

**Government of Jammu & Kashmir
Health & Medical Education Department**

Notification,
Jammu, the 16 April 2004.

SRO 116 :-In pursuance of the powers conferred by section 55 of the Dentists Act, 1948 (Central Act. XVI of 1948), the Government of Jammu and Kashmir hereby makes the following rules namely:-

CHAPTER - I

1) Short title, extent and commencement:-

- (1) These rules may be called the Jammu & Kashmir State Dental Council rules, 2004 .
- (2) They shall come into force from the date these are issued.
- (3) They shall extend to the whole Of the State

2) In these rules unless the context otherwise requires:-

- (a) " Act" means the Dentists Act, 1948
- (b) "Council" means the Jammu & Kashmir State Dental Council constituted under section 21/26 of the Act.
- (c) "Dental Hygienists" means a person not being dentist or a medical practitioner, who scales , cleans or polishes teeth, or gives instruction in dental hygiene;
- (d) "Dental Mechanic" means a person who makes or repairs denture and dental appliances;
- (e) "Executive Committee" means the Executive Committee constituted under section 29 of the Dentists Act, 1948;
- (f) "Form" means a form annexed to these rules;
- (g) "Government" means the Government of Jammu and Kashmir;
- (h) "President" means the President of the Jammu & Kashmir State Dental Council;
- (i) "Register" means the register of the Dentists (Part A and Part B) prepared and maintained under the Act;
- (j) "Registrar" means the Registrar appointed under section 28;
- (k) "Returning Officer" means an Officer appointed by the Government to conduct elections of the members;
- (l) "Section" means a section of the Act;

3. The office of the Council shall be at the same place where the headquarters of the Government are located.

CHAPTER-II

4. **ELECTION UNDER SECTION 21 (a) And (b)** The election to the Jammu and Kashmir State Dental Council shall be held in accordance with the Jammu & Kashmir Dental Council (Election) Rules, 1997, issued vide SRO 167 dated: 15th May, 1997.
 5. **ELECTION UNDER SECTION 21 (d)** In the case of first election to the Council, the Returning Officer shall issue a notice to the Jammu & Kashmir Medical Council calling upon it to elect from amongst its members one person and forward his name to the Returning Officer within four weeks of the receipt of the notice.
- 5-A. **PRESIDENT AND VICE- PRESIDENT OF THE STATE COUNCIL**
 (1) The President and the Vice-President of the State Council shall be elected by the members from among themselves. In case the President is from Part "A" the Vice President shall be from Part "B".

Provided that for five years from the first constitution of the Council, the President/ Vice-President shall, if the State Government so decides, be a person nominated by it and shall hold office during the pleasure of the Government, and where he is not already a member, or ceases to be member due to retirement shall be a member of the State Council in addition to the members referred to in Section 21 or 23 of the Act, as the case may be.

- (2) The President or Vice-President shall hold office as such for a term not exceeding five years and not after expiry of his term as a member of the Council, but subject to his being a member of the Council, he shall be eligible for re-election.

CHAPTER- III

6. **REGISTRAR AND OTHER STAFF:** (1) The term of the office of the registrar appointed by the Council shall be such as the Government may fix but not exceeding four years. However, a retiring incumbent may with the approval of the Government be re-appointed for a further term or terms.

(2) Notwithstanding anything contained in clause (a) sub-section (1) of section 28 of the Act for the first four years from the first constitution of the Council, the Registrar of the Council shall be a person appointed by the Government and shall hold office during the pleasure of the Government.
7. The Registrar shall maintain registers in accordance with the provisions of the Act and the rules and regulations of the Council.

8. The Registrar shall be present at every meeting of the council and of the executive committee and shall take down the minutes of the proceedings at such meetings.
9. The Registrar shall conduct and have charge of the correspondence of the council and shall issue all requisite notices in the manner required by these rules.
10. The registrar shall discharge all the duties of the council that may be required of him by the rules and regulations for the time being in force.
11. Excepting on public Holidays, the Registrar and the staff of the Council shall attend the office and work according to the office hours to be notified separately by the President.
12. The Registrar shall be authorized to obtain whatsoever temporary /additional assistance required, subject to the sanction of the President.
13. The Registrar shall have general control and superintendence over the management of the office building and over the clerk & other staff.
14. The duties of the clerks shall be such as assigned to them by the Registrar under the direction of the President.
15. The Registrar of the Council shall, subject to the control of the President, exercise the powers of a Head of Office in respect of the clerical and Class-IV staff of the Council.

CHAPTER – IV

REGISTERS, ACCOUNTS & OTHER MISCELLANEOUS MATTERS

16. A book shall be maintained , containing the name of each of the member of the Council, the electorate he represents, date of notification of his appointment , term for which appointed and the date of his death/ resignation/ retirement or the date he otherwise ceased to be a member. The book shall be regularly updated enabling the body or authority having power to appoint or elect to make a new appointment or elect a new member.
17. The corporate seal of the Council shall be kept in a box having two different locks, and the key of one of the locks shall be in the custody of the President and the key of the other one with the Registrar.
18. The seal shall be affixed only by order of the Council or when the Council is no sitting then by order of the President.
19. Any order to affix the seal shall contain reasons thereof and shall be entered in the minutes of the Council or of the Executive Committee as the case may be.

INSPECTION OF DOCUMENTS

20. (1) The condition on which leave shall be granted to members of the Council to inspect its documents, when not required for use by its legal advisors shall be those contained in this rule and rules 21, 24 and 25
- (2) Three days notice in writing shall be given to the Registrar except when the Council is in session, when special leave may be granted.
21. The subject of the documents needed for inspection shall be stated in the notice.
22. The Registrar shall be responsible for the safe custody of all documents.
23. The Registrar shall arrange the documents in chronological order or otherwise so as to facilitate their inspection during office hours.
24. The documents under inspection shall not be removed from the premises of the Council.
25. All such documents and the information derived therefrom shall be confidential.

ACCOUNTS.

26. An account shall be opened in the Jammu & Kashmir Bank in the name of the Council and all its money shall be deposited in the Bank.
27. The Registrar/ Treasurer shall receive all money payable to the Council. He shall not retain with him any sum exceeding Rs.2000/-
28. The Registrar shall in the month of July each year prepare a statement of income and expenditure of the proceeding financial year and draw the attention of the Council to such matters as deserve the said notice.
29. The annual accounts shall be made up by the Registrar.
30. An estimate of the Revenue and expenditure of the Council for every year commencing from 1st April, shall be laid before the Council at its meeting in advance of the commencement of the year or circulated to the members in advance for favour of approval.
31. Such estimate shall provide for meeting the liabilities of the Council for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as the Government may allot and all fees received from registration or other sources.

32. The Council shall consider the estimate submitted to it and shall sanction the same with or without alterations.
33. 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 an annual estimate under rule 30. Any expenditure that might be incurred by the Council which is not duly provided for in the estimate under rule 30 or in the supplementary estimate contemplated in this rule shall require the sanction and approval of the President.
34. A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs.200 he shall pay it. If the claim is more than Rs.200 but not exceeding Rs.3000/- payment may be made by the Registrar after obtaining the sanction of the President. In the rest of the claims/bills, no payment shall be made until it has been examined and passed by the Executive Committee.
35. The Registrar/ Treasurer shall immediately enter in the general cash-book all money received or spent by the Council.
36. All cheques shall be signed by the Registrar and by one of the members of the Executive Committee designated by it in this behalf.
37. The accounts of the Council shall be audited by the Controller, State Accounts Department.

CHAPTER - V

REGISTRATION OF DENTISTS

38. Every person entitled to be registered under the Act shall apply to the President in the Form C in appendix I for such registration. Every such application shall be accompanied by a fee as prescribed in rule 49.
39. In the application for registration under section 34(ii) of the Act, the applicant shall state that he has passed special examination referred to in that section as one of the qualifications for registration.
40. (1) The registration of a person under the Act, shall, subject to the provisions of the Act as to the removal of names from the register, remain entered therein and the registration of such person shall hold good until the 31st December of the year following the year in which the name is first registered.
- (2) Any person desiring to continue his registration shall submit to the Registrar an application in the form appendix at (h) before the 31st day of December (but definitely before the 1st day of April of the following year and shall

forward with such application the prescribed fee and his registration certificate/ old renewal certificate)of the year till the end of which the current registration will hold good indicating his correct address.

41. An application for registration of an additional qualifications shall be in Form D in Appendix I and shall be accompanied by the fee as prescribed in rule 49.
42. Every appeal to the Council against the refusal of the Registrar, in the case of first registration, or to alter any entry in the register shall give the grounds on which the registration or alteration is claimed and furnish the particulars of the qualifications held and the dates on which these were acquired. On receipt of any such appeal, the Executive Committee shall conduct an enquiry and submit a report to the Council.
43. (1) On the registration of every dentist under the Act, the Registrar shall grant such dentist a certificate in Form-B in Appendix I and at each renewal issue a certificate in Form-(b) after realizing renewal fee in terms of Rule 49

(2) All persons registered either on Part 'A' or Part 'B' of 'register of dentists' are legally qualified for the practice of Dentistry & shall prefix "Dr." before their names subject to the condition they have formal registration certificate duly renewed by the Competent Authority.
44. Certified copies of entries in the register in the following form may be issued to any person on payment of the fee prescribed.

"NO Office of the J&K State Dental Council

The following is a true copy of the entry in the dental register (Register of Dentist part A and part B) of the name specified below:-

Name	Address	Date of registration With registration No.	Qualification
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Registrar"

N.B:-

- (i) This certified copy shall be evidence of registration until the publication of the printed "Dentists Register". It is not evidence of the identity of the holder with the person named therein and shall not be used as such evidence.
- ii) The fee prescribed by rule 49 shall be levied for registering a change of name in the register.
- iii) A duplicate certificate issued under section 44 shall be in Form J in Appendix-I.

- 45) (1) Every application for the removal of his name at his own request from the register shall be accompanied by a declaration by the applicant that he is not aware of any proceedings or of any reason for the institution of any proceeding which might result in the removal of his name from the register or for depriving him of any qualification or license entitling him to have his name entered in the register.
- (2) The application shall further be accompanied by an undertaking by the applicant that he will not apply for registration in any other State in India within a period of two years from the date of the removal of his name and also that in case he applies for registration after that period, he will submit the testimonials of two dentists who know him, to the effect that he has not committed any act during the period between the removal of his name and his applying for re-registration which might result in the removal of his name from the register or in depriving him of any qualification or license entitling him to have his name entered in the register.
- (3) Every such application for removal shall in the first instance be referred by the Registrar to the authorities who granted the applicant his qualification or qualifications in order to ascertain whether there is any valid objection to such removal.
- (4) The Registrar shall bring every such application before the next meeting of the Council or Executive Committee who shall consider the application and any objections thereto.
- (5) The Registrar shall, upon the removal of the applicant's name from the Register, send a notice of such removal to the applicant through registered post both at registered residential as well as professional address.
- 46) The register shall be maintained as required by Section 31(3) and in Form A Appendix I.
47. The names shall be entered in the register in the alphabetical order and sufficient space shall be left for future additions or alterations in the qualifications and address relating to each name.
48. Each page of the register shall be verified by the signature of Registrar.
49. The following fees shall be levied by the Council, namely:-

1. For the First registration in the register	Rs.310.00
2. For entry of any additional qualification U/S 40	<u>Rs.150.00</u>
3. Renewal fee under section 39(for BDS & Part-B)	Rs.110.00 \
4. Renewal fee under section 39 (MDS)	Rs.160.00

5. For restoration to the register after removal for non payment of the annual retention fee in addition to the annual retention fee for the year(if certificate of registration & renewal not surrendered within one month from the date of default(under section 50)	Rs.2.00 * (per day) +Rs.50.00 , (per month)
6. For restoration to the register under section 42	Rs.500.00
7. For registration of a change of name	Rs.50.00
8. For every certified copy of an entry in the register	Rs.30.00
9. For grant of a duplicate certificate	Rs.150.00
10. Transfer of registration to another State.	Rs.110.00
11. For supply of printed copy of register	Rs.100.00

49-A. The Registration of Dental Hygienists and Dental Mechanics in the First and Subsequent Registers.

Est-Register

(1) The last date for the receipt of applications for registration on the first register of Dental Hygienists or Dental Mechanics shall be notified by the State Dental Council. Applications received after this date shall not be considered.

(2) A person desirous of being registered as Dental Hygienist or Dental Mechanic in the first Register shall:-

- i) apply to the Registrar in the form in the Appendix "T" duly filled in and signed;
- ii) attach with the application any certificate in original which he holds in respect of his qualification, together with an attested copy thereof;
- iii) If he does not possess the recognized qualification, furnish along with his application a certificate in the form as in the Appendix "K" from the Registered Dentist bearing his seal and registration number with whom he has been working as such in the J&K State. The certificate shall be countersigned by the Deputy Director, Public Health Dentistry of the respective division.

(3) All applications received by the Registrar along with the prescribed fee for registration as a Dental Hygienist or Dental Mechanic shall be submitted to the scrutinizing committee constituted by the President to establish their eligibility for registration in respective registers under the Act.

(4) **Eligibility of Dental Hygienists:** A person shall be entitled on payment of the prescribed fee to have his name registered on the register of dental hygienists, if he resides in the State and holds a recognized dental hygiene qualification.

Provided that for the purposes of the first register of dental hygienists, a person shall be entitled to be registered, if he has been engaged as a dental hygienist as his principal means of livelihood for a period of not less than two years prior to the date of notification under sub section (1) of section 36

(ii) **Eligibility of Dental Mechanics**

A person shall be entitled on payment of the prescribed fee to have his name entered in the register of Dental Mechanics, if he satisfies the prescribed requirements referred to in section 12.

Provided that for the purposes of the preparation of the first register of Dental mechanics a person shall be entitled to be registered, if he has been engaged as a Dental Mechanic as his principal means of livelihood for a period of not less than two years prior to the date of notification under sub-section (1) of section 36.

- (iii) If upon such application the scrutinizing committee is of the opinion that the applicant is entitled to have his name entered in respective Register, Registrar with the approval of the President of the State Dental Council shall enter thereon the name of the applicant.

Provided that no person, whose name has under the provisions of this Act been removed from the register of any State shall be entitled to have his name entered on the register except with the approval of the State Council from whose register his name was removed.

5. (i) The list of eligible applicants so prepared for registration shall be published in leading newspapers of the State for their information. The Registrar will accordingly issue registration certificate in Form Appendix-L to all the eligible candidates and publish the first register of Dental Hygienists and Dental Mechanics in the State.
- (ii) The aggrieved applicants if any whose application for registration is rejected by the Registrar may, within three months from the date of such rejection, appeal to the President in writing stating the grounds on which registration was claimed, and the decision of the Council thereon shall be final.
6. All such appeals shall be referred to the Executive Committee of the Council for consideration and report.
 - (a) The Executive Committee shall have the power to call for the original diploma or certificate etc. from the applicant for inspection and any such other documentary or oral evidence as it may consider necessary.
 - (b) The Executive Committee at the conclusion of the enquiry shall submit a report to the Council embodying such recommendation as it may think fit with reasons thereof.

- (c) The appeal, alongwith the report of Executive Committee thereon it, and all other documents in this connection shall be laid before the Council at its next meeting.
- (d) 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 to represent his case to the Council, if he so desires.
- (e) After preparation of the first register of Dental Hygienists and Dental Mechanics, further registration shall only be for those who possess the recognized qualification prescribed for respective registers by the Dental Council of India.
- (f) The registration shall be valid for the calendar year and renewable every year, for which he /she shall have to apply on the form as in Appendix "h" and pay prescribed fee due from the 1st January of next year.
- (g) If the name of any Dental Hygienist or Dental Mechanic has been entered in the "register of Dental Hygienist or Dental Mechanics" by error on account of misrepresentation or suppression of material facts and intimation to this effect is received by the Registrar, he shall submit this information to the president for necessary action. If the President is satisfied as to the truth of the allegation, he will refer the matter to the Executive Committee for consideration and report which shall have power to call for any evidence, which it considers necessary. The report of the Executive Committee shall be considered by the Council at its next meeting when the person concerned shall be entitled to be present and heard. Due notice for this shall be given to the person concerned. Permitting him to represent his case even through a recognized agent.
- (h) When the renewal fee is not paid before the expiry of the 31st March to which it relates, the Registrar shall remove the name of defaulter from the register. The name so removed may be resorted to the register on payment of the renewal fee and the amount of penalty.
- (i) Every registered Dental Hygienist and Dental Mechanic shall inform the Registrar about any change in his registered address and shall answer all enquiries that may be sent to him.
- (j) Any one:-
 - (i) not being a person registered in a register of dentists, takes or uses the description of dental practitioner, dental surgeon, surgeon dentist, or dentist, or
 - (ii) not being a person whose name is entered on a register of dental hygienists, takes or uses in a State where such register has been published, the title of dental hygienist (or)

- (iii) not being a person whose name is entered on a register of dental mechanics, takes or uses in a State where such register has been published, the title of dental mechanic.

shall be punishable on first conviction with fine which may extend to 3000/- and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding three thousand rupees or with both.

(k) Proposed fee structure for the first registration in the register of Dental Hygienists Or Dental Mechanics.

The following fee is proposed.

(i)	For the 1 st registration in the register of Dental Hygienist or Dental Mechanics	Rs.210/- ✓
(ii)	For annual retention in the register of Dental Hygienists or Dental Mechanics	Rs.75/-
(iii)	For restoration to the register of Dental Hygienists or Dental Mechanics after removal for non-payment of annual retention fee in addition to the retention fee for the year or years during which the name remained removed	Rs.2.00 per day + Rs.50/- P.M (section 50 of the Dentists Act)
(iv)	For restoration to the register of Dental Hygienists or Dental Mechanics under section 42 of the Act.	Rs.300/-
(v)	Rest remains same as for dentists.	

50. The Registrar shall keep an interleaved copy of the printed register wherein he shall make during the course of the year any entry alternation or omission that may be necessary.
51. At the end of every year, these shall be entered in the printed register:- (1) the total number of persons in the published register (2) the number of persons added to the register by registration during the year (3) the number restored to the register during the year (4) the number removed from the register during the year stating the particulars section under which the names have been removed and (5) the number removed by death during the year.

CHAPTER- VI

RULES OF BUSINESS OF THE COUNCIL, ETC.

52. A meeting of the Council shall be held twice a year during the month of June and December. The meeting of the Council shall also be held at any other time only under the direction of the President.

53. (1) All meetings of the Council shall be convened by the Registrar with due notice to each member informing him/her of the time and venue of the meeting.

Provided that the President:-

- (i) may call a special meeting at any time after giving not less than fifteen days notice for consideration of any urgent matter requiring the attention of the Council;
- (ii) may call a special meeting after giving not less than fifteen days notice, if he receives a requisition in writing signed by not less than six members stating the purpose, within the scope of the Council's function, for which they desire to call the meeting.

(1) In the meetings referred to in the proviso to rule 53 (i) & (ii) only the subject or subjects for the consideration of which the meeting has been called, shall be discussed unless the Council by a resolution determines otherwise.

(2) References from the Government asking for the opinion of the Council should be considered at the next ordinary meeting of the Council if marked urgent, in the latter case a special meeting of the Executive Committee may be summoned to consider the reference.

54. The notice shall indicate the any purpose of the meeting, i.e. whether it is for transacting general business or for special business. In the meeting, which is for transacting special business, no other business shall be transacted, unless the Council by resolution agrees to consider such business.

55. Prior to any meeting of the Council, the Registrar shall in consultation with the President, prepare a provisional programme of business and shall furnish a copy thereof to every member of the Council not less than 15 days before the day scheduled meeting and at the same time forward to every member of the Council copies of the documents and evidence, in any disciplinary case to be brought before the Council during that meeting.

56.(1). Any notice of motion to be inserted in the programme of business for the meeting shall be sent to the Registrar at least 15 days before the beginning of the meeting.

(2). Every meeting of the Council shall be presided over by the President, or in his is absent, by the Vice-President, and in the absence of both of them by some other person who is elected by

the members present, from among themselves. The President of the meeting so elected may exercise all the powers of the president of the Council while presiding the meeting.

- (3) Eight members of the Council shall form a quorum, provided that in the case of meeting adjourned for want of a quorum, no quorum shall be required.

- (4) The meeting shall not commence until a quorum is formed and if a quorum is not formed on the expiry of twenty 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 fix.

57. When the President has taken the Chair, the roll shall be called and any member not present before the minutes of the previous meeting are confirmed shall be deemed to be absent.

58. No member shall, after taking his place, leave the meeting without the permission of the president.

59. Before the commencement of any meeting of the Council, the President in consultation with Vice President/ Registrar shall prepare the programme of business containing the subject to be brought forward and setting out the notices of the motion given by the members and the programme so prepared shall be distributed to all the members of the Council.

60. All motions and amendments shall be in writing and signed by the mover and seconder and before the members speak on them shall be read by the President or under his authority by the Registrar. All formal amendments shall be framed so that they may be read as independent motion.

61. The mover shall have the right to speak before any motion or amendment is seconded.

62. Any motion standing over from the previous day shall take precedence over any new subject unless the Council otherwise determines.

63. No motion or amendment shall be withdrawn after having been read by the President or under his authority except with the permission of the Council.

64. The Secunder of a motion may make his speech at any stage of the debate; but only the proposer shall have right of final reply.

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

66. The amendment shall first be put to vote: and if it is lost, a second amendment may be moved and shall be disposed of in the same manner as the first amendment, and so on, until no further amendment is proposed.

67. If all the amendments are lost, original motion shall be regarded as substantive motion to which no further amendment may be moved.

68. If any amendment is carried, the original motion so amended shall be regarded as a substantive motion to which further amendments may be moved.

69. In all cases where a division has taken place, any member of the Council may require that the names or the number or both of the majority of those who decline to vote and of those who are absent, be entered in the minutes.

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

- (i) An amendment, namely, "that the motion be amended as follows":-
- (ii) The postponement of the motion, 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 not proceed to vote on the motion";
- (vi) The passing on to the next item in the programme of business namely, "that the Council instead of proceeding to deal with the motion do pass on the next item in the programme of business".

71. When an amendment is under debate no further proposal shall be received except one of the following:-

- (i) the adjournment of the debate on the amendment, namely " that the debate on the amendment be now adjourned";
- (ii) the adjournment of the Council, namely " that the Council do now adjourn";
- (iii) the closure of the debate on the amendment, namely, "that the Council do now proceed to vote on the amendment";
- (iv) the postponing consideration of the amendment, namely , "that the Council instead of proceeding to deal with the amendment to resume the debate on the motion originally proposed".

72. The proposal for postponement of the motion may specify a date for its further consideration or may require its postponement sine die.

73. If the proposal for the adjournment of the debate on a motion is carried, the Council shall pass on 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 the assumption of the debate, be entitled to speak first.

74. If the proposal for the adjournment of the Council is carried the question under debate shall be dropped from the programme of business.
75. On the proposal for adjournment of the Council being made and seconded, it shall be competent for the President, before putting the question, to ascertain the opinion of the Council as to whether it will before rising proceed to items in the programme of business on which no objections or remarks have been received or expected.
76. The proposal for the closure of the debate shall be made and seconded without further debate and unless the President shall rule otherwise be put forthwith. If the proposal is carried, the motion or amendment under debate shall be at once voted on by the Council.
77. The proposal for passing on to the next item in the programme of business shall be made and seconded without debate and shall be put forthwith. If the proposal is carried, the motion of amendment to which it applies shall be dropped from the programme of business.
78. The President may, at his discretion, obtain the votes of members of the Council on any particular question by circulating the question and the papers connected therewith, placing before them all the facts and information relating to the same and obtaining their views thereon, such question being decided according to the majority of the votes and a minute regarding it being added to the minutes of the Council.
79. The minutes of each meeting shall be circulated to all the members and shall be confirmed if no objections are received thereon within thirty days from the date of circulation of the minutes to the members.
80. The proceedings of the meetings of the Council shall be preserved in the form of printed minutes after confirmation by the signature of the president.
81. The minutes of each meeting shall set out the motions and amendments proposed and adopted or negative, with the names of the proposer and seconder annexed thereto but without the comments or observations of the members.
82. When a new or amended regulation is adopted by the Council, the minutes shall contain a formal statement as to the effect of the new or amended regulation upon the previous regulations on the same subject.
83. After the close of any meeting of the Council, a printed copy of the minutes of the meeting as confirmed be sent to each member.
84. Complete minutes of each meeting of the Council after confirmation in accordance with rule 79 shall, as soon as convenient after the closure of the

meeting, be made up in sheets inserted in the yearly volume and consecutively paged.

- 85. Powers and Duties of the President and the Vice-President-** (1) The President shall do such acts as may be necessary for the furtherance of the objects for which the Council is established and shall give effect to the resolutions and decisions of the Council. The President shall preside at every meeting of the Council at which he is present and shall perform such other functions and exercise such other powers as may be assigned to him.
- (2) The Vice-President shall exercise such powers and perform such duties as may be assigned to him by the President.
- (3) If the office of the President is vacant or if the President for any reason is unable to exercise the powers or perform the duties of his office, the Vice-President will act in his place and shall exercise the powers and perform the duties of the President.

BUSINESS OF THE EXECUTIVE COMMITTEE

86. (1) The Executive Committee shall consist of the President and the Vice-President, ex-officio and five members of the Council.
- (2) The president and in his absence the Vice-President shall act as Chairman of the Executive Committee. In the absence of both the members present shall elect one of them to act as Chairman.
87. The Executive Committee shall meet prior to the meeting of the Dental Council or at such other time as may be found necessary by the president.
88. For a meeting of the Executive Committee four members shall form a quorum. No quorum shall be necessary for an adjourned meeting.
89. (1) If any elected member of the Executive Committee is absent from two consecutive meetings of the Committee without its leave or if the period of leave exceeds three months, he/she shall cease to be a member of the Committee.
- (2) The Executive Committee may invite a member of the Council, not being a member of the Executive Committee, to attend any of its meetings.
- (3) Any member so invited shall be free to participate in the discussions in the meeting but shall not be entitled to vote or to exercise any other right.
90. The Executive Committee shall keep minutes for its proceedings which shall be dealt within the manner indicated in rules 79, 80, 81 and 84.
91. The minutes of the meeting of the Executive Committee shall be printed in the same manner as those of the Council and copies thereof sent to each member of the Council.

92. In the case of the death of the registrar or of his incapacity from illness or of his being on leave, when the Council is not in session, the President shall appoint a person to perform temporarily the duties of the Registrar.
93. The Registrar shall prepare the register and cause it to be printed. The Registrar shall cause the Register to be printed after entering therein a statement of distribution of the copies of the register as may be specified by the Government to the Dental Council of India under section 18 (2) and to such others as considered desirable and necessary.
94. The Registrar in consultation with the President shall order such number of copies to be printed on a revision of the annual distribution list.
95. The printing of the minutes shall be under the direction of the Executive Committee.
96. All petitions addressed to the Council shall be referred by it to the Executive Committee for being examined and reported upon before considered by the Council:-
 Provided that all the petitions addressed to the Council shall be laid upon the table of the Council for such action as it deems fit.
97. The Executive Committee shall prepare reports on the subjects indicated to it by the Council when it is sitting and at other times by the president. The reports when finally approved by the Committee shall be circulated to all members of the Council at its next meeting.

FEE AND ALLOWANCES FOR ATTENDING THE MEETINGS OF THE COUNCIL AND THE EXECUTIVE COMMITTEE AND OTHER EXPENSES.

98. (1) The council may with the prior sanction of the Government, fix the fee and allowances of the President, Vice-President and other members of the Council and the pay and allowances and other conditions of services of officers and staff of the Council.
- (2) The Council shall appoint such other officers and officials as it deems necessary to enable it to carry out its functions under the Act.
- (3) Government servants, if any, appointed to carry out the work of the Council in addition to their own work, shall be paid remuneration as may be fixed by the Government.
99. For attending the meeting of the Council or Executive Committee, allowances shall be payable to members of the Council as set forth below:-
- (i) Government servants shall draw the traveling allowance according to the rules applicable to non-official members of first class Government Committees under the J&K Travelling Allowance Rules which shall be paid to them by the office they are drawing their salary treating the members as class-I officers.

- (ii) A member, who is not a Government Servant, shall be allowed one and half first class fare, halting allowance or road mileage, according to the rules applicable to non-official members of first class Government Committees. The halting allowance shall be admissible for any day on which he is required to halt on the business of the Council or the Executive Committee at a place other than the one where his permanent residence is situated, shall be payable from the funds of the Council.

N.B:- In the event of a member actually traveling throughout the 24 hours from one midnight to the next midnight, halting allowance would not be admissible. On the other hand should he halt even for less than 24 hours for a meeting he would be entitled to it.

CHAPTER – VII

PROSECUTIONS, REMOVAL & RESTORATION OF REGISTRATION

100. If information is received by the Registrar that an offence under the Act has been committed, he shall, if there is a complaint, require the complainant to produce in the form of an affidavit or otherwise *prima facie* proof of the matters complained of.
101. The Registrar shall thereupon bring the matter before the President or if the President is unable to Act, before the executive Committee who may, if they decide that the case is one in which a prosecution should be instituted, take necessary action under Section 52.
102. If information is received by the Government that an offence under the Act has been committed, the matter shall be referred to the Executive Committee for enquiry and report through the Council.
103. The Registrar shall bring to the notice of the President any information reaching the office of the Council that a dentist has been convicted and sentenced by a Criminal Court to transportation or to imprisonment for an offence punishable with imprisonment and for a term exceeding six months, provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such offence has not been reversed or quashed or the offence pardoned or has been guilty of infamous conduct in any professional respect.
104. The President may call for the explanation of the dentist. The explanation and the records of the case shall then be placed before the Executive Committee.
105. The Executive Committee may require the Registrar to investigate the matter further and collect further evidence.

106. If the Committee resolves 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.
107. A notice in Form "E" in Appendix I shall, be sent by the Registrar to the Dentist not less than three weeks before the date fixed for the enquiry. Similar notice in Form F in Appendix I shall be sent to the complainant also.
108. Either party to an inquiry shall for the purpose of his defence or reply, as the case may be, and upon request in writing to be supplied by the Registrar with a copy of any declaration, explanation answer or other document received by the Council for use at the inquiry as evidence and every notice of enquiry shall draw the particular attention of the dentist to this rule.
109. Any application made by the dentist between the date of issue of the notice and the date of the hearing shall be dealt with the President in such manner as he thinks fit.
110. 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 not less than ten days before the hearing of the case.
111. The complainant and the dentist may be represented by legal practitioners.
112. When the complaint appears, the following procedure shall be followed:-
 - (1). The Registrar shall read the charge set out in the notice of the inquiry addressed to the dentist.
 - (2). The complainant shall then state his case and produce the evidence in support thereof.
 - (3). The dentist shall then state his case and produce the evidence in support thereof. He may present his case to the Council either before or at the conclusion of his evidence but only once.
 - (4). At the conclusion of the dentist's case the Council shall if the dentist has produce evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in any special case. If the dentist produces no evidence, the complainant shall not be heard in reply except by special leave of the Council.
 - (5). A witness shall be first examined by the party on whose behalf he is cited and then cross-examined by the other party and finally re-examined by the party on whose behalf he is cited. The Council may decline to admit in evidence the deposition of any witness who is not present for, and declines to submit himself for cross-examination.
 - (6). The President and the members of the Council through the President, may put question to any witness.

113. In the absence of a complainant, the following procedure shall be followed:-

- (1). The Registrar shall read the charge sent out in the notice of inquiry addressed to the dentist, state the facts of the case and produce the evidence in its support.
- (2). The dentist shall then state his case and produce the evidence in support thereof. He may address the Council either before or at the conclusion of his evidence but only once.

114. (1) Upon the conclusion of the case, the Council shall deliberate thereon in private and decide by vote whether the dentist:-
- (a) has been convicted of an offence as alleged against him,
 - (b) is guilty of infamous conduct in any professional respect as alleged against him

- (2) If the Council finds that the dentist has been so convicted or is guilty as aforesaid, it shall direct the Registrar to remove the name of the dentist from the Register.

115. When the Council has received intimation from any authority that any qualification conferred by it on a dentist has been withdrawn by it on any ground other than that of the adoption of any theory of dentistry, then the Council shall direct the Registrar to remove such qualification from the register in respect of such dentist.

116. (a) If as aforesaid, all the qualification of any dentist have been removed from the register, then the Council shall, direct the Registrar to remove the name of such dentist from the register.

- (b) If the name of Dentist has been entered in the "register of dentists" by error on account of misrepresentation or suppression of material facts and intimation to this effect is received by the Registrar, he shall submit this information to the president for necessary action. If the President is satisfied as to the truth of the allegation, he will refer the matter to the Executive Committee for consideration and report and it shall have power to call for any evidence, which it considers necessary. The report of the Executive Committee shall be considered by the Council at its next meeting when the person concerned will be entitled to be present and heard. Due notice for this shall be given to the person concerned to represent his case even through a recognized agent.

- 117.(1). The Registrar shall upon the decision to remove any name from the register pursuant to the provisions of the preceding rules or of section 41 forthwith send notice of such decision to the dentist and such notice shall be sent through a registered letter addressed to the last known address or to the registered address of the dentist.

(2) The Registrar shall:-

- (a) in the case of a decision pursuant to the preceding rules, forthwith, and
- (b) in the case of a decision pursuant to the provisions of section 41, after such decision becomes effective under sub-section(3) of that section or after the appeal made under sub-section (4) of that section against such decision has been rejected, send an intimation of such decision to the Dean or Secretary or other proper officer or authority from which the dentist had received his qualification or qualifications.

118. The Registrar shall, within one month after the names have been removed from the Register by order of the Council under section 41, send to the authorities concerned conferring the qualifications, a list of all such names and shall call the attention of each authority to the following recommendation of the 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”

119. Applications for restoration of a name removed under section 41 in the register shall be entertained only at the next or subsequent meeting of the Council.

120. A person whose name has been removed from the register under section 39(2), shall apply to the Registrar for restoration of his name in the Register. If upon such application, the Registrar is of opinion that the applicant is entitled to have his name restored to the register, he shall restore the name of the applicant in the register on payment of the prescribed fee .

121. No application for the re-entry of a name removed from the register under section 39(2) shall be entertained unless it is accompanied by a declaration from the applicant setting forth the facts of the case and stating that he is the person originally registered and by any one of the following documents:-

- (a) Applicant's diploma or University degree
- (b) A certificate in the form reproduced below from two dentists registered under the Act as to identity.
- (c) If the applicant is not resident of the State of Jammu & Kashmir, a certificate as to his identity in the form reproduced below from two persons who shall be Magistrates or two resident dentists registered under the Act.

The declaration shall be countersigned by the District Magistrate of the District where the applicant has been practicing or by a Dentist. Such

countersignatures shall be in the form of the certificate referred to in clause (b) above.

FORM OF CERTIFICATE REFERRED TO IN CLAUSE (b) AND (c) ABOVE

I hereby certify that the aforesaid applicant is the above specified.....
Whose name formerly stood in the register of dentist under the Dentist Act, 1948, with the following address and qualification:-

Name

Address

Qualification

Signature of person certifying
registration number, rank or
commission

122. A Dentist whose name has been removed from the register under section 39(2) shall apply to the Registrar for re-entry of his name in the register within the closure of the financial year. In case he fails to do so, but applies subsequently for re-entry of his name at a later date after the closure of the year, the necessary fee for restoration of his name in the register shall be collected from him for each financial year separately.

123. Any person whose name has been removed from the register under Section 41 but who still possesses a qualification entitling him to be registered under the Act, may apply to the Council for the re-entry of his name in the register and the following procedure shall be followed:-

(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 declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered and by any one of the following documents:-

(a) Applicant's diploma or University degree

(b) A certificate in the form set out in rule 121 from two dentists registered under the Act as to his identity

(c) If the applicant is not a resident in J&K State, a certificate as to his identity in the form foresaid from two persons who shall be Magistrates or two resident Dentists registered under the Act.

(3) The statements in the application shall also be verified by the certificates in writing given by two dentists registered under the Act who are resident in the neighborhood of the place where the applicant had been residing since the removal of his name from the register and who were and are well acquainted with him before and

since the removal of his name and who shall testify to this present good character.

- (4) Before an application is considered by the council the Registrar shall notify the same to the authorities who conferred the qualifications held by the applicant at the time his name was removed and shall further give notices of the application and of the time when the Council intends to consider the same to the person or body on whose complaint the applicant's name was removed.
 - (5) The Council shall consider the application and may, if it thinks fit, adjourn the consideration of it to a future date or required evidence or explanation from the applicant.
 - (6) The application and the certificate referred to in clause (3) shall be in forms "G" and "H" in Appendix I with such variations as circumstances may require printed forms shall be kept by the Registrar who shall supply these to intending applicants.
124. The authority to fix up the nature and amount of fine and penalties in all cases of default committed by the Dentists shall rest with the President. The President may take such steps as are necessary and desirable to collect the fines so levied.
 125. Any Government Order already issued in respect of the registration shall be amended only by the Government, if recommended by the Council under the Act
 126. The Government shall sanction an appropriate amount as grant to carry out functions of the Council and place it at the disposal of the president, who shall submit a statement of the expenditure to the Government every year.
 127. **INTERPRETATION** If any question arises relating to the interpretation of these rules, the matter shall be referred to Government whose decision thereon shall be final and binding.

By order of Govt. of Jammu & Kashmir.

Sd/-

Commissioner/Secretary to Govt.
Health & Medical Education Department.

No:-Health-78/01-NG-Dental

Dated -04-2004

Copy for information & necessary action to the:-

1. Financial Commissioner, Finance Department.
2. Principal Secy./Secy. to Govt. Gen. Admn. Deptt.
3. Commr./Secy. to Govt. Law Department.
4. President J&K State Dental Council
5. Principal Government Dental College Srinagar.
6. Principal Govt. Medical College Jammu/Srinagar.
7. Director Health Service Jammu/Srinagar
8. Director Stationery & Printing Press Jammu/Srinagar.
9. General Manager Govt. Press Jammu for publication in the Govt. Gazette.
10. Stock File.

E 11
15/4
Under Secretary to Government
Health & Medical Education Deptt.

APPENDIX--I

FORM A (SEE RULE 46)

Form of the Register of Dentists.

Part A

Serial No.

Name in full.

Father' name

Dte of Birth.

Nationality

Residential address

Date of first admission in the register

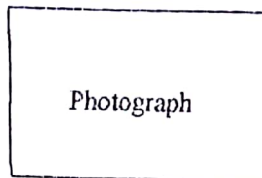
Qualification for registration.

Date on which degree or diploma in dentistry, if any,
was obtained and the authority which confirmed it.
College and University

Professional address

Date of renewal of registration

Remarks- Note: (Removal or "Restoration" of name with date)



Part B

Serial No.

Name in full.

Fathers name

Date of Birth.

Nationality

Residential address

Date of first admission in the register.

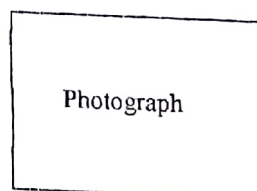
Qualification for registration.

Date on which degree or diploma in dentistry, if any,
Was obtained and the authority which confirmed it.

Professional address

Date of renewal of registration

Remarks- Note: (Removal or "Restoration" of name with date)



EMBLEM

(J&K-State Dental Council)

FORM - b**JAMMU & KASHMIR STATE
DENTAL COUNCIL**

NO:- _____

Dated:- _____

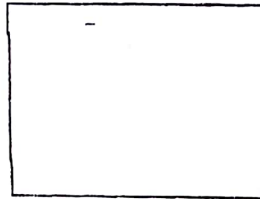
(CERTIFICATE OF RENEWAL OF REGISTRATION UNDER THE DENTISTS ACT, 1948)

This is to certify that the person named below is duly registered under Part A/B as Dental Surgeon under the provisions of the Dentists Act, 1948 and his registration is renewed for the year mentioned below

Name _____

Qualification _____

Regd. NO. _____

**PRESIDENT
J&K STATE DENTAL COUNCIL****REGISTRAR
J&K STATE DENTAL COUNCIL****Renewed till 31st December 2004****Renewed till 31st December 2005****Renewed till 31st December 2006****Renewed till 31st December 2007****Renewed till 31st December 2008**

Appendix-I

FORM - C

(See Rule)
38/39

FORM OF APPLICATION FOR REGISTRATION AS DENTIST
(under Section 34 & 35/46-A of Dentist Act, 1948)

Dated: _____

PRESIDENT
J & K STATE DENTAL COUNCIL,

Sir,

Kindly enter my name under Section 34 of Dentist Act 1948 to Dentists Register A/B of State/ kindly transfer my name under Section 46 A of Dentist Act 1948. My particulars are stated below. The prescribed fee is sent herewith.

Name in full beginning with

Sur name in Block Letters _____

Father's Name _____

Place, Year and date of birth _____

Nationality _____

Residential address _____

Professional address/ addresses _____

Are you seeking Registration first time _____

If transfer of registration, name of the

State Dental Council with which

previously registered your Registration NO. _____

Q U A L I F I C A T I O N S

Description of qualification/ s _____

Name of the authority which confirmed it _____

Date/s of obtaining the qualification/ s _____

Name of the institution through which appeared _____

I am enclosing three copies of my photo along with attested copies of diploma/certificates of degree. Originals will be submitted when required.

- Delete what is not applicable.

Yours faithfully,

Signature _____

Name in full _____

(OFFICE NOTE)

The name of the Doctor _____

R/O _____

_____ - has been entered in the State Dentist Register at S.No.

_____ vide receipt No. _____

Appendix-I

R E G I S T R A R
Jammu & Kashmir State Dental Council

APPENDIX-I

FORM D

{ See Rule 41 }

Application for Registration of Additional Qualifications.

To

The Registrar,
J&K State Dental Council

Sir,

I wish to apply for the registration of the additional qualifications of which I have obtained fromin
The diplomas or certificates of the qualifications are enclosed herewith. These may be returned as soon as done with.

I am already registered under the Dentists Act, 1948, and my registration NO. The prescribed fee of Rs..... is sent herewith.

Yours faithfully,

Station:
Date:-

Signature of applicant

Appendix-I

FORM E

{ See Rule 107 }

Notice to a dentist to attend proceeding for the removal of his name from the Dentists Register under Section 41 of the Dentists Act, 1948.

Office of the J&K State Dental Council
Dated the

Sir,

On behalf of the J&K Dental Council, I give you notice that information and evidence have been laid before the Council by which the complainant make the following charge against you, namely (here sent out the circumstances briefly) and that in relation thereto you have been guilty of infamous conduct in a profession respect.

Or that you were on the Day of convicted of the following offence at namely (here set out particulars of the convictions).

And I am directed further to give you notice that on the day of19..... a meeting of Council will be held at (o'clock in the to consider the above mentioned charges against you, and decide whether or not they should direct your name to be removed from register pursuant to section 41 of the Dentist's Act, 1948, You are 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 on the above mentioned charges and you are hereby informed that if you do not attend as required the Council may proceed to hear and decide upon the said charges in your absence.

Any answer to other communication or application which you may desire to make respecting the said charges or you defence thereto must be addressed to the Registrar of the Council and transmitted so as to reach him no less than..... days before the day appointed for the hearing of the case.

Copy of certain rules of the Council, to which your particular attention is invited is enclosed herewith for your information.

Signed

Registrar

Appendix-I

FORM F

{ See Rule }

Notice to a person complaining against a dentist, to attend the proceedings of the J&K State Dental Council and substantiate the allegation made by him.

Office of the J&K State Dental Council

Dated.....

To

Sir,

I am directed by the J&K State Dental Council to give you notice that on the day of 200 a meeting of the Council will be held at At (o'clock in the to consider the allegation made by you against a dentist. You are hereby required to attend before the Council at the above named place and time to substantiate your allegations. If you do not attend as required, the Council may proceed to hear and decide upon your complaint in your absence.

Registrar

Appendix-I

FORM G { See Rule 123 }

Statutory Declaration by Applicant for Re-entry of name in the Register of Dentist

To

The
J&K State Dental Council

(i) I, the undersigned Now holding the qualification of do solemnly and sincerely declare that the following are the facts of my case and in reason of which I seek re-entry of my name in the register of dentists.

(ii) On the (a) my name was duly registered in the register in respect of the following qualifications, namely, (b) and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications (c) and also in respect of the following additional qualifications, namely:

(iii) At an enquiry held on the (d) day of the Council directed my name to be removed from the register on a complaint made to the said Council by (e) of and the offence of which the Council directed to removal of my name was (f)

(iv) Since the removal of my name from the register I have been residing at (g) and my occupation has been

(v) It is my intention if my name is re-entered in the Register to (h)

(vi) The grounds of application are (i)

Signed

Declared at on before me.

A COMMISSIONER FOR OATHS, OR justice of the peace;

(b) Insert date.

(c) Insert original qualification

(d) To be added to, if necessary

(e) Insert date of inquiry

(f) Insert name and address of complainant.

(g) Insert charge on which name was removed

(h) The balance in this paragraph must be filled in according to circumstances.

(i) Insert particulars as to proposed future professional occupation

(j) All acts and grounds on which the application is made should be clearly and concisely state.

Appendix-I

FORM - H

(See rule)

Certificate in support of application

I Of certify as follows:

1. My registration No. is
2. I have read paragraphs (iv) and (v) of the application of and say that I have been acquainted with the said Both before and since his name was removed from the register of dentists, that I believe him to be now a person of good character, and that the statements in the said paragraphs are, to be best of my knowledge, information and belief , true.

Signed

(Name)

Address

Appendix- "h"
(Application for renewal of registration).

The Registrar,
J&K State Dental Council,
Srinagar/Jammu.

Sir,

I inform that my registration as Dentist/Dental Hygienist/ Dental Mechanic will expire on ----- and therefore apply for the renewal of the same for the year-----.

I enclose herewith my registration certificate/Renewal certificate in original, which may be returned when done with.

Particulars regarding my registration are given below:-

Yours faithfully,

Signature.

Registration No.-----

Full name.-----

Father's name -----

Address.-----

Registration No.-----

Certificate No. _____

JAMMU AND KASHMIR STATE DENTAL COUNCIL

EMBLEM
(J&K State Dental Council)

Dentists Registration Certificate
(Certificate of Registration under the Dentist Act XVI of , 1948)

Registration No. _____

Dated Srinagar/Jammu _____

*This is to certify that the person named below has been registered as a **Registered Dentist** in Part A/B of the State Register under the provisions of the Dentists Act, 1948*

Name.....

Fathers name

Address.....

Qualification for
Registration

Date of first admission

in to the Register

Photo

P R E S I D E N T
J&K STATE DENTAL COUNCIL

R E G I S T R A R
J&K STATE DENTAL COUNCIL

Important Notice:-

4. Every Registered Dental Practitioner should get his/ her Registration Certificate renewed between 1st January to 31st March of the subsequent year .
5. Change of address if any should be communicated to the Registrar
6. All enquiries made should be answered promptly with regard to any matter pertaining to Registration etc. failing which his/ her name shall be erased from the Register of Registered Dentists Under Sub-section(2) of section 39 of the Dentists Act, 1948.