

Rules of the Assam Dental Council

ASSAM

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Rule RULES-OF-THE-ASSAM-DENTAL-COUNCIL of 1951

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Rules of the Assam Dental CouncilPublished vide Notification No. MMD 207/48/361(A), dated the 23rd July, 1951 in the Assam Gazette, Part 2A, dated 1st August, 1951, pages 1247-1264Last Updated 11th February, 2020Notification No. MMD 207/48/361(A), dated the 23rd July, 1951. - In pursuance of the provisions of Section 55 of the Dentists Act, 1948 (Act 16 of 1948), the Governor of Assam is pleased to make the following Rules to carry out the purposes of Chapters III, IV and V of the said Act.Definitions. - In these Rules unless there is anything repugnant in the subject or context-(1) the expression "the Act" means the Dentists Act, 1948 (Act No. 16 of 1948);(2) The "President" means the President of the Assam Dental Council elected or nominated as the case may be under Section 25 of the Act;(3) "The Registrar" means the Registrar appointed under Section 28 (1) (a) of the Act;(4) the expression "Council" means the Assam Dental Council, constituted under section 21 of the Act;(5) the expression "State" means the State of Assam.

Chapter I

Formation of Assam Dental Council

1.

A Registrar shall be maintained in Form No. 1 in the Appendix to these Rules in which names of the members constituting the Council, the electorates which they represent, the date of appointment of such member, the term for which he has been appointed and the date and reason of the termination of his appointment, shall be entered.

2.

Sixty days before the expiration of the term of any existing appointment, the Registrar shall draw the attention of the President to the vacancy that will arise, in order that such new appointment may be made to take effect from the day on which the corresponding old appointment will expire.

3.

On the registration or death of any member of the Council or on the occurrence of any vacancy under sub-sections (3) and (4) of Section 27 of the Act the Registrar shall, as soon as may be, draw the attention of the President to the vacancy thus caused in order that the same may be filled up.

4.

In the case of nominated members, the President shall inform the State Government of the vacancy, requesting it to fill the same. Election of Members

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, within 90 days after issue of notification by the State Government in the official Gazette, some time not less than 42 days nor more than 60 days before the days on which the term of office of such member or members will expire, and as soon as conveniently may be, after the occurrence of any vacancy arising from causes referred to in Section 27, sub-sections (2), (3) and (4) or from the death of any such member, or in respect of the 1st constitution of the Assam Dental Council under the orders of the State Government, issue his precept to the electorate concerned, requiring the said electorate to elect a member or members by a date mentioned in the precept. Nomination of Members

6.

Three members are to be nominated by the State Government of which one shall be a member of the Medical profession, one shall be a Dentist registered in Part 'A' and a third one a Dentist registered in Part 'B' of the State Register. Electoral Rolls

7.

The Electoral Rolls under Clauses (a) to (d) of Section 21 of the Act shall be prepared by the Registrar from the Register of Registered Dentists and shall contain the name, qualification and address of every person qualified to vote for the election of a member or members to fill up the vacancy or vacancies. Nomination of Candidate for Election

8.

(1) Any person whose name is included in the Register of Registered Dentists may be nominated as a candidate for election under Clause (a) and Clause (b) of Section 21 of the Act and any person who is declared as a member of the Assam Medical Council may be nominated as a candidate for election under Clause (d) of Section 21 of the Act. (2) Such nomination shall be made by means of nomination paper in Form No. 2 in the Appendix to these Rules, which shall be supplied by the Inspector

General of Civil Hospitals concerned to any elector who may apply for the same.(3)Each nomination paper shall be subscribed by two electors as proposer and seconder:Provided that no elector shall propose or second the nomination of more persons than one are required to fill the vacancy or vacancies:Provided also that if more nominations than one are required to fill up a vacancy or vacancies be subscribed by the same elector, all nominations subscribed by him shall be held to be void.

9.

On receipt of each nomination paper the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

10.

Nomination papers which are not received by the Returning Officer before the date appointed under these Rules for the scrutiny of such papers shall be rejected. Nomination papers submitted in violation of the Rules shall also be liable to rejection.Scrutiny of Nomination Papers

11.

(1)On the date and the time and place appointed by the Returning Officer for the scrutiny of nomination papers every candidate or his duly authorised agent and his proposer and seconder may attend, the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.(2)The Returning Officer shall examine the nomination papers; but the President shall decide all questions which may arise as to the validity of any nomination, and his decision on any such question shall, subject to the provisions of Rule 20 and 21, be final.Voting

12.

(1)If, in the case of an election under any clause of Section 21 the number of duly nominated candidates who stand for election does not exceed the number of members to be elected under that clause, the Returning Officer shall forthwith declare such candidates to be elected.(2)If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall-(a)cause the names and addresses of the candidates to be entered in voting papers in Form 3 in the Appendix to these Rules; and(b)thereupon publish the said names and addresses in the official Gazette.(3)The Returning Officer shall sign and send by registered post to each elector such voting paper; provided that-(a)such a voting paper shall also be supplied to any elector on his applying to the Returning Officer for the same at any time before the date appointed for the counting of votes,(b)no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

13.

Every elector desirous of recording his vote shall send his voting paper to the Returning Officer after recording his vote thereon in the manner prescribed therein: Provided that voting papers which are not received by the Returning Officer before the date appointed under these Rules as the last date of receiving voting papers, shall be rejected. Counting of Votes and Declaration and Publication of Results of Election

14.

(1) On receiving the voting papers the Returning Officer shall endorse thereon the date and hour of receipt and examine them to see whether they have been correctly filled up, and shall endorse "rejected" on any voting papers which he may reject under the proviso to Rule 13 on the ground that it does not comply with the instructions on the voting paper. (2) After satisfying himself that each elector has affixed his signature and place of residence the Returning Officer shall counterfoil and place in safe custody, pending disposal under Rule 17.

15.

(1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and places as may be appointed. Any candidate may be present in person or by an accredited representative at the counting of votes. The Returning Officer shall show the voting papers, but not the counterfoils, to the candidates or their representatives. (2) If any objection is made to any voting paper on the ground that it is invalid under these Rules or to the rejection by the Returning Officer of a voting paper, such objection shall be decided by the President, whose decision shall, subject to the provisions of Rules 20 and 21 be final.

16.

(1) When counting of votes has been completed, the Returning Officer shall, subject to the provisions of Section 21 of the Act forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given, to be elected. (2) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the said 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 a lot to be drawn in the presence of the President and in such manner as he may determine.

17.

Upon the completion of counting and after the result has been declared by him the Returning Officer shall seal up the voting papers and all other documents relating to the election shall retain the same for a period of 6 months, and thereafter cause them to be destroyed.

18.

The Returning Officer shall publish the names of the elected candidates in the official Gazette.

19.

The Returning Officer shall appoint and shall notify in the official Gazette and in such other manner as he may think fit, such date and if necessary, such time and place as may be deemed suitable for each of the following proceedings, namely:(a)the scrutiny of nomination papers under Rule 11,(b)the sending of voting papers under Rule 12,(c)the last day for receiving voting papers under Rule 13, and(d)the day of counting of the votes under Rule 15.

20.

The State Government may, of its own motion or on objection made, declare any election to the Council to be void on account of corrupt practice or any other sufficient cause, and may call on the electorate to make a fresh election within a specified date, and any decision of the State Government under this rule shall be final.

21.

The decision of the State Government on any question that may arise as to the intention, construction or application of these Rules shall be final.

Chapter II

Preparation and Publication of the Electoral Rolls

1. Definitions. - In these Rules-

"Section" means a section of the Dentists Act, 1948 (Act No. 16 of 1948) and "Returning Officer" means the Inspector General of Civil Hospitals, Assam and includes any officer deputed for the time being by the said Inspector General to perform his duties under these Rules.

2.

(1)The Returning Officer referred to above shall prepare a preliminary list of persons appearing to be qualified to vote, under proviso (3) to Section 31 at the first election to the Council under Clauses (a), (b) and (d) of Section 21.(2)The said Returning Officer shall by notification in the official Gazette and in such other manner as the State Government may direct publish the said list together with a notice specifying a date before which any objections to, or applications for, inclusion in the list will be received by him.(3)On or after the said date, the said Returning Officer shall consider all such objections and applications (if any) in respect of the said list and prepare therefrom a final

electoral roll containing the name and address of each elector.(4)The said Returning Officer shall, by notification in the official Gazette and in such other manner as the State Government may direct, publish the said electoral roll which shall, on such publication, be deemed to be final and conclusive.(5)Printed copies of the preliminary list published under sub-Rule (2), and of the final electoral roll published under sub-rule (4) above may be obtained from the said Returning Officer by any person applying for the same.The other formalities of elections will be as determined by the Returning Officer.

Chapter III

The Council and its Functions

1. The Council shall ordinarily meet once in May every year. If, however, there is sufficient business to transact, it may meet again in November.

2. An extraordinary meeting of the Council, of which 15 days' notice shall be given, may be summoned by the President at any time and shall be summoned by him on a written requisition signed by not less than seven members of the Council.

3.

(1)Notice of every meeting shall be served on each member of the Council by the Registrar.(2)A programme of business to be transacted at any meeting shall be sent to the address of each member not less than 8 days before the date of such meetings.

4. The meetings of the Council shall be held at such times and places as the President may direct.

5. Every meeting of the Council shall be presided over by the President. In the absence of the President, the Vice-President shall preside.

In the absence of both, such member as may be selected by the members present, shall preside.

6.

(1)Seven members present shall form a quorum.(2)If within 30 minutes after the time appointed for a meeting, a quorum, which is to be ascertained by the Registrar is not present, the meeting shall be adjourned to a future date to be appointed by the President.(3)No quorum need be insisted for the adjourned meeting.

7. Notice of a motion shall reach the Registrar at least 3 weeks before the date fixed for a meeting and a copy of such motion shall be sent by him to each member not less than 15 days before the date of the meeting.

8. Notice of an amendment shall reach the Registrar at least 3 weeks before the date fixed for a meeting and a copy of such amendment shall be sent by him to each member at least four days before the date of the meeting.

9. A roll book (as per Form No. 1) shall be kept by the Registrar, in which each member attending a meeting shall enter his name on the date of such attendance.

10. The President or the Chairman, as the case may be, may adjourn at any time, any meeting or any business to any future day or to any hour of the same day.

When any meeting is adjourned to a future day, the Registrar shall notify the adjournment to each member, who was not present at such meeting. When any meeting has been adjourned to a future day, the President or the Chairman, as the case may be, may change such day to any other day, and the Registrar shall send written notice of the change to each member.

11. Every motion or amendment at a meeting must be seconded; otherwise the motion or amendment shall fail.

12. A member desiring to make any observations on any subject before the Council, shall speak from his place, shall rise when he speaks and shall address the President or the Chairman, as the case may be.

At any time, if the President or the Chairman, as the case may be, rises, any member speaking shall immediately resume his seat.

13. No member shall be heard except on business then regularly before the Council, or by permission of the President or the Chairman, as the case may be specially obtained, in personal explanation in connection with a previous debate.

14. No speech shall ordinarily exceed five minutes in duration; provided that the mover of a motion when moving the same may speak for ten minutes.

15. Notwithstanding anything contained in these Rules, amendments arising in the course of any motion may be put to the meeting with the consent of the majority of the members present.

16. Amendments having merely the effect of a negative vote shall not be moved.

17. Where identical motions stand in the names of two or more members, the President, or the Chairman, as the case may be, shall decide whose motion shall be moved, and the other motions shall thereupon be deemed withdrawn.

18.

(1)When any member has made a motion, others may speak on it in such order as the President or the Chairman, as the case may be, may direct; provided that the seconder of a motion may with the permission of the President, reserve his remarks and may speak at any stage of the debate.(2)After all the members have had an opportunity of speaking, the mover may speak once by way of reply.(3)No member other than the mover shall speak more than once to any motion except with the permission of the President or the Chairman, as the case may be, for the purpose of making an explanation.(4)A member who has spoken upon a motion may speak again upon any amendment thereof afterwards moved.

19. A motion or any amendment shall be recorded in writing, if so directed by the Chair.

20. No motion or amendment shall be withdrawn after having been read from the Chair, or read by the authority of the Chair without the permission of the Council.

21.

(1)Every matter to be determined by the Council shall take the form of a motion by a member, to be put to the Council by the President and decided by a majority of votes the President or the Chairman, as the case may be, having in the case of equality of votes, a second or casting vote.(2)Votes shall be taken by voices, by show of hands, or by division, but shall always be taken by division if any member so desires.(3)The President or the Chairman, as the case may be, shall determine the method of taking votes by division.

22. If any motion as made involves many points, the President or the Chairman, as the case may be at his discretion, divide it so that each point may be determined separately.

23. If an amendment be proposed, it shall be disposed of before any other amendment is moved.

24. When an amendment has been made and discussed it shall be put to the vote; and if it be negatived, a second amendment shall be dealt with in the same way as the first amendment; and so on until no further amendment is proposed.

25. If and when all the amendments have been negatived the original motion shall be put to the vote.

26. If an amendment be carried the original motion so amended shall be regarded as a substantive motion and amendments to such motion may then be moved.

27. In all cases where a division has taken place, any member of the Council may require that the names or the numbers of both of the majority, of the minority, of those who decline to vote and of those who are absent, be entered in the minutes and thereupon the required particulars shall be so entered.

28. When a motion is under debate, no further proposal shall be received except one of the following:

(i)An amendment namely, "that the motion be amended as follows."(ii)The postponement of the question, namely: "that the consideration of the motion be postponed."(iii)The adjournment of the debate, namely, "that the debate on the motion be now adjourned."(iv)The adjournment of the Council namely, "that the Council do now adjourn."(v)The closure of the debate, namely, "that the Council do now proceed to vote on the motion."(vi)The previous question as to the motion, namely, "that the Council, instead of proceeding to deal with the motion, do pass to the next item on the programme of business."

29. When the amendment is under debate, no further proposal shall be received except one of the following:

(a)The adjournment of the debate on the amendment, namely, "that the debate on the amendment, be now adjourned".(b)The adjournment of the Council, namely, "that the Council be now adjourned".(c)The closure of the debate on the amendment, namely, "that the Council do now proceed to vote on the amendment".

30. The proposal for the postponement of the question may specify a date for the further consideration of the question, or be made sine die.

31. If the proposal of the adjournment of the debate be carried, the Council shall pass to the next item on the programme of business and the debate shall be resumed at the next ordinary meeting of the Council. The proposer of the adjournment shall, on resumption of the debate be entitled to speak first.

32. If the proposal for the adjournment of the Council be carried, the question under debate shall be dropped from the programme of business.

33. On the proposal for the adjournment of the Council being made and seconded it shall be competent for the President or the Chairman, as the case may be, before putting the question to take the opinion of the Council, as to whether it will, before rising, proceed to the transaction of unproposed business.

34. The proposal for the closure shall be made and seconded without debate and shall, unless the President or the Chairman, as the case may be, shall rule otherwise, be put forthwith. In the event of the proposal being carried, the motion or amendment under debate shall be at once voted on by the Council.

35. The proposal for the previous question shall be made and seconded without debate and shall be put forthwith. In the event of the proposal being carried, the motion or amendment to which it applies shall be dropped from the programme of the business.

36. Any motion standing over from the previous day shall take procedure of new matters unless the Council shall otherwise determine.

37. When for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member relating to the business before the Council, he shall ask the question through the President or the Chairman, as the case may be.

Minutes of the Council

38. The proceedings of the meetings of the Council shall be preserved in the form of printed minutes, authenticated, after confirmation by the signature of the President or the Chairman, as the case may be.

39. A copy of the minutes shall be sent to each member and to the State Government within 30 days of the meeting, but it shall be created as confidential until confirmed.

40. The minute shall be taken as read : provided that any member may move that certain minute should be read with a view to such correction therein, or addition thereto, as may be found to be necessary.

41. When a new or amended registration is adopted by the Council, a formal statement shall be placed on the minutes as to the effect of the new or amended regulation upon previous regulation on the same subject.

42. After the close of any session of the Council, a complete copy of the confirmed minutes of such session shall be sent to each member.

43. The minutes of the Council, after final revision, shall be kept in order that as soon as convenient after session they may be made up in sheets and consecutively paged for insertion in the yearly volume.

Fees for Attending Councils and Other Expenses

44. Only local non-official members attending the meeting shall get a fee of Rs. 10 each to meet conveyance charges, etc. Other members both official and non-official, attending the meeting from out-stations will get halting allowance as admissible under the Rules.

45. The travelling expenses of members shall be paid according to the rules in force under the Fundamental and Subsidiary Rules, the non-official members being treated as officers of the second class.

Chapter IV

Powers and Duties of the President

- 1. Besides presiding over the meetings of the Council the President of the Council shall remain in charge of the office of the Council.**
- 2. The President shall appoint clerks and such other servants to carry out the functions of the Council, subject to the approval of the Executive Committee.**
- 3. It shall be competent to the President to grant leave to the Registrar and other employees of the Council.**
- 4. The President shall obtain sanction of the State Government to the creation of all new posts to carry out the functions of the Council under the Act.**
- 5. If any temporary clerical or typographical assistance is urgently required the President may sanction it subject to the approval of the Executive Committee: provided that the expenditure involved does not exceed Rs. 30.**

Chapter V

Management of the Property of the Council

- 1. The management of the property of the Council is vested in the Executive Committee appointed by the Council.**
- 2. The President shall see that all registers are properly maintained and accounts are kept up to date.**

Executive Committee

- 3. The Council shall appoint an Executive Committee consisting of three members The Chairman and Vice-Chairman of the Executive Committee shall be the President and the Vice-President of the Council respectively. The third**

member shall be appointed by the Council from among its members.

4. The Executive Committee shall hold its office for a term of 5 years.

Vacancies in the Executive Committee

5. All vacancies in the Executive Committee shall be filled in by the Council but the President of the Council may fill in temporary vacancy or vacancies for a period from the date of vacancy till the vacancy is filled up by the Council.

Meeting of the Executive Committee

6. The meeting of the Executive Committee shall be held half yearly if there is any business to transact but at least one meeting shall be held in one calendar year. The meeting of the Executive Committee shall be held in the office of the President of the Council. The members present shall form a quorum.

The Executive Committee shall exercise and discharge such powers and duties as the Council may confer and impose upon it by any regulation which may be made in this behalf. Common Seal

7. The Council shall have a common seal which shall be kept in a box having two different locks.

The key of one of the locks shall be in the custody of the President and that of the other in the custody of the Registrar.

8. The seal shall be affixed only by the order of the President.

9. The seal shall not be affixed to any instrument except in the presence of the President.

10. The seal of the Council shall be affixed to the original certificate of registration but it shall not be affixed at the time of renewal.

Registrar and Clerks

11. The appointment of the Registrar shall be for 6 years only but at the end of every such term he may be re-appointed at the discretion of the Council. His salary shall be Rupees fifty per mensem.

12. The appointment of the Registrar shall be non-pensionable.

13. The Registrar shall fulfil all the duties that may be required of him by the Act and by the Rules and Regulations framed thereunder.

14. Registrar, as Secretary, shall conduct and have charge of the correspondence of the Council.

15. The Registrar shall have the general control and management of the office, authority over the clerks and servants and superintendence of the office buildings.

16. The duties of the clerk shall be such as shall be assigned to them by the Registrar, under the direction of the President.

17. The Registrar shall be authorised to grant casual leave to clerks and servants not exceeding 15 days in one calendar year.

18. The employees including Registrar of the Council shall be governed by the Fundamental and Subsidiary Rules made thereunder and as amended from time to time by the State Government in respect of earned leave, medical leave, travelling allowance, etc.

19. The President shall be competent to take such disciplinary action as he may deem necessary including withholding of increment, suspension, removal or dismissal against all members of the office establishment of the Council below the rank of the Registrar. An appeal against his decision shall lie with the Council. No appeal shall lie against the decision of the Council.

20. The President shall report to the Council all matters for disciplinary action against the Registrar for their decision. Any appeal against the decision of the Council shall lie with the State Government.

Accounts and Audit

21. The Registrar shall be held responsible for keeping and maintaining the Accounts of the Council.

22. The Registrar shall be the Treasurer of the Council.

23. The accounts of the Council shall be audited annually by auditors appointed by the Council with the approval of the State Government.

Preparation of Budget

24. In the month of May each year as estimate of income and expenditure for the Council for the next financial year shall be laid before the Council.

25. Such estimates shall make provision for the fulfilment of the liabilities of the Council and for effectually carrying out its objects.

26. The Council shall consider the estimate so submitted and shall sanction it either unaltered or subject to such alteration as shall be deemed fit.

27. The Council may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Council in the same manner as if it were an original annual estimate. No expenditure shall be incurred by the Council which is not duly provided for in the budget or in a supplementary budget estimate.

28. The Registrar shall, in the month of April each year, prepare a statement of the income from, and expenditure of, all fees received in the preceding financial year and shall draw the attention of the Council to such matters in connection therewith as seem deserving of notice.

29. The Registrar shall be allowed a permanent advance of Rs. 25.00 to meet the current expenditure.

30. The Registrar shall be authorised to purchase any one article of the value not exceeding Rs. 10.00. No expenditure in excess of this amount shall be incurred without the previous sanction of the President.

31. The annual accounts shall be prepared by the Registrar under direction of the President.

32. The Registrar shall immediately bring into account in the general cash book all monies received or spent by the Council.

33. All monies received shall be credited into the Post Office Savings Bank.

Chapter VI

Form of the Register of Registered Dentists

1. The Register of the registered dentists shall be maintained in Form 4 in the Appendix to these Rules.

2. The names shall be entered in the Register in the order in which the applications are admitted, and sufficient space shall be left for future additions or alterations in the qualifications and address for each entry.

3. Each page of the Registrar shall be verified by the Registrar's signature.

Registration Fee

4. The fee for registration as a registered dentist under the Act shall be Rs. 15.

5. The annual renewal fee of each registered dentist shall be Rs. 10.

6. The fee for each subsequent entry of such additional dental qualification shall be Rs. 5.

7. (a) The Registrar shall receive all fees payable under the Act and shall credit them to the account of the Council in the Post Office Savings Bank.

(b)The Registrar shall be the Treasurer of the Council whose fund shall be designated "The Assam Dentists Registration Fund".(c)All payments and contributions shall be paid to the Treasurer of the Council and shall be for the use of the Council.(d)All investments or deposits shall be made in the name of "The Assam Dental Council".(e)All moneys shall be drawn from the Post Office Savings Bank under signature of the President.

Application and Fees

- 8. Application for registration as a dentist shall be made in the prescribed form (Form No. 6 of Appendix) to be obtainable from the Registrar.**
- 9. Each application for registration should be accompanied by the prescribed fee.**
- 10. Each registered dentist shall have to renew his registration annually on payment of the prescribed renewal fee on or before 1st day of April every year and obtain endorsement on the certificate of registration accordingly from the Registrar.**
- 11. The Registrar shall remove the name of the defaulter from the register if the renewal is not made within the stipulated period.**
- 12. The name of a defaulter may be restored to the register under the orders of the President when all the arrear, renewal fees are paid by the defaulter.**

Chapter VII

Procedure to be Followed in Conducting an Enquiry

- 1. Whenever information is received that a Practitioner in Dentistry who is an applicant for registration, or whose name has already been registered, has been guilty of conduct which prima facie constitutes infamous conduct in a professional respect, the Registrar shall make an abstract of such information.**
- 2. Where the information in question is in the nature of a complaint by a person or body charging the practitioner with infamous conduct in a professional respect, such complaint shall be made in writing 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 the 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.**

4.

(1)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 practitioner by means of a registered letter for any explanation he may have to offer. The document including any explanation forwarded by practitioner to the Registrar, shall then be referred to the Executive Committee appointed by the Council, who shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and to move Government if necessary to refer to the Legal Remembrancer for his advice and assistance.(2)The Committee shall report to the Council, and if the Council considers, that the case is one in which an inquiry 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. The inquiry shall be instituted by the issue of a notice in writing on behalf of the Council by the Registrar addressed to the practitioner. Such notice shall specify the nature and particulars of the charge, and shall inform the practitioner of the day on which the Council intend to deal with the case, and shall call upon him to answer the charge in writing and to attend before the Council on that day.

6. The notice referred to in Rule 5 shall be in Form No. 5 in the Appendix to these Rules, with such variations as circumstances may require. It shall be sent three weeks before the date of the inquiry, and shall be accompanied by a copy of Section 41 of the Act, and of the rules to regulate the procedure for conducting any inquiry referred to in that section.

7. In every case in which the Council resolve that an inquiry shall be instituted and a notice for an enquiry is issued accordingly, the complainant (if any), and the dentist charged shall, upon request in writing for the purpose signed by him or his solicitor or pleader, 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.

8. Any answer, evidence or statement forwarded or application made by the dentist between the date of 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 shall think fit.

9. A copy of all material documents which are to be laid before the Council as evidence in regard to the case shall be furnished to each member of the Council before the hearing of the case.

10. At the hearing of the case by the Council, the complainant and also the practitioner may be represented or assisted by a solicitor or pleader with or without counsel.

11. Where a complainant appears personally or by counsel or solicitor or pleader the order of procedure shall be as follows:

(1)The Registrar will read to the Council the notice of the inquiry addressed to the practitioner.(2)The complainant will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proof his case will be closed.(3)The practitioner 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 practitioner's case, the Council will, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in any special case in which the Council may think it right to receive such further evidence. If the practitioner 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 may decline to admit in evidence any declaration where the declarant is not present for, or decline to submit to, cross-examination.(6)The President may put questions to any witness, and members of the Council, through the President, may also put questions to any witness.

12. Where there is no complainant or no complainant appears, the order of procedure shall be as follow:

(1)The Registrar will read to the Council the notice of inquiry addressed to the practitioner and will state the facts of the case, and produce before the Council the evidence by which it is supported.(2)The practitioner 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.

13.

(1) Upon the conclusion of the case, the Council will deliberate thereon in private, and at the conclusion of the deliberations the President shall call upon the Council to vote on the question whether the dental practitioner charged is guilty of infamous conduct in a professional respect. (2) If the Council, by a majority of two-thirds of the members present voting at the meeting, find the practitioner guilty of infamous conduct in a professional respect, the President shall direct the Registrar not to register his name if he be an applicant for registration or to erase his name from the Register of Registered Dentists if he is already a Registered Dentist.

14. When the registration of the name of any practitioner is refused, or when the name of any registered practitioner is removed from the register in accordance with the provisions of the preceding rules, the Registrar shall forthwith send notice of such refusal or removal to the practitioner, and such notice shall be sent by a registered letter addressed to the last known address of the practitioner. The Registrar shall also send, forthwith, intimation of any such refusal or removal to the Body or Bodies from whom the practitioner received his qualification or qualifications, and to the Registrars of all Dental Councils in India.

Chapter VIII

Disposal of Appeals from the Decision of the Registrar Preferred Under Section 35 (3) of the Act

1. An appeal to the Council, preferred under Section 35 (3) of the Act, against a refusal of the Registrar to register the name or any title or qualification of any person on the Register of Registered Dentists shall be in writing and shall state the grounds on which registration is claimed the names or the qualifications, and the dates on which, and the authorities from whom they were received.

2. On receipt of such an appeal, it shall be referred to the Executive Committee of the Council for consideration and report.

3. The Committee shall have power to call for the original diploma or licence, etc., from the appellant for inspection and also such other documentary or oral evidence as may be considered necessary by them.

- 4. At the conclusion of their enquiry, the Committee shall make a report to the Council embodying such recommendations as they shall think fit to make, with reasons for the recommendations.**
- 5. The appeal, the Committee's report on it, and all other documents in connection with the case shall be laid before the Council at their next session.**
- 6. The date on which the appeal is to be taken up by the Council shall be notified to the appellant. The appellant shall also be allowed, if he so chooses, to represent his case before the Council, either by himself or by his legal representative.**

Chapter IX

Annual Register of Registered Dentists

1. The Annual Register of Registered Dentists prescribed by Section 45 of the Act shall be prepared, printed and published by the Registrar every year in the month of April in the Form (Form No. 8) entered in the Appendix.

2. The Register shall contain the following information:

(1)The total number of persons in the Register on the 1st day of April of the year of publication.(2)The number of persons added by registration during the previous 12 months.(3)The number restored to the Register during the previous 12 months.(4)The number erased from the Register showing the section or sections of the Act under which the name has been erased.(5)The number removed by death.

3. (a) The price of the Register shall be fixed by the President annually in consultation with the Superintendent, Government Press.

(b)After the publication of the name in the Annual Register of Registered Dentists the last edition is the legal evidence of registration.
Distribution of Printed Registers

4. A copy of Annual Register of Dentists wherein the name first appears shall be supplied gratis to every person registered; provided that before the end of the year of publication application be made for such copy to the Registrar accompanied with annas 8 for postal carriage, etc.

5. The Annual Register of Registered Dentists may be had from the Registrar on payment by the President. The President may authorise free distribution to Government institutions. Hon'ble Ministers, Secretaries to Government, Heads of Offices, etc., on requisition.

Certificate of Registration

6. Each person whose name has been entered upon the Register Registered Dentists shall be entitled to receive from the Registrar a certificate of Registration, which certificate shall set forth the full name of the person registered, his address, the date and place of Registration and qualifications in respect of which he has been registered. The certificate shall be in the Form (Form No. 7) entered in the Appendix.

Duplicate Certificate

7. No application for a duplicate certificate of original registration in the Register of Registered Dentists shall be entertained unless it be accompanied by a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered and unless the application be also supported by a certificate from the Civil Surgeon of the district about the identity of the applicant. The prescribed fee of Rs. 5 shall be paid by the applicant to the Registrar along with the application.

Appendix Form No. 1 Register showing particulars of the Members of the Assam Dental Council

Name	Address	Whether nominated or elected and, in the case of elected members by whom elected	Tenure	Date of commencement of tenure	The date on which the term is to expire in ordinary course	If the appointment terminates before the due date mentioned in col. 5, then the date and reason of earlier termination.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Form No. 2 Nomination Paper

1. Name of candidate

2. Age

3. Nature of qualification under Section 21

4. Address

5. Signature of proposer

6. Signature of seconder

Returning Officer Instructions Nomination papers which are not received by the Returning Officer before the day of..... 19.... shall be invalid. Form No. 3 Voting Paper

Counterfoil Serial No. of voting paper

Sl. No. of voting
paper Voting Paper

Four members are to be elected to the Dental Council by the persons entered in the electoral roll

For elections under Clauses (a) and (b) of Section 27

Serial No. of candidates duly nominated Names and addresses of candidates duly nominated Vote

I hereby declare that my name appears..... in the electoral roll. (Signature and place of residence) Instructions

1. Each elector has as many votes as there are members to be elected.

2. He shall vote by signing his name opposite the name of the candidate or candidates whom he prefers. If the elector does not wish to use all his votes in case where more than one vote is allowed, he need not do so, but more than one vote may be given to any one candidate.

3. The voting paper shall be invalid if his signature is placed opposite the names of more candidates than are to be elected, or if the signature denoting any vote is so placed as to render it doubtful to which candidate such vote is intended to apply.

- 4. The elector shall sign the declaration on the counterfoil and append his place of residence thereto. Without such signature and entry the voting paper shall be invalid.**
- 5. If an elector fills in more than one voting paper, the first only of such voting papers received by the Returning Officer shall, if otherwise in order, be valid, and if the Returning Officer is unable to determine which of such voting papers was first received by him, both or all such voting papers shall be invalid.**
- 6. Voting papers shall be sent to the Returning Officer by registered post. Voting papers which are not received by the Returning Officer before or on the day of 19 will be rejected.**

Form No.4 Form of Register of Registered Dentists

- 1. Serial No.**
- 2. Name in full**
- 3. Father's name**
- 4. Date of birth**
- 5. Nationality**
- 6. Residential address**
- 7. Date of first admission in the register**
- 8. Qualification for registration**
- 9. Date on which degree or diploma in dentistry, if any, was obtained and the authority which conferred it**
- 10. Professional address**

11. Employment, if any

12. Part in which registered

13. Date of renewal of registration

14. Remarks (Note "removal" or "restoration" of name with dates)

Form No. 5 Notice to practitioner to attend proceedings in connection with the inquiry under Section 41 of the Dentists Act (Act No. 16 of 1948) To, Dated Shillong, the..... 19..... Sir On behalf of the Assam Dental Council, I give you notice that information and evidence have been laid before the Council by which the complainants make the following charge against you, namely (here set out the circumstances briefly), and that in relation thereto you have been guilty of infamous conduct in a professional respect. And I am directed further to give you notice that on the..... day of 19.... a meeting of the Council will be held at..... o'clock in..... to consider the above-mentioned charges against you and decide whether or not they should direct that your name shall not be registered in/that our name be removed from the Register of Registered Dentists pursuant to Section 41 of the Dentists Act, 1948. You are invited and required to answer in writing the above charges and to attend before the Council at the above named place and time, to establish any denial or defence that you may have to make to the above-mentioned charges, and you are hereby informed that if you do not attend as required, the Council may proceed to hear to decide upon the said charges in your absence. Any answer or other communication or application which you may desire to make respecting the said charges, or your defence thereto, must be addressed to the Registrar of the Assam Dental Council and transmitted so as to reach him not less than 7 days before the day appointed for the hearing of the case. A copy of Section 41 of the Dentists Act, 1948 and of the Rules to regulate the procedure for conducting any inquiry referred to in that section, to which your particular attention is invited, is enclosed herewith for your information. Registrar Form No. 6 Form of Application for Registration as Dentist To, The Registrar, Assam Dental Council, Shillong..... Dated..... 19..... Dear Sir, May I request you to be so good as to get my name registered in the Register of Dentists. A fee of Rs. 15 is sent herewith/remitted by Money Order. To facilitate registration I furnish the following particulars: Yours faithfully, Particulars:

1. Name in full (In block letters).....

2. Father's name

3. Nationality

4. Date of birth

5. Residence:

(a)Village(b)Post Office(c)Police Station(d)District

6. Qualification to be registered

7. Date on which degree or diploma in dentistry (Original degree of diploma is to be produced for inspection) if any, was obtained and the authority which conferred it.

8. Professional address:

(a)Place wherein practice(b)Post Office

9. Date of last renewal

10. Employment, if any

Form No. 7Certificate of Registration under the Dentists Act, 1948(Act No. 16 of 1948)This is to certify that the person named below has been registered as a Dentist under the Provisions of the Dentists Act, 1948 (and his registration was last renewed on.....).This certificate shall remain in force till.....NameAddressQualificationRegistered No.Date of registration

Part in – which registered

(Signature).....Registrar,Assam Dental Council.Important NoticeEvery registered dentist should be careful to renew his registration annually before the 1st day of April every year and send to the Registrar immediate notice of any change in his address and also answer all enquiries that may be sent to him by the Registrar in regard thereto, in order that his correct address may be duly inserted in the Register of Registered Dentists, otherwise under sub-section (2) of Section 39 of the Dentists Act, 1948, such dentist is liable to have his name erased from the Register of Registered Dentists.A copy of the Annual List of Registered Dentists wherein the name first appears will be supplied gratis to every person registered; provided that before the end of the year of publication application be made for such copy to the Registrar accompanied with eight annas for postal carriage.After the publication of the name in the Annual list of Registered Dentists the last edition of the list alone is the legal evidence of registration.N.B.-The portion within brackets, viz., "and his registration was last renewed on....." shall be omitted when the certificate is issued on first registration.Form No. 8Annual List of Registered Dentists in Assam

Name Qualification and date thereof	Address of appointment	Date of registration	Registered number as in the Register	Part in which registered [vide ofRegistered Dentists Section 31 (3) ofthe
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Act]

(1)	(2)	(3)	(4)	(5)	(6)
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The Registrar shall keep an interleaved copy of such printed list wherein he shall make during the year any entry, alteration or erasure that may be necessary.