COUNCIL

1. Every meeting of the Council shall be presided over by the President or if he is absent by the Vice President or if both the President and the Vice-President are absent, by a chairman to be elected by the members present from among themselves.

2. All references in this Part to the President shall be read as referring to the person for the time being presiding over a meeting.

3. If at the time appointed for a meeting a quorum is not present the meeting shall not commence until a quorum is present and if a quorum is not present on the expiration of 20 minutes from the time appointed for the meeting or during the course of any meeting the meeting shall stand adjourned to such future time and date as the President may appoint.

4. Every matter to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the President.

5. Votes shall be taken by show of hand or by division or by ballot, as the President may direct:

Provided that votes shall be taken by ballot if three members so desire and ask for it:

Provided further that if voting has been by show of hands a division shall be taken if a member asks for it.

6. The President shall determine the method of taking votes by division.

7. The results of the vote shall be announced by the President and shall not be challenged.

8. In the event of any equality of votes the President shall have a second, or a casting vote.

9. When motion identical in purpose stand in the names of two or more members the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

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(1) Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn.

(2) When a motion has been seconded, it shall be stated from the chair.

(3) When a motion has been thus stated, it may be discussed as a question to be resolved either in the affirmative or in the negative or any member may subject to Regulations 28 and 29 move an amendment to the motion;

Provided that the President shall not allow any amendment to be moved which if it had been a substantive motion would have been inadmissible under Regulation 15.

10. (1) An amendment must be relevant to and within the scope of the motion to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) The President may refuse to put an amendment which is in his opinion frivolous.

11. A motion may be amended by –

(a) The omission, insertion or addition of words.

(b) the substitution of words for any of the original words.

12. (1) When the motion or amendment is under debate, no proposal with reference thereto shall be made other than:-

(a) an amendment of the motion or of the amendment as the case may be as proposed in Regulation 27;

(b) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die:

(c) a motion for the closure, namely, a motion that the question be now put;

(d) a motion that the Council instead of proceeding to deal with the motion do pass to the next item on the programme of business:

Provided that no such motion or amendment shall be moved so as to interrupt a speech:

Provided also that no motion of the nature referred to in clauses (b), (c) and (d) shall be moved or seconded by a member who has already spoken on the question then before the meeting:

Provided further that a motion referred to in clause (c) and (d) above shall be moved without a speech.

(2) it shall be in the discretion of the President to put or refuse to put to the Council a proposal of the nature referred in clause (b) of sub-regulation No. (1).

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(3) Unless the President is of opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried, the substantive motion or amendment under debate shall be put forth:

Provided that the President may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put:

Provided that it shall not interrupt a speech, a proposal to adjourn the Council to a specified date and hour may be made at any time, but it shall be in the discretion of the President to put or refuse to put such a proposal to the Council.

13. A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be deemed to be granted, if any member dissents from the granting of leave.

14. When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the President may direct:

Provided that the seconder of a motion or of an amendment may, with the permission of the President, confine himself to seconding the motion or amendment as the case may be and speak thereon at any subsequent stage of the debate.

15. During the meeting the President may, at any time, make any objections or suggestions or give information to elucidate, any point to help the members in the discussion.

16. (1) The mover of an original motion and if permitted by the President, the mover of any amendment shall be entitled to a right of final reply; no other member shall speak more than once at any debate except with the permission of the President, for the purpose of making a personal explanation or of putting a question to the member then addressing the Council:

Provided that any member at any stage of the debate may rise to a point of order, but no speech shall be allowed on that point:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

(2) A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made.

(3) Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it, may be brought forward by another member with the permission of the President.

17 (1) A member desiring to make any observation on the matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President.

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(2) If at any time the President rises, any member speaking shall immediately resume his seat.

18 No member shall be heard except upon the business before the Council.

(1) When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) An amendment to a motion shall be put to the vote first.

(3) If there be more than one amendment to a motion the President shall decide in what order they shall be taken.

(19) When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion and put each or any point separately to the vote as he may think fit.

(1) The President may, at the time, adjourn any meeting to any future day or to any hour of the same day.

(2) Whenever a meeting is adjourned to future day the Secretary shall, if possible, send notice of the adjournment to every member who was not present at such meeting.

(3) When a meeting has been adjourned to a future day, the President may change such day to any other day and the Secretary shall send written notice to the change to each member.

(4) At a meeting adjourned to a further day, any motion standing over from the previous day shall, unless the President otherwise directs, take precedence of other matter on the Agenda.

(5) Either at the beginning of the meeting or after the conclusion of the debate, on a particular item during the meeting the President or a member may suggest a change in the order of business on the Agenda if the Council agrees a change shall take place.

(6) No matter which had not been on the Agenda of the original meeting shall be discussed at an adjourned meeting.

20. (1) The President shall decide all points of order which may arise and his decision shall be final.

(2) If any questions arise with reference to procedure in respect of a matter for which these regulations make no provision, the President shall decide the same and his decision shall be final.

PART V MINUTES OF THE COUNCIL

1. The proceedings of the meeting of the Council shall be preserved in the form of printing minutes which shall be authenticated after confirmation, by the signature of the President.

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2. A copy of the minutes of each meeting shall be submitted to the President within 10 days of the meeting and attested by him after shall be sent to each member within 30 days of the meeting.

3. The minutes of each meeting shall contain such motions and amendments as have been moved and adopted or negatived with the names of the mover and seconder, but without any comment and without any record or observations made by any member at the meeting.

4. If any objection regarding the correctness of the minutes is received within 30 days of the dispatch of the minutes by the Secretary, such objection together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised except as to the correctness of the records of the meeting.

CHAPTER VI FEES PRESCRIBED BY THE STATE DENTAL COUNCIL

		Rs.
For First Registration as a Dentist	....	20
For First Registration as a Dental Mechanic	....	10
For First Registration as a Dental Hygienist	....	10
Renewal fee for Dentists	....	5
Renewal fee for Dental Mechanics	....	3
Renewal fee for Dental Hygienists	....	3
A Penalty of Rs. 10 is chargeable from all registered persons whose annual renewal fee is not received by the end of March each year.		
For every qualification subsequently registered in all cases.	....	5
For registration of a change of name except women whose names are changed on account of marriage.	....	5
Fee for duplicate copy of registration certificate (Including cost of stamp affixed on registration certificate)	....	5
Price of Printed Lists of registered persons	....	To be fixed from time to time by the President

FEES AND TRAVELLING ALLOWANCE

For attending meeting of the Council or any of Rs. 20 each member

The travelling allowance payable to all members, both officials and non officials shall be the same as for Government servants drawing pay exceeding Rs. 500/-. The same rate of Travelling Allowance shall apply to the Registrar.

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CHAPTER VII THE REGISTRATION

1. The Register of Dentists shall be maintained as required per sub section 3 of the Section 31 of the Dentist Act 1948.
2. The names 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.
3. Each page of the register shall be verified by the Registrar's signature.
4. On the registration of every dentist under the Act and on each renewal of such registration the Registrar shall grant such dentist a certificate in the prescribed form.
5. In the event of certificate issued under rule 73 being lost or accidentally destroyed the holder 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 after satisfactory proof as to the identity of the application grant such certificate on payment of a fee of Rs. 5. A Certificate issued under this sub-rule be marked "duplicate".
6. Every person entitled under section 33 to be registered under the Act and desiring so registered shall apply to the Registrar in the prescribed form properly filled in and signed. Every such application shall be accompanied by the prescribed fee.
7. Where the application is for registration under Section 34 (ii) of the Act the applicant shall state in the application that he has passed the special examination referred to in that sub section as one of his qualification for registration.
8. The name of every person registered under the Act shall be subject to the provisions contained in the Act as to the erasure of entries and removal of names from the register remain entered therein and the registration of such person shall hold good for a period of one year from the date of registration.
9. Any person desiring to continue his registration shall submit to the Registrar an application together with his registration number before 1st April of the year to which it relates and shall forward with such applications the fee prescribed.
10. When a renewal fee is not paid before the due date the Registrar shall remove the name of the defaulter from the Register. Provided that name so removed may be restored to the Registrar as per section 39(2) of the Act on payment of fees and penalty as prescribed.
11. An application for registration for an additional qualification shall be in the prescribed form and shall be accompanied by the fee prescribed.
12. Any appeal to the Council against a refusal of the Registrar to register in the case of first registration or to after any entry in the register must state the grounds on which registration is claimed and furnish the names of the qualifications and the dates on which they were received. On receipt of such an appeal the Executive Committee shall conduct an enquiry and submit a report to the Council.

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13. No application for a duplicate certificate of original Registration in the Register shall be entertained but certified copies of entries in the Register in the following form may be issued to any one on payment of a fee prescribed.

14. The change of name from what is entered in the Register can only be done on production of evidence satisfactory to the Council accompanied by the prescribed fee.

15. Every application by a Dentist for the removal of his name at his own request from the Register shall be accompanied by a declaration to be made by the applicant that he is not aware of any proceedings or of any reason for the institution of any proceedings which might result in establishing cause for the erasure of his name from the Register without his consent or for depriving him without his consent of any qualification or licence entitling him to register. The application shall further be accompanied by an undertaking by the applicant that he will not apply for registration in other Province in India within a period of two years from the date of the removal of his name also that he will submit testimonials of two dentists who know him to the effect that he has not committed any act during the period between the removal and application for re-registration which might result in establishing cause for the erasure of his name from the Dental Register without his consent or in depriving him without his consent of any qualification or licence entitling him to be registered in case he were to apply for registration after that period.

16. Every such application shall in the first instance be referred by the Registrar to the Authorities who granted the applicant his qualification or qualifications to ascertain whether there is any valid objection to such removal.

17. The Registrar shall bring such application before the next meeting of the Council or Executive Committee who will consider the application and any objections thereto and the President may put from the Chair the question;

“Whether the Registrar shall erase the applicant’s name from the Dental Register”.

18. The Registrar shall upon the removal of the applicant’s name from the Register send notice of such removal to the applicant by a registered letter addressed to his registered address.

19. The Registrar shall as soon as may be after 1st day of April in each year cause to be printed copies of the Registers as they stood on the said date and such copies shall be made available to persons applying therefore on payment of the prescribed charge and shall be evidence that on the said date the persons whose names are entered therein were registered dentists. The Registrar shall keep an interleaved copy of such printed list wherein he shall make during the year any entry alterations or erasure that may be necessary.

20. There shall be made every year and entered in the printed Dental Register an enumeration of (1) the total number of persons in the published Register (2) the number of persons added by registration during the year (3) the number restored

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to the Register (4) the number erased from the Register stating the section of the Act under which the name has been erased and (5) the number removed by death.

CHAPTER VIII PENAL REMOVALS FROM THE DENTAL REGISTER

1. Whenever information reaches the office of the Council that a Dentist has been convicted of a cognisable offence or has been under the censure of any judicial or other competent authority in relation to his professional character or has been guilty of conduct which Prima facie constitutes infamous conduct in a professional respect the Registrar shall make an abstract of such information and shall submit the same to the President.

2. Where the information in question is in the nature of a complaint by a person or body charging the dentist with infamous conduct in a professional respect such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case.

3. Every declaration must state the description and true place of abode of the declarant and where a fact stated in a declaration is not within the personal knowledge of the declarant the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated. Declarations and parts of declarations which are made in contravention of this Rule will not be accepted as evidences.

4. The abstract and where a complaint has been lodged the complaint and all other documents bearing on the case shall be submitted by the Registrar to the President who shall if he thinks fit instruct the Registrar to ask the dentist by means of a registered letter for any explanation he may have to offer. The documents including any explanation forwarded by the dentist to the Registrar shall then be referred to the Executive Committee who shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to refer if necessary to a solicitor for his advice and assistance and to instruct him to take the opinion of Council and otherwise to obtain such advice and assistance as they shall think fit. If the Committees are of the opinion of Council that a prima facie case is not made out the case shall not proceed further and the Registrar shall inform the complainant of the Resolution of the Committee. If the Committee is of the opinion that the circumstances suggested that a letter of warning be sent the Committee is empowered to send it. If the Committee resolve that the case is one in which an enquiry ought to be held the President shall direct the Registrar to take steps for the institution of an inquiry and for having the case heard and determined by the Council.

5. An inquiry with a view to the removal of a name from the Register under Section 41 shall be instituted by the issue of a notice in writing on behalf of the Council by the Registrar

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addressed to the dentist. Such notice shall specify the nature and particulars of the change and will inform him of the day on which the Council intends to deal with the case and shall call upon the dentist to answer the charge in writing and to attend before the Council on such day. The notice shall be in the Form 'E' in the Appendix with such variations as circumstances may require and shall be sent three weeks before the date of enquiry.

6. In every case in which the Executive Committee resolve that an inquiry shall be instituted and a notice for an enquiry is issued accordingly either partly shall for the purpose of his defence or reply, as the case may be and upon request in writing for that purpose signed by himself or his solicitor, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other document given or sent to the Council by or on behalf of the other party, which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of inquiry; and every notice of inquiry shall draw the particular attention of the dentist to this Rule.

7. Any answer evidence or statement forwarded or application mad by the dentist between the date of the Issue of the notice and the day named for the hearing of the charge shall be dealt with by the President in such manner as he under legal advice shall think fit.

8. All material documents which are to be laid before the Council as evidence in regard to the case shall be printed and a copy shall be furnished to each member of the Council before the hearing of the case.

9. At the hearing of the case by the Council their Solicitor may be present to advise as to the conduct of the case and a Counsel employed by them may act as Judicial Assessor. The complainant and also the dentist may be represented or assisted by a Solicitor with or without Counsel.

10. Where a complainant appears personally or by Counsel or Solicitor the following will be the order of the procedure:-

- (1) The Registrar to the Council will read to the Counsel the notice of the inquiry addressed to the dentist.
- (2) The complainant will then be invite to state his case by himself or his legal Representative and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case will be closed.
- (3) The dentist will then be invited to state his case by himself or by his legal Representative and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs but only once.
- (4) At the conclusion of the dentist's case the council will if the dentist has produced evidence hear the complainant in reply on the case generally but will hear no further evidence except in any special case in

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which the Council may think fit to receive such further evidence. If the dentist produces no evidence the complainant will not be heard in reply except by special leave of the Council.

(5) Where a witness is produced by any party before the Council he will be first examined by the party producing him and then cross examined by the adverse party and then re-examined by the party producing him. The Council reserves to itself the right to decline to admit in evidence any declaration where the declarant is not present for and decline to submit to cross-examination.

(6) The President or the Judicial Assessor when present may put questions to any witness; and members of the Council through the President, may also put questions to any witness.

11. Where there is no complainant or no complainant appears the following will be the order of procedure:-

(1) The Registrar to the Council will read to the Council the notice of enquiry addressed to the dentist and will state the facts of the case and produce before the Council the evidence by which it is supported.

(2) The dentist will then be invited to state his case by himself or by his legal Representative and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs but only once.

(3) The Solicitor to the Council may be heard in reply if the Council so desires.

(12) Upon the conclusion of the case the Council will deliberate thereon in private and at conclusion of the deliberation the President shall for the purpose of summing up the result of the deliberations, call upon the Council to vote on such of the following Resolutions to be put from the Chair as may be applicable in the circumstances as the case:-

(1) In the case of a dentist who has been convicted of a felony, misdemeanour, crime or offence:

That.....Has been proved to have been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898 alleged against him in the notice of inquiry.

(2) In the case of a dentist charged with infamous conduct in a professional respect :-

(a) That the Council do now proceed to decide whether the facts alleged against.....in the notice of inquiry have been proved or have not been proved.

If this Resolution is not carried the further hearing of the case will stand adjourned till the next or some other future Session of the Council as the Council shall direct and the hearing thereof will be taken at such next future Session as an adjourned case.

If this Resolution is carried, the Council shall be called upon by the President to vote on the following Resolution to be put from the Chair.

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- (b) That the facts of the following facts (specifying them) alleged againstin the notice of inquiry have been proved to the satisfaction of the Council.

If this Resolution is carried, the Council may either proceed to judge whether on the facts proved the accused dentist has been guilty of infamous conduct in a professional respect and to direct the Registrar to erase his name from the Dentists Register or may postpone its judgment and adjourn the case until the next or some other future Session.

- (3) In the case of a dentist convicted of a felony (or misdemeanour or crime or offence) or charged with infamous conduct in a professional respect for the purpose of deciding whether or not the judgment of the Council of the conviction (or facts) proved shall be postponed the Council shall be called upon by the President to vote on the following Resolution to be put from the Chair.
- (c) That the Council do now proceed to pronounce their judgment on the conviction (or facts) proved against.....

If this Resolution is not carried the judgment of the Council will stand postponed till the next or some other future Session of the Council as the Council shall direct and the case will taken at such next or other future Session as a case in which judgment has been postponed.

If this Resolution is carried the Council shall proceed at once to pronounce its judgment on the case and shall be called upon by the President to vote upon the following Resolution to be put from the Chair.

In the case of a conviction :-

- (d) That..... having been proved to have been convicted of the felony (or misdemeanor or crime or offence) alleged against him in the notice of enquiry the Registrar be directed to erase his name from the Dentists Register.

In the case of a dentist charged with infamous conduct in the professional respect:

- (e) That the Council do now judge..... to have been guilty of infamous conduct in a professional respect and do direct the Registrar to erase from the Dentists Register the name of

If Resolution (d) or (e) as the case may be is not carried, President may announce the judgment of the Council in the form.

That the Council do not see fit to direct the Registrar to erase from the Dentists Register the name of.....

In the event of an adjournment to the hearing or of a postponement of judgment to another Session the Council on the case coming on again for consideration may hear the dentist and the complainant (if any) and

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receive such further evidence in relation to the charge and in relation to the conduct of the accused dentist subsequent to hearing of the charge by the Council as it shall think fit.

Notice in writing shall be given by the Registrar of the Council to the dentist and to the complainant (if any) of the day fixed for the further consideration and shall request the attendance of the dentist on that day before the Council and the complainant and the dentist shall each be requested to furnish to the Registrar in writing not less than fifteen days before the day so fixed, a statement in writing of any further facts or evidence which he may desire to be laid before the Council. The notice shall be given so as to allow at least twenty eight days between the day on which notice is given and the day appointed for the further consideration. No further facts or evidence presented by a party to the inquiry shall be received or considered by the Council unless a statement thereof has been previously furnished to the Registrar in compliance with this rule.

13. On the case coming on before the Council for further consideration the Solicitor if present or the Registrar when the Solicitor is not present shall if necessary state the facts and explain the position of the case to the Council. The dentist shall then be invited to address the Council either personally or by his legal representative and lay before the Council any further facts or evidence of which he may have duly given notice to the Registrar; and the complainant (if any) shall then be invited to address the Council either personally or by his legal representative and lay before the Council any further evidence of which he shall have duly given such notice.

At the conclusion of the further hearing, the Council shall deliberate on the case in private and at the conclusion of the deliberations the President shall call upon the Council to vote in an adjourned case on the same resolution as at the original hearing and in a case in which judgment was postponed on Resolutions (c) and (d) or (c) and (e) in Rule (3) as the case be.

14. When the Council has received notice from a Licensing Body that any qualification has been duly and legally withdrawn from the dentist by such Body provided that the qualification has not been withdrawn on the ground of the adoption of any theory of dentistry, then the Council shall if it thinks fit by formal Resolution put by the President from the Chair direct the Registrar to remove such qualification or qualifications from the Dentists Register as appertain to such dentist.

15. If under the direction of the Council all the qualifications of any dentist have been erased from the Dentists Register then the Council shall, if it thinks fit by formal Resolution put by the President from the Chair direct the Registrar to remove the name of such dentist from the Dentists Register.

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16. The Registrar shall upon the removal of any name from the Register pursuant to the provisions of the proceeding clauses or of section 41 of the Act forthwith send notice of such removal to the dentist and such notice shall be sent by a registered letter addressed to the last known address or to the registered address of the dentist. The Registrar shall also send forthwith intimation of any such removal to the Dean or Secretary or other proper officer of any Body or Bodies from which the Dentist had received his qualification or qualifications.

17. The Registrar shall within one month after any names have been removed from the Dentists Register by order of the Council under section 41 of the Act and send to the Bodies concerned a list of all such names and shall call the attention of each Licensing Body to the following Rule of Council:

“The Council recommends that no person whose name has been once removed from and has not been restored to the Dentists Register shall, without previous reference to the Council, be admitted to examination for any new qualification which is registerable in the Dentists Register.”

CHAPTER IX

Restoration of name of the Dentists Registers

1. Applications for restoration to the Dentists Register of a name removed under section 41 of the Act, shall be entertained at the next Session of the Council only.

2. The Registrar may, on application received from a person whose name has been erased from the Register under sub-section (2) of section 39, direct the Registrar, if it thinks fit, to re-enter the name in the register.

3. Any person whose name has been removed from the Register by the direction of the Council under section 41 but who still possesses a qualification entitling him to be registered under the Act, may make an application to the Council for the re-entry, of his name in the said register and the following procedure shall be followed in the case of every such application:-

- (1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.
- (2) The application shall be accompanied by (a) a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered; and (b) by one of the following documents:-
 - (a) Applicants diploma.
 - (b) A certificate in the form reproduced below from two dentists registered under the Act as to his identity.
 - (c) If the applicant is not resident in _____ a certificate as to his identity in the form reproduced below from two persons who shall be Magistrates or Officers holding a Commission in one of the Government of India Services, Civil, Naval or

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Military or Justices of the Peace or two resident dentists registered under the Act.

Form of certificate referred to in sub-clause (c) and (d) of clause (2) above

I hereby certify that the aforesaid applicant is the above specified _____ whose name formerly stood in the Register of Dentists under the Dentists Act, 1948, with following address and qualification:-

Name _____

Address _____

Qualification _____

Signature of person certifying
Registration No. or

Date _____

Commission _____

- (3) The Statements in the application shall also be verified by certificates in writing to be given by two dentists registered under the Act, who are resident in the neighbourhood of the place where the applicant had been residing since the removal of his name from the register and who were an are well acquainted with him before and since such removal of his name and they shall testify to his present good character.
- (4) Before an application is considered by the Council, the Registrar shall notify the same to the Licensing Bodies whose qualifications were held by the applicant at the time his name was removed and shall further by letter addressed to the person or Body (if any), on whose complaint the applicant's name was removed, give notice of the application and of the time when the Council intends to consider the same.
- (5) The Council shall consider the application and may if it thinks fit, adjourn the consideration of it to a future date or require further evidence or explanation from the applicant.
- (6) The application and the certificates referred to in clause (3) shall be in Forms F and G in the appendix with such variations as circumstances may require. Printed forms shall be kept by the Registrar who shall supply them to intending applicants.

CHAPTER X

Tenure of office and powers and duties of Secretary and other Officers and servants of the Council.

SECRETARY

1. The term of office of the Secretary shall be fixed by the Council at the time of appointment. He shall normally retire

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on attaining age of 60 unless otherwise determined by the Council.

2. He shall perform such duties as have been given in the Act and Regulations. He shall also be responsible for the safety of the property of the Council and the control and management of the Office, accounts and correspondence and shall see that the office staff attend punctually and generally fulfill all such duties as may be required of him by the Council for the purposes of the Act. He shall attend and take notes of the proceedings of meetings of the Council and Executive Committee and any Sub-Committee.

STAFF

3. Members of the ministerial and inferior staff shall be required to retire on attaining the age of years 60.

Provided that the Executive Committee may at their discretion extend the tenure of a member of the ministerial or inferior staff.

The powers and duties of the staff will be such as may be assigned by the Secretary.

Subject to the approval of the President, the Secretary shall appoint the clerical and inferior staff and may engage such temporary personnel as may be required from time to time and pay a reasonable rate of remuneration to such personnel; provided it does not exceed the rate sanctioned by the State Government for corresponding permanent staff.

CHAPTER XI

1. The corporate seal shall be kept in a box having two different locks, and the key of one of these locks shall be in the custody of the President and the key of the other lock in the custody of the Registrar.

2. The seal shall be affixed only by order of the Council or when the Council is not sitting by order of the Executive Committee, but its use by such committee shall be limited to such acts as may be necessary to carry into effect the powers delegated to it by the Council.

3. Any order for affixing the seal shall state the object of its use, and shall be entered in the minutes of the Council, or of the Executive Committee, as the case may be.

CHAPTER XII

Finance & Accounts

1. The Council is authorized to receive for the purposes of its expenses, benefactions and contributions from the private persons and bodies and the proceeds of the sale of reports and other publications.

2. The Bankers of the Council shall be the State Bank of India. All funds of the Council shall be paid into the Council's accounts with the State Bank of India, Ludhiana and shall be withdrawn by means of cheques signed by the Secretary and

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countersigned by the President or the Vice President. The cheque books shall remain in the personal custody of the Secretary.

3. The funds of the Council, surplus to current requirements may, with the sanction of the President, be invested in the following manner:-

- (1.) in promissory notes, stock or other securities of any State Government or of the Government of India;
- (2.) in stock or debentures of or shares in, Railway or other companies the interest whereon shall have been guaranteed by the Government of India:
- (3) in debentures or other securities for money issued under the authority of an Act of a Legislature established in India by or on behalf of any Municipal body, Post Trust or City Improvement Trust, in any State's town:
- (4.) In fixed deposits with the State Bank of India.

4. An investment of the funds of the Council shall be made in the name of the Council. The safe custody of receipts shall remain in the personal charge of the Secretary.

5. The Secretary shall prepare detailed estimates of the receipts and expenditure for the next financial year, and shall submit the same for the sanction of the Council. Any amount spent in excess of the Budget Estimates shall be approved in the form of supplementary estimates.

6. The funds of the Council shall not be appropriated for expenditure on any item which has not been duly sanctioned by the Council or by the President or Secretary as the case may be.

7. The Secretary shall have power to sanction expenditure of miscellaneous and contingent nature up to an amount not exceeding Rs. 50 in each case. Expenditure in excess of this amount shall require the sanction of the President.

8. A permanent advance of Rs. 50 shall be made to the Secretary.

9. Cheques on the accounts shall be signed by the President and Secretary.

10. The following account registers of the Council shall be maintained:-

- (1) The Cash-Book.
- (2) The Classified Abstract.
- (3) The Register of Securities.
- (4) The Register of Stock and Furniture.
- (5) The Register of Permanent Advances.

No. 73-IHBIII-60/2908—In exercise of the power conferred by section 55 of the Dentists Act 1948 the Governor of Punjab is pleased to publish for general information, the following rules for the preparation of the first register of Dentists and the functioning of the Registration Tribunal for the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab, States Union:-

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RULES

1. An application for registration in the first register shall be made in the Form appended to these rules on or before the 1st May, 1960, and shall be accompanied by a registration fee of twenty rupees only.

2. All fees received on this account shall be deposited in the State Bank in the name of Registration Tribunal and the President and the Registrar of the Tribunal shall be the Joint Treasurer.

3. The Tribunal shall be authorized to incur expenditure on-----

- (a) pay of establishment;
- (b) travelling allowance to the Members, Registrar and the staff;
- (c) printing charges; and
- (d) contingencies (including stationery, postage, office furniture)

4. The members of the Tribunal shall be paid travelling and daily allowances in accordance with the provisions of the Punjab Travelling Allowance Rules.

Provided that non-official members will be treated as second grade officers for the purposes of the aforesaid rules.

5. The President of the Tribunal shall be authorised to make appointments to its staff and fix their remuneration.

6. The Tribunal shall be authorised to regulate the procedure with regard to the registration of persons on the first register.

7. The Registrar of the Tribunal shall be authorised to incur expenditure up to twenty rupees and above this sum the expenditure shall be incurred with the sanction of the President of the Tribunal.

8. The Registrar of the Tribunal shall be paid travelling and daily allowances as sanctioned by the Punjab Government for officers of the second grade. The rest of the staff shall be paid travelling and daily allowances at the rates sanctioned by Government for its employees of the corresponding grade.

FORM OF APPLICATION FOR REGISTRATION OF DENTISTS

Under Section 33 of the Dentists Act, 1948 (Indian Act, XVI of 1948)

Dated _____ 19

To

The Registrar,
Dentist's Registration Tribunal,
Civil Lines, Ludhiana.

Sir,

I have to request you to enter my Name, address and qualifications as stated below in Part A.

Name and address as stated below in part B
of the Register of Dentists for erstwhile State of Pepsu. Registration fee of Rs. 20 (Rupee twenty only) is send herewith.

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Name in full _____
(in Block Letters.)
Nationality _____
Dated of Birth (with proof) _____
Residential address _____
Professional Address _____
Number of years in practice _____
(Only for use of applicants possessing recognized dental qualifications who desire registration in Part A)

Qualifications

Description of qualifications of
Which registration is desired _____
Name of the University or Faculty or
Examining or Licensing Body with full Address _____
Date of attaining the Qualification _____
Institution through which appeared _____
Roll No. at Examination _____

I have forwarded herewith in original the diploma (with copies) possess. The original may please be returned when no longer required.
(only for use of applicants not possessing recognized qualifications who desire registration in Part B)

I am citizen of India and have been engaged in practice as

Less than five years prior to the date appointed under sub section (2) of section 32 and have forwarded herewith a declaration testing to the length of my practice made by me before a Magistrate.

Yours Faithfully,

Usual Signature _____

Name in Full _____

“This declaration must be made before a First Class Magistrate.”

INSTRUCTIONS

1. All particulars given above must be filled in by the applicant only.
2. All particulars should be in neat legible hand.
3. Registration fee should be handed in person or by money order only.
4. Candidates should note that their names entered, in the application must exactly correspond with their names at the University or Examining Body as the case may be.

Please give the specimen of your signature as used by you on Medical Certificates _____.