

# **\*Kerala Dental Council Rules, 1963**

## **Section 55**

In exercise of the powers conferred by section 55 of the Dentists Act, 1948 (Central Act 16 of 1948) the Government of Kerala hereby makes the following rules for the Kerala Dental Council.

### **Rules for the Kerala Dental Council**

#### **Chapter I Introductory**

**1. Short title and commencement.-**

- (a) These Rules may be called the Kerala Dental Council Rules, 1963.
- (b) They shall come into force at once.

**2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context,-

- (a) 'the Act' means the Dentists Act, 1948 (Central Act 16 of 1948);
- (b) 'the Council' means the Kerala Dental Council constituted under section 21;
- (c) 'Executive Committee' means the Executive Committee of the Council;
- (d) 'Form' means a form annexed to these rules;
- (e) 'Government' means the Government of Kerala;
- (f) 'President' means the President of the Council;
- (g) 'Register' means the register of dentists prepared and maintained under the Act
- (h) 'Registrar' means the Registrar appointed under section 28;
- (i) 'Returning Officer' means the Returning Officer appointed by the Government;
- (j) 'Section' means a section of the Act.

#### **Chapter II**

#### **Elections under section 21 (a) and (b)**

**3. Preliminary Electoral Roll.-**

- (1) Parts A and B of the Register as published with reference to sections 31 (3) and (4) and 32 (4) together with the list or lists published by Returning Officer in the Kerala Government Gazette, of Dentists registered under either part, subsequent to the publication of the register, shall respectively be the preliminary electoral roll for the electorate specified in the clauses (a) and (b) of section 21:

Provided that in the case of elections other than those hold for the firsttime under the Act, the preliminary electoral roll shall be the register as last printed under section 45, together with the list or lists, published by the Returning Officer of Dentists registered subsequent to the printing of the register.

• Issued by Notif. No. 48321/D4/62/HLD dt. 6-6-1963 pub. in K.G. dt. 16-7-1963, with immediate effect.

- (2) The Returning Officer shall prepare and publish in the Kerala Government Gazette, on a date to be fixed by the Government preliminary electoral rolls in Form I in Appendix I, containing the names of all the electors for each of the electorates specified in clauses (a) and (b) of section 21.
- (3) The Returning Officer shall simultaneously publish a notice in the Kerala Government Gazette specifying the mode in which and the time within which claims and objections relating to the entries or omissions in the preliminary rolls shall be preferred.
- (4) On or after the date fixed for the receipt of the claims and objections the Returning Officer shall pass orders in writing on each claim or objection and revise the preliminary electoral rolls in accordance with such orders, and the rolls as so revised, shall be published in the Kerala Government Gazette as the final electoral rolls.

**4. Fixation of dates for various stages of Election.**- The Returning Officer shall appoint and shall notify in the Kerala Government Gazette and in such other manner as he thinks fit the date, time and place for:-

- (a) the receipt of nomination papers and their scrutiny;
- (b) the despatch of voting papers to the electors;
- (c) the poll; and
- (d) the scrutiny and counting of votes.

**5. Nomination of candidates.**- Every candidate for election shall be nominated by means of a nomination paper in Form II in Appendix I which shall be supplied free of cost by the Returning Officer to any elector applying for the same.

No Dentist shall be eligible to stand for election to the Kerala Dental Council unless he resides or carries on the business or profession of Dentistry in the State of Kerala.

**6. Nomination papers.**-

- (1) Every nomination paper shall be signed by two electors as proposer and seconder and sent by post or otherwise so as to reach the Returning Officer on or before a date fixed by him which shall be not less than four weeks before the date appointed for the poll:

Provided that no elector shall sign more nomination papers than there are seats to be filled up:

Provided further that if more than the prescribed number of nomination papers are signed by the same elector the prescribed number of nomination papers first received by the Returning Officer shall if otherwise in order, be held to be valid, and if more than the prescribed number of nominations signed by the same elector are received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.

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

**Rejection of nomination papers.**- Nomination papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.

**Fees payable by candidates.**-

- (1) On or before the date appointed for the receipt of nomination papers each candidate wishing to stand for election shall pay the Returning Officer a fee of fifty rupees in cash and no candidate shall be deemed to be duly nominated unless such fee has been paid.
- (2) The fee so paid shall be credited to the Council and shall not in any circumstance be refunded.

**Scrutiny of nomination papers.**-

- (1) On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers the candidates and the proposer and seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.
- (2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.

**1. Withdrawal of candidature.**-

- (1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than twenty-one clear days before the date appointed for the poll. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.
- (2) The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the Kerala Government Gazette.

**1. Poll.**-

- (1) If the number of candidates who stand duly nominated is equal to the number of members to be elected the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidate or candidates to be duly elected.
- (2) If the number of such candidates is lower than the number of members to be elected, the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidate, if any, or all such candidates to be duly selected and the president shall in accordance with the provisions of rule 22 take steps to fill the remaining vacancy or vacancies.

- (3) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish their names and addresses in the Kerala Government Gazette and shall further cause their names to be entered in alphabetical order in the voting papers in Form IV in Appendix I.
  - (4) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefor sent by post to each elector a letter of intimation in Form V in Appendix I together with a numbered declaration paper in Form III in the said Appendix a voting paper in Form IV in the said Appendix containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover also addressed to him. A certificate of postings shall be obtained in respect of each such letter of intimation sent to an elector.
  - (5) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and require Returning Officer to send him fresh papers, and if the papers have been spoilt the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.
  - (6) No election shall be invalidated by reason of an elector not receiving his voting paper, provided that a voting paper has been issued to him in accordance with these rules.
- 12. Votes to be sent by registered post.**- Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost to the Returning Officer, so as to reach him not later than 5 p.m. on the day fixed for the poll. All envelopes received after that day or hour or received by un-registered post shall be rejected.
- 13. Endorsement by Returning Officer on Registered covers.**- On receipt of the envelopes by registered post containing the declaration papers and the closed cover containing the declaration papers and the closed cover containing the voting papers, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.

**14. Candidates may be present when Registered covers are opened.-**

The Returning Officer shall open the outer envelopes immediately after 5 p.m. on the day fixed for the poll at the place to which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time outer envelopes are opened.

**15. Rejection of voting papers.-**

- (1) A voting paper cover shall be rejected by the Returning Officer, if:-
  - (a) the outer envelope contains no declaration paper outside the voting paper cover, or
  - (b) the declaration paper is not the one sent by the Returning Officer, or
  - (c) the declaration paper is not signed by the elector, or
  - (d) the voting paper is placed outside the voting paper cover, or
  - (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

In each case of rejection, the word 'Rejected' shall be endorsed on the voting paper cover and the declaration paper.

- (2) After satisfying himself that the electors have affixed their signature to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 18.

**16. Scrutiny and counting of votes.-**

- (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes, at the date, time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.
- (2) All the voting covers other than those rejected under rule 15, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.
- (3) A voting paper shall be invalid if-
  - (a) It does not bear the Returning Officer's initials; or
  - (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his voting paper; or
  - (c) no vote is recorded thereon; or
  - (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
  - (e) It is void for uncertainty of one or more votes exercised:

Provided that where more than one vote can be given on the same voting paper, if one of the marks as so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

- (4) Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.

- (5) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representative, at the time of scrutiny and counting of votes.
- (6) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper it shall be decided at once by the Returning Officer whose decision shall be final.
- (7) The Returning Officer shall nominate such number of scrutineers not exceeding four as he thinks fit. In the case of elections held for the first time under the Act the scrutineers shall be Gazetted Officers of the State Government and in the case of other elections, members of the Council.

**17. Declaration of results.-**

- (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to be duly elected and shall forthwith inform each successful candidate by letter of his being elected to the Council. If any candidate thus shown to be elected has withdrawn from the election or refuses to accept election, then in place of that candidate one of the remaining candidates to whom the next largest number of votes has been given shall be held to have been elected and so on far as many of the remaining candidates as there may be vacancies caused in this way.
- (2) If there is an equality of votes between any two or more candidates, the Returning Officer, shall after notice to the candidates concerned, decide by drawing lots which candidate or candidates he shall declare to have been elected.

**18. Voting papers to be retained for six months.-** Upon the completion of the 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 and shall retain the same for a period of six months and the Council shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Government.

**19. Publication of results.-**

- (1) The Returning Officer shall publish the result and date of the election in the Kerala Government Gazette in the case of first election to the Council and also send a report to the Government about the election.
- (2) In the case of election other than those held for the first time under the Act, the Returning Officer shall inform the President of the result and date of the elections, who shall then publish the same in the Kerala Government Gazette. The Returning Officer shall also send a report to the Government about the election.

**Dispute Regarding Election****20. Election petition.-**

- (1) An election petition calling in question any election shall be presented to the Returning Officer by any candidate or elector at such election within seven days from the date of publication of the results under rule 19 (1) or 19 (2).
- (2) An election petition shall be presented in person by the person making the petition or by any one authorised by such person in writing in this behalf or shall be sent by Registered post acknowledgement due. The Returning Officer shall give a written acknowledgement for every petition presented in person.
- (3) The Returning Officer shall forward an election petition in original to the Government together with his remarks thereon, if any, within a week of its receipt by him, if he cannot offer his remarks within that period, he shall send on a separate communication later on but should not on that account delay the forwarding of the petition to the Government.
- (4) On receipt of an election petition or petitions from the Returning Officer, the Government may, if they deem fit, appoint a person to enquire into the matter and make a report to them.
- (5) Before setting aside an election under section 26, the Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.

**Election under Section 21 (d)**

**21. Election of a member by Medical Council.-** In the case of first elections to the Council, the Returning Officer shall issue a notice to the Travancore-Cochin Medical Council of Modern Medicine 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.

**22. Term of Office and casual vacancies.-**

- (1) Subject to the provisions of this rule an elected or nominated member shall hold office for a term of five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer.
- (2) Within a week of the occurrence of a vacancy otherwise than by the expiry of the term of office, the President shall give intimation thereof.
  - (a) In the case of a vacancy to be filled by election under clauses (a) and (b) of section 21 to the Government.
  - (b) In the case of a vacancy to be filled by election under section 21 (d), to the Council of Modern Medicine established under section 3 of the Travancore-Cochin Medical Practitioner's Act, 1953 calling upon it to elect from amongst its members one person and forward his name to the President within four weeks of the receipt of the intimation;

- (c) In the case of a vacancy to be filled by nomination under section 21(e) to the Government.
- (3) In the case of a vacancy occurring by the expiry of the term of office of a member, intimation thereof to the authorities referred to in sub-rule (1) shall be given by the President not less than two months before the date on which the vacancy will occur.
- 23. Expiration of the term of office of the members to report to President.-** Ninety days before the expiration of the term of office of any member, the Registrar shall draw the attention of the President to the impending vacancy so as to enable him to take action under rule 22.
- 24. Occurrence of vacancy otherwise than by expiry of term.-** On the occurrence of a vacancy otherwise than by the expiry of the term of office the Registrar shall forthwith draw the attention of the President to the existence of the vacancy to enable the President to take action under rule 22.

### Chapter III

#### Election of President and Vice-President

**25. Mode of election.-**

- (a) The election of the President or the Vice-President shall be by secret ballot at a meeting specially convened for that purpose and for which due notice has been given under rule 78 and 79.
- (b) The meeting for the election of the President shall be presided over by the Vice-President:

Provided that, if the Vice-President is himself standing for election or if there is no Vice-President or if he is absent the members shall choose from amongst themselves a person other than a candidate for election to preside over the meetings.

- (c) The meeting for the election of the Vice-President shall be presided over by the President and in his absence, the members shall choose from amongst themselves a person other than a candidate for election to preside over the meeting.
- (d) Every candidate shall be duly proposed and seconded.
- (e) The President of the meeting shall declare the candidates securing the largest number of votes as duly elected.
- (f) In the event of two or more candidates securing an equal number of votes, the President of the meeting shall decide by drawing lots, the candidates who he shall declare as duly elected.

### Chapter IV

#### Registrar and other Staff

**26. Appointment of the Staff and the Registrar.-**

- (a) The staff of the Dental Registration Tribunal will continue as the staff of



the Dental Council. Government shall be the authority competent to create posts.

(b) The term of office of the Registrar appointed by the Council shall be fixed by Government in each case in consultation with the Council except in the case of the first Council.

17. **Registrar's control over the Staff.**- The powers of the Registrar to punish the Officers and servants employed under him shall be such as are defined by Government from time to time.
18. **General control over the management of Office.**- The Registrar shall have general control over the management of the office, authority over the clerks and servants and superintendence of the buildings.
19. **Duties of the Registrar.**- The Registrar shall be present at every meeting of the Council and of the Executive Committee and other Committees. It shall be his duty to take minutes of the proceedings of all meetings of the Council and committees thereunder. The Registrar shall keep the registers in accordance with the provisions of the Act and the rules and regulations of the Council.
20. **Registrar to participate in discussions.**- The Registrar shall have the right to participate in the discussions of the Council, the Executive Committee and other Sub-Committees appointed by the Council but shall not function as a member of the Council or committee whether by way of voting or moving any resolution.

#### Chapter V

#### Registers, Accounts and other Miscellaneous Matters

21. **Register of Members.**- A book shall be kept, containing the names of each of the members of the Council, the electorate that represents, the date of the notification of his appointment or election, the term for which he was appointed and the date of his death, resignation or retirement or on which day he otherwise ceased to be a member; the book shall be regularly maintained so as to show the period at which the body or authority having power to appoint or elect should make a new appointment or elect a new member.
22. **Corporate seal for the Council.**- The Council shall have a corporate seal which 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 lock in the custody of the Registrar.
23. **Use of seal.**- The seal shall be affixed only by order of the Council or when the Council is not sitting by order of the President.
24. **Necessity for affixing the seal.**- Any order for affixing the seal shall state why it is necessary to affix the seal and shall be entered in the minutes of the Council or of the Executive Committee as the case may be.

### Inspection of Documents

**35. Inspection of documents by members.-**

- (i) The condition on which leave, shall be granted to members of the Council to inspect the docum not required for use by its legal advisers shall be those contained in this rule and rules 36 and 39 and 40.
- (ii) Three clear days notice in writing shall be given to the Registrar, except when the Council is in session, when special leave may be granted.

**36. Notice for documents.-** The subject of the documents needed for inspection shall be stated in the notice.

**37. Responsibility for the custody of documents.-** The Registrar shall be held responsible for the safe custody of all documents.

**38. Arranging of documents.-** The Registrar shall have the documents arranged in chronological order or otherwise so as to facilitate their inspection during office hours.

**39. Documents not to be removed from office.-** Documents under inspection shall not be removed from the premises of the Council.

**40. Information to be kept confidential.-** All such documents and the information derived therefrom shall be regarded as strictly confidential.

### Rules relating to Financial and Account matters of the Council's Fund

**41. Operation of the funds, preparation of budget, receipts, maintenance of accounts etc.-**

- (1) There shall be a fund for the Kerala Dental Council called "The Kerala Dental Council's Fund". The funds of the Dental Registration Tribunal will form part of the funds of the council.
- (2) All fees, fines, penalties etc., realised under the Act or rules or regulations thereunder and all contributions and other payments made to the Council shall constitute the fund, and shall be applied and disposed of in accordance with law to carry out the purposes of the Act.
- (3) The fund shall be lodged in the State Bank of Travancore in a current account in the name of the Kerala Dental Council and shall be operated by the Registrar, on behalf of the Council. All orders of cheques against the fund shall be signed by the Registrar.
- (4) **Budget.-** Every year in the month of January, the Registrar shall prepare a budget showing the probable receipts and expenditure of the Council for the ensuing financial year and submit the same to the Council for sanction. The budget estimate sanctioned by the Council shall be forwarded to Government for their approval not later than the 1st March in every year. The budget estimate shall make provision for

the fulfilment of the liabilities of the council and for effectually carrying out its objects. At any time during an year for which an estimate has been sanctioned the council may cause to prepare and submit to Government for sanction a supplemental estimate, providing for any modifications which it may deem advisable and necessary to make in the distribution of the amount to be raised and expended during that year.

- (5) In case of emergency the Registrar may incur expenditure in excess of the budget sanctioned for any one head, if equal savings under other heads are available to balance the budget. The expenditure so incurred in excess of the budget allotment shall be reported immediately to the Council for sanction and to Government.

[(5A) **Grant for the council.**- The Government may subject to the availability of funds, sanction an amount equal to the excess of expenditure over the income of the Council as grant for every year. The grant will be given provisionally in the first instance on production of a certificate by the Registrar to the effect that the grant will be utilised for general purpose and that any amount which will be found in excess of the amount due to the Council based on the accounts for the particular year will be adjusted against future grant-in-aid and adjusted finally after audit.]

- (6) Receipts.- For all moneys received on behalf of the Council, receipts in Form I in Appendix II shall be given by the Registrar or by the person authorised by him in that behalf.
- (7) All moneys received shall be entered in a register of receipts maintained for the purpose in Form No. II in Appendix II as soon as received.
- The daily totals of the receipts shall be struck in the register of receipts and carried over to the appropriate columns in the cash book.
- (8) No money received on behalf of the Council shall be utilised for its expenditure without first being remitted into the bank.
- (9) Remittances into the Bank shall be made daily or weekly as may be most convenient, provided all the moneys in hand on the closing day of each month shall be remitted on that day.
- (10) The Registrar shall examine the pass book (Form No. III Appendix II) from time to time and in any case at least once a week and shall immediately call the attention of the Bank to any discrepancy that may appear between the credits and debits as shown therein and those shown in the books of the office of the Council.
- (11) The cash book shall be in Form No. IV Appendix II. The daily totals of the register of the receipts and register of payments shall be carried over to the cash book.

(12) The cash book shall be balanced at the close of every month and signed by the Registrar in token of the correctness of every entry made therein. The balance worked out in the cash book shall be agreed with the balance shown in the Bank pass book of the Council as shown under

Balance as per cash book	..	..
Deduct	..	..
(i) Unremitted balance in hand	..	..
(ii) Cash in hand as Imprest	..	..
Net balance	..	..
Add	..	..
Amount of uncashed cheques	..	..
Balance as per pass book	..	..

**42. Authorised items of expenditure.**- The following shall be the authorised expenditure of the Council:-

- (1) Fees and other allowances payable to the President, Vice-President and members of the Council under section 28.
- (2) Pay and allowance of the Registrar and other officers and servants under section 28.
- (3) Election expenses, if any.
- (4) Office rent.
- (5) Legal expenses, if any.
- (6) Expenses on account of inspection of teaching institutions.
- (7) Contingencies.
- (8) Purchase and repair of furniture etc.

**43. Payment out of the fund.**- All payments out of the council's fund in respect of bills presented to the council shall be made only after the bills are passed by the Registrar.

**44. Payments to be made by cheque.**- All payments amounting to Rs.25 and above shall be made only by cheques drawn on the bank in which the funds of the Council are lodged. The cheque shall be in favour of the person to whom the money is to be paid. But payment on account of pay and allowances to the Council's employees shall be made by self cheques drawn by the Registrar, the amount so drawn being disbursed on obtaining acquittances. The pay and allowance of the Registrar may be drawn by the Registrar by self cheques.

**45. Vouchers to be obtained.**- Every payment made either in cash or by cheque shall be supported by a voucher duly receipted, stamped if necessary and signed by the person to whom the money is due and to whom it has actually been paid.

**46. Register of Bills.**- All bills presented for payment shall be entered in a register of bills in Form No.V Appendix II and the bills remaining unpaid at the close of a year shall be carried forward to the Register of the next year.

7. **Kinds of Bills.**- Every Item of expenditure shall be entered in a bill of one of the following kinds, the bills being in the forms prescribed for the respective charges in the Financial and Account Code for the time being in force.
- (a) A Salary Bill
  - (b) An Establishment Pay Bill
  - (c) A T.A. Bill
  - (d) A Contingent Bill
  - (e) Work Bill.
48. **Arrangement of bills.**- All bills and vouchers that have been paid shall be numbered consecutively for a month in the order of payment and shall be stamped 'paid' or 'cancelled' as the case may be and filed carefully for check and audit.
49. **Arrangement of sub-vouchers.**- A sub-voucher for payments made out of the office imprest i.e. petty payments below Rs.25 shall be filled separately and shall be attached to the respective Contingent Bills drawn for recoupment of imprest.
50. **Register of payments.**- The payment as per each voucher shall be entered in the Register of payments in Form No.VI Appendix II and the entries in the payment register shall be tested by the Registrar as soon as the order for payment is signed by him.
51. **Cash Book.**- The daily totals of the payments shall be struck in the Register of payments and carried over to the appropriate column in the cash book.
52. **Imprest Account.**- The Council may authorise the Registrar to retain a sum of Rs.50 as imprest to meet petty expenditure. All claims below Rs. 25 shall be paid from the imprest and all payments from the imprest shall be entered in an imprest register in Form No. VII, Appendix II.
53. **Recoupment of Imprest.**- The imprest amount may be recouped whenever necessary after drawing a contingent bill for the expenditure met from the imprest since last recoupment. The total expenditure as per the contingent bill so drawn shall be classified head-ward and posted in the payment register.
54. **Sanctions for expenditure.**- No expenditure exceeding Rs. 50 shall be incurred and no articles the value of which exceeds Rs.50 shall be purchased without the previous sanction of the Council. Previous sanction of Government shall be obtained for all expenditure exceeding Rs.200.
55. **Monthly Accounts.**- The Registrar shall prepare a statement showing the receipts and expenditure of the Councils every month in Form No. VIII, Appendix II and shall submit such monthly statements to the next sitting of the Council for its approval.
56. **Stock Register.**- A stock register of all articles and properties of the Council shall be maintained by the Registrar and shall be checked by the Registrar once in six months.

- 57. Audit.**- The accounts of receipts and expenditure of the Council shall be audited by the examiner and staff of the Local Fund Audit Department. The Registrar shall submit the accounts to the auditors as required by them.
- 58.** The auditors may-
- (a) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of accounts.
  - (b) by summons in writing require any person having the custody or control of any such document or any person accountable for it, to appear in person before them.
  - (c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.
- 59. Submission of Audit Report.**- The auditors through the Examiner of Local Fund Accounts shall submit to the Council a statement of audit of the accounts of the Council for an year or such other period as may be required and a duplicate copy thereof to Government.
- 60. Irregularities if any, to be pointed out in the Audit Report.**- The audit report shall specify all cases of irregular, illegal or improper expenditure or of failure to recover money or other property due to the fund or of loss or waste of money or other property thereof caused by neglect or misconduct.
- 61. Other factors to be specified in the Audit Report.**- The auditors shall also report on any other matter relating to the accounts.
- 62. Replies to the Audit Report.**- The Registrar shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the Council and to the Examiner Local Fund Audit Department.

## Chapter VI

### Registration of Dentists

- 63. Application for Registration.**- Every person entitled to be registered under sections 34 and 35 desiring to have himself so registered shall apply to the Registrar in Form 3 in Appendix III. Every such application shall be accompanied by the fee prescribed in this behalf in rule 75.
- 64. Special qualification for Registration.**- Where the application for registration is under section 34 (1) (ii) the applicant shall state in the application that he has passed the special examination referred to in that section as one of his qualifications for registration.

**65. Validity of Registration.-**

- (i) The registration of a person under the Act shall subject to the provisions contained in 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.
- (ii) Any person desiring to continue his registration shall submit to the Registrar an application before the 31st day of December of the year till the end of which the current registration will hold good indicating his correct address.

**66. Registration of additional qualification.-** An application for registration of an additional qualification shall be in Form II in Appendix III and shall be accompanied by the fee prescribed in this behalf in rule 74.

**67. Appeal to the Council.-** Every appeal to the Council against a refusal of the Registrar to register in the case of first registration or to alter any entry in the register shall state the grounds on which the registration or alteration is claimed and furnish the particulars of the qualifications held and the dates on which they were acquired. On receipt of any such appeal the Executive Committee shall conduct an enquiry and submit a report to the Council.

**68. Registration Certificate.-** On the registration of every Dentist under the Act, the Registrar shall grant such Dentist a certificate in Form III in Appendix III and at each renewal of such registration a token receipt shall be issued by the Registrar of having paid the renewal fee.

**69. Issue of certified Copies.-** Certified copies of entries in the register in the following form may be issued to any person on payment of the fee prescribed in rule 75.

No. Office of the Kerala Dental Council

The following is a true copy of the entry in the Dental Register of the name specified below:-

Name	Address	Date of Registration	Qualification
			<i>Registrar</i>

Note:- (1) This certified copy shall be evidence of registration only until the publication of the printed Dentists Register for 19..... It is not evidence of the identity of the holder with the person named therein and shall not be used as such evidence.

(2) The fee prescribed by the rule 75 shall be levied for registering a change of name in the register.

(3) A duplicate certificate issued section 44 shall be in Form IV in Appendix III.

**70. Removal of name from the Register.**- Every application by a Dentist 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 proceedings which might result in the removal of his name from the register or for depriving him of any qualification or licence entitling him to have his name entered in the register. 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 testimonial 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 licence entitling him to have his name entered in the register.

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.

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.

The Registrar shall, upon the removal of the applicant's name from the register, send notice of such removal to the applicant by registered post addressed to both his registered residential and professional addresses.

**71. Maintenance of Register.**- The Register shall be maintained as required by section 31 (3) and in Form V in Appendix III.

**72. Entry of names in the Register.**- 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.

**73. Each page of the Register to be attested by the Registrar.**- Each page of the register shall be verified by the Registrars Signature.

**74. Fees leviable.**- The following fees shall be levied by the Council, namely:-

	Rs.	nP.
For the first registration in the register	25	00
For every qualification subsequently registered	10	00
For annual retention	15	00
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	10	00



For restoration to the register under section 42	25	00
For registration of a change of name	5	00
For every copy of the printed register under section 45	5	00
For every certified copy of an entry in the register	3	00
For the grant of a duplicate certificate	5	00

In addition, stamp duty leviable on any of the provisions under the Kerala Stamp Act, 1959 or any other law for the time being in force relating to the levy of stamp duty, shall be levied.

75. **Additional entries, alteration and omissions in the Register.**- The Registrar shall keep an interleaved copy of the printed register wherein he shall make during the course of the year any entry, alteration or omission that may be necessary.
76. **Closing entries in the Register.**- At the end of every year there 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 register during the year stating the particular section under which the names have been removed, and (5) the number removed by death during the year.

#### Chapter VII

#### Rules of Business of the Councils Etc.

77. **Number of meetings of the Council.**- A meeting of the Council shall be held once a year during the month of December. The meeting of the Council shall also be held at any other time only under the direction of the President.
78. **Mode of convening meetings.**- All meetings of the Council shall be convened by the Registrar by notice given to each member stating the time and place of the meeting.
- The President shall preside over the meeting. In the absence of the President, the Vice-President or any other person chosen for the purpose for the time being by the members present shall preside over the meeting.
79. **General meeting and special meeting.**- The notice shall state the purpose of the meeting, that is whether it is for transacting general business or for transacting any special business. At any meeting which is for transacting special business, no other business shall be transacted except that specified in the notice; unless the Council by resolution agrees to consider such business.
80. **Programme of business for the meeting.**- Prior to any meeting of the Council, the Registrar shall 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 fixed for the 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.

81. **Motions for meeting.**- Any notice of motion to be inserted in the programme of business for the meeting shall be sent to the Registrar at least 15 clear days before the beginning of the meeting.
82. **Absence of members.**- 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.
83. **Quorum for the meeting.**- Seven members of whom the President may be one shall constitute a quorum.
84. **Permission of the President necessary for leaving the meeting.**- No member shall, after taking his place, leave the meeting without the permission of President.
85. **Distribution of the programme.**- Before the commencement of any meeting of the Council, the President in consultation with the Registrar shall prepare the programme of business containing the subjects 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.
86. **Motions and amendments.**- All motions and amendments shall be in writing, shall be signed by the mover and seconder and before the members speak on them shall be read by the President or by the Registrar under the authority of the President. All formal amendments shall be framed so that they may be read as independent motion.
87. **Right of mover.**- The mover shall have the right to speak before any motion or amendment is seconded.
88. **Precedence of motions.**- Any motion standing over from the previous day shall take precedence over any new subject unless the Council otherwise determines.
89. **Withdrawal of motions.**- 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.
90. **Secunder of a motion.**- The seconder of a motion may make his speech at any stage of the debate; but only the proposer shall have the right of final reply.
91. **Amendment to motions.**-
  - (a) If an amendment is proposed, it shall be disposed of before any other amendment is moved.
  - (b) 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.

- (c) If all the amendments are lost, the original motion shall be regarded as a substantive motion to which no further amendment may be moved.
- (d) If any amendments is carried, the original motion so amended shall be regarded as a substantive motion to which further amendments may be moved.
- (c) 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 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 to the next item in the programme of business.
- (f) 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."

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

**Adjournment of debate on motion.**-

- (i) 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 resumption of the debate, be entitled to speak first.

- (ii) If the proposal for the adjournment of the Council is carried, the question under debate shall be dropped from the programme of business.
  - (iii) 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.
- 94. Closure of the debate.-** The proposal for the closure of the debate shall be made and seconded without further debate and shall 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.
- 95. Passing on to the next item in the programme.-** 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 or amendment to which it applies shall be dropped from the programme of business.
- 96. Discretion of the President.-** 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 informations 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.
- 97. Circulation of minutes.-** The minutes of each meeting shall be circulated to all the members and shall be confirmed if no objections are received thereon within ten days from the date of circulation of the minutes to the members. If any such objection is received confirmation of the minutes with reference to the objected item shall wait the next meeting of the Council.
- 98. Printing of the minutes of the Council.-** 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.
- 99. Contents of minutes.-**
- (i) The minutes of each meeting shall set out the motions and amendments proposed and adopted or negatived, with the names of the proposer and seconder annexed thereto but without the comments or observations of the members.
  - (ii) 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.
- 100. Copy of the printed minutes to be sent to members.-** After the close of any meeting of the Council, a printed copy of the minutes of the meeting as confirmed shall be sent to each member.
-

101. **Compilation of minutes.**- Complete minutes of each meeting of the Council after confirmation in accordance with rule 97 shall, as soon as convenient after the close of the meeting be made up in sheets inserted in the yearly volume and consecutively paged.

#### **Business of the Executive Committee**

102. **Number of members in the Executive Committee.**- The Executive Committee shall consist of the President and the Vice President ex-officio, and four members of the Council.
103. **Meeting of the Executive Committee.**- 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.
104. **Quorum for Executive Committee.**- For a meeting of the Executive Committee four members including the President shall be the quorum.
105. **Absence in Executive Committee meeting.**- 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 shall cease to be a member of the Committee.
106. **Minutes of the Executive Committee.**-
- (i) The Executive Committee shall keep minutes for its proceedings which shall be dealt with in the manner indicated in rules, 97, 98, 99 and 101.
  - (ii) The minutes of the meetings 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.
107. **Vacancy of the Registrar.**- 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.
108. **Printing of the Registers, their distribution, etc.**-
- (i) 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. The copies shall be distributed to such of the Officers of the Government 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.
  - (ii) The Registrar in consultation with the President shall order such number of copies to be printed on a revision of the annual distribution list.
109. **Printing of the minutes of the Executive Committee.**- The Printing of the minutes shall be under the direction of the Executive Committee.

**110. Petition addressed to the Council.**- All petitions addressed to the Council shall be referred by it to the Executive Committee to be examined and reported upon before being considered by the Council:

Provided that all petitions addressed to the Council shall be laid upon the table of the Council for such action as it deems fit.

**111. Reports on the petitions.**- The Executive Committee shall prepare reports on the subjects indicated to it by the Council when the Council 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 the next meeting of the Council.

#### **Fees and Allowances for Attending the Meetings of the Council and the Executive Committee and other Expenses**

**112. T.A. and D.A. to members.**- For attending the meeting of the Council or Executive Committee allowance shall be payable to members from the funds of the Council as set forth below:-

- (i) Government servants should draw the travelling allowance to which they are entitled to under the Kerala Service Rules.
- (ii) Other members would draw the travelling allowance and daily allowance allowable to the First Class Officers in the State Service.

#### **Chapter VIII**

#### **Prosecutions and Removal and Restoration of Registration**

**113. Complaints received by the Registrar.**- 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 complaint to produce in the form of an affidavit or otherwise *prima facie* proof of the matters complained of.

**114. Institution of prosecution.**- If the Council decides that a prosecution should be instituted it shall authorise by a resolution any officer to institute such prosecution.

**115. Information regarding offence to be referred to the Executive Committee.**- 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 the report through the Council.

**116. Informations about professional misconduct to be submitted to the President.**- When information reaches the office of the Council that a registered practitioner has been convicted by any judicial or other competent authority in relation to his professional character or has been guilty of conduct which *prima facie* constitutes infamous conduct in his professional capacity or is contrary to the code of medical ethics approved by the council, the Registrar shall make an abstract of such information and shall submit the same to the President.

- 117. Calling of explanation of the Dentist.**- 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.
- 118. Investigation on the allegations.**- The Executive Committee may require the Registrar to investigate the matter further and collect further evidence.
- 119. Institution of enquiry.**- If the Committee resolved 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 enquiry and for having the case heard and determined by the Council.
- 120. Notice to be sent to the Dentist.**- A notice in Form VI in Appendix III 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 VI in Appendix III shall be sent to the complainant also.
- 121. Copies of declarations, explanations etc., to be supplied to parties.**- Either party to an enquiry shall for the purpose of his defence or reply, as the case may be, and upon request in writing be supplied by the Registrar with a copy of any declaration, explanation answer or other document received by the Council for use at the enquiry as evidence and every notice of enquiry shall draw the particular attention of the Dentist to this rule.
- 122. Applications received from the parties.**- Any application made by the Dentist between the date of issue of the notice and the date of the hearing shall be dealt with by the President in such manner as he thinks fit.
- 123. Material documents to be printed and supplied to members.**- 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.
- 124. Representation of legal practitioners.**- The complainant and the Dentist may be represented by legal practitioners.
- 125. Procedure to be followed when the complainant appears.**- When the complainant appears, the following procedure shall be followed:-
- (1) The Registrar shall read the charge set out in the notice of the enquiry 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 address 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 produced 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, or decline to submit himself for cross-examination.
- (6) The President and the members of the Council through the President, may put questions to any witness.

**126. Procedure to be followed when the complainant is absent.-** In the absence of a complainant the following procedure shall be followed:-

- (1) The Registrar shall read the charges set out in the notice of enquiry 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.

**127. Passing of final orders.-**

- (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.

**128. Withdrawal of qualification.-** 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.

**129. Removal of the name from the register.-** If as aforesaid, all the qualifications 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.

**130. Notice of removal of name to be sent to Dentist.-** The Registrar shall, upon the removal of any name from the register pursuant to the provisions of rule 129 or of section 41, forthwith send notice of such removal to the Dentist by registered post addressed to the last known address or to the registered residential and professional address of the Dentist. The



Registrar shall also send, forthwith intimation of any such removal to the Dean or Secretary or other proper officer of the authority which conferred the qualification or qualifications on the Dentist.

31. **Notice to be sent to the authorities who conferred the qualification.** The Registrar shall, within one month after any 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 Dentist's register shall, without previous reference to the Council, be admitted to examination for any new qualification which is registerable in the Dentist's register".

32. **Entertainment of application for restoration of name.**- Applications for restoration of a name removed under section 41 to the register shall be entertained only at the next or subsequent meeting of the Council.

33. **Restoration of name.**- A person whose name has been removed from the register under section 39 (2) of the Dentists Act, 1948, 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.

34. **Application for re-entry of names.**- 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 Dentist whose name has been removed from the register under section 39 (2) of the Act shall apply to the Registrar for re-entry of his name in the register with 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.

- (a) Applicant's diploma or University degree.
- (b) A certificate in the form reproduced below from two Dentists registered under the Act as to his identity.
- (c) If the applicant is not resident in ..... a certificate as to his identity in the form reproduced below from two persons who shall be Magistrates or officers holding a Commission in the Defence Forces of India or Justices of Peace or two resident Dentists registered under the Act.

The declaration shall be countersigned by the District Medical Officer of the District where the applicant has been practising 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 Dentists under the Dentist's Act, 1948, with the following address and qualifications:-

Name:

Address:

Qualification:

Date:

*Signature of person certifying  
registration number, rank or  
Commission.*

**135. Re-entry of names of persons possessing qualifications.**- 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 in the case of every such application:-

- (1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.
- (2) The application shall be accompanied by a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered and by one of the following documents:-
  - (a) Applicant's diploma or University degree.
  - (b) A certificate in the form set out in rule 134 from two Dentists registered under the Act as to his identity.
  - (c) If the applicant is not resident in ..... a certificate as to his identity in the form aforesaid from two persons who shall be Magistrates or Officers holding a commission in the Defence Forces of India or Justice of Peace or two resident Dentist 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 neighbourhood 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 his present good character.

135. *Re-entry of names of persons possessing qualifications.*—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 in the case of every such application:—

(1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.

(2) The application shall be accompanied by a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered and by one of the following documents:—

(a) Applicant's diploma or University degree.

(b) A certificate in the form set out in rule 134 from two Dentists registered under the Act as to his identity.

(c) If the applicant is not resident in..... a certificate as to his identity in the form aforesaid from two persons who shall be Magistrates or Officers holding a commission in the Defence Forces of India or Justices of Peace 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 neighbourhood 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 his 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 notice of the application and of the time when the Council intends to consider the same to the person or body (if any) 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 require evidence or explanation from the applicant.

(6) The application and the certificates referred to in clause (3) shall be in Forms "VIII and IX in Appendix III with such variations as circumstances may require. Printed forms shall be kept by the Registrar who shall supply them to intending applicants.

136. *Presidents power to fix fines and penalties.*—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.

**APPEAL TO COUNCIL**

137. *Appeal against Registrar's Refusal to Register.*—
- (i) An appeal to the Council against a refusal by the Registrar to register the name or any title or qualification of any person on the register of dentists shall be in writing and shall state the grounds on which registration is declined the names of the qualifications and the dates on which and the authorities from whom they were received.
  - (ii) The date on which the appeal is to be taken by the Council shall be notified to the applicant. The appellant shall also be allowed, if he chooses to represent his case before the council either by himself or by his advocate.

**INTERPRETATION OF RULES**

138. *Decision of Government is Final.*—The decision of the Government on any question that may arise as to the intention, construction or application of these rules shall be final.

**APPENDIX I**

(Form I) (See rule 3)

**A. LIST OF PERSONS QUALIFIED TO VOTE UNDER CLAUSE (a) OF SECTION 21 OF THE DENTISTS ACT 1948.**

Name	Qualification	Address	Remarks
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**B. LIST OF PERSONS QUALIFIED TO VOTE UNDER CLAUSE (b) OF SECTION 21 OF THE DENTISTS ACT 1948.**

Name	Qualification	Address	Remarks
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**FORM II**

(See rule 5)

**NOMINATION PAPER**

Election under clauses (a) || (b) of section 21 of the Dentists Act 1948.

1. Name of Candidate
2. Father's Name
3. Age
4. Nature of qualification under section 33
5. Address
6. Signature of Proposer
7. Signature of Seconder

**DECLARATION BY THE CANDIDATE**

I hereby declare that I agree to this nomination.

*Signature of the candidate.*

This nomination paper was received by me at.....  
.....hour on the (date).

*Returning Officer.*

Dental Council Rules, 1963

**Appendix I**

**(Form I)**

(See rule 3)

**A. List of Persons Qualified to vote under clause (a) of Section 21 of the Dentists Act, 1948**

Name	Qualification	Address	Remarks
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**B. List of Persons Qualified to vote under clause (b) of Section 21 of the Dentists Act, 1948**

Name	Qualification	Address	Remarks
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**Form II**

(See rule 5)

**Nomination Paper**

Election under clauses (a)/(b) of section 21 of the Dentists Act, 1948

1. Name of Candidate
2. Father's Name
3. Age
4. Nature of qualification under section 33
5. Address
6. Signature of Proposer
7. Signature of Seconder

**Declaration by the Candidate**

I hereby declare that I agree to this nomination

*Signature of the candidate*

This nomination paper was received by me at ..... hour on the (date).

*Returning Officer*

**Instructions**

1. Nomination papers which are not received by the Returning Officer before the ..... will be invalid.
2. The name of the proposer and seconder, as they appear in the electoral rolls, their registered qualifications and registration certificate numbers should also be clearly written below their respective signature.

## INSTRUCTIONS

1. Nomination papers which are not received by the Returning Officer before the ..... will be invalid.
2. The name of the proposer and seconder, as they appear in the electoral rolls, their registered qualifications and registration certificate numbers should also be clearly written below their respective signature.

## FORM III

(See Rule 11)

## DECLARATION PAPER

Elections to the Kerala Dental Council under clause (a) |  
(b) of section 21 of the Dentists Act 1948.

Serial number

Elector's name

Number on the electoral roll,  
if any.

## ELECTORS' DECLARATION

I, ..... (Name in full, and designation if any) declare that I am an elector for the election of a member to the Kerala Dental Council by the electorate under clauses (a) | (b) of section 21 of the Dentists Act, 1948 and that I have signed no other voting paper at this election.

Station  
Date

Signature  
Address

## FORM IV

(See Rule 11)

## VOTING PAPER

Election to the Kerala Dental Council under clause (a) |  
(b) of section 21 of the Dentists Act 1948.

*Serial unnumber**Name of candidate**Vote**duly nominated*

## INSTRUCTIONS

1. The number of vacancies to be filled is
2. Place a cross-mark (thus 'X') against the name of the Candidate (or each of the candidates) for whom you wish to vote
3. A voting paper will be invalid if—
  - (a) it does not bear the Returning Officer's initials or facsimile signature or
  - (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
  - (c) no vote is recorded thereon, or
  - (d) the number of votes recorded thereon exceeds the number of vacancies to be filled, or
  - (e) it is void for uncertainty of one or more votes exercised.

FORM V  
[See rule 11(4)]  
LETTER OF INTIMATION

Office of the Kerala Dental  
Council, dated the .....

Sir/Madam,

The persons whose names are printed on the voting paper sent herewith, have been nominated as candidates for election to the Kerala Dental Council. Should you desire to vote at the election, I request that you will—

- (a) fill up and sign the declaration paper,
- (b) mark your vote in the column provided for the purpose in the voting paper as directed on the voting paper,
- (c) enclose the voting paper in the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 p.m. on the ..... date of 19.....

(2) The voting paper will be rejected, if,—

- (a) the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or
- (b) the outer envelope contains no declaration paper outside the smaller cover; or
- (c) the voting paper is placed outside the voting paper cover; or
- (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
- (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or
- (f) the declaration is not signed by the elector; or
- (g) the voting paper is invalid.

(3) A voting paper will be invalid, if.....

- i. it does not bear the Returning Officer's initials or facsimile signature; or
- ii. a voter signs his name, or writes any word or makes any mark by which it becomes recognisable as his voting paper; or
- iii. no vote is recorded thereon; or
- iv. the number of votes recorded thereon exceeds the number of vacancies to be filled, or
- v. it is void for uncertainty of one or more votes exercised:

Provided that where more than one vote can be given on the same voting paper if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply

the vote concerned, but not the whole voting paper shall be invalid on that account.

4. If a voter inadvertently spoils a voting paper, he can return it to the returning officer who will, if satisfied on such inadvertance issue to him another voting paper.

5. The scrutiny and counting of voting will begin ..... on (date) at ..... (hour).

6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorized representatives.

*Returning Officer.*

APPENDIX II

[See rule 41(6)]

FORM I

BK. No.

Rt. No.

Kerala Dental Council  
Receipt

Name and address of party .....

On what account .....

Amount .....

Date .....

Signature

*Registrar, the Kerala Dental  
Council.*





**FORM 3**  
 [See Rule 28 (10)]  
**Pass Book**

The ..... Bank in account current  
 with the Kerala Dental Registration Tribunal Cheque Book No. ....

CREDIT				DEBIT			
Date	No. of Chalan	Amount	Initials of	Date	No. of Chalan	Amount	Initials of

**FORM 4**  
 [See Rule 28 (11)]  
**Cash Book**

RECEIPTS				EXPENDITURE			
Date	Particulars as per Register of receipts.	Amount.	Head of Account.	Date	Particulars as per payment register.	Amount.	Head of Account.

Total for the month  
 Opening balance  
 Grand Total

Total for the month  
 Closing balance

**FORM 5**  
 (See Rule 33)  
**Register of Bills**

Sl. No.	Sl. No. of Vr.	Particulars.	Amount of bills.	Payment		Balance outstanding on the last day of the year.	Reasons for withholding payments.
				Date	Amount		

FORM VI  
(See rule 50)  
REGISTER OF PAYMENTS

Date	Sl. No. of Vr.	No. of cheque by which paid	To whom paid	Head of Accounts	Total of each Vr.	Daily total carried to cash book

FORM VII  
(See rule 52)  
IMPREST REGISTER

Date	Sl. No. of S. Vr.	To whom paid	Particulars of payment	Amount	Remarks

Total  
Balance  
Drawn from Bank  
as per cheque No.  
Dated (Cont. Bill No.)  
Total

**FORM VIII**  
 ( See rule 55 )  
**CLASSIFIED ABSTRACT OF RECEIPTS AND EXPENDITURE OF KERALA DENTAL COUNCIL**

Receipts			Expenditure			
Head of Account with Budget Estimate	Total receipts during the month	Total including receipts of previous month	Head of Accounts with budget estimate	Total expenditure during the month	Total including expenditure of previous month	Budget estimate

Total for the month  
 Opening balance  
 Grand total

Total expenditure for the month  
 Closing balance  
 Details of closing balance  
 Imprest  
 Unremitted balance in hand  
 Balance / in Bank as per pass book  
 Total  
 Deduct uncashed cheque balance  
 Details of uncashed cheques  
 Cheque No. and date

## APPENDIX III

## FORM I

(See rule 63)

FORM OF APPLICATION FOR REGISTRATION AS DENTIST  
(Under Sections 34 and 35 of the Dentists Act 1948—  
Central Act XVI of 1948)

To

The Registrar, Kerala Dental Council.

Sir,

I request you to enter in Part A/B of the register of Dentists for the State of Kerala my name and address.

A registration fee of Rs. 25 (Rupees twenty-five only) is sent herewith.

Name in full (in block letters only).

Place, date and year of birth.

Nationality (kindly give information in detail)

Whether natural born Indian citizen.

Whether natural born British subject.

Whether British subject of Indian domicile.

Whether naturalized Indian citizen.

Whether subject of a Foreign Government.

Residential address.

Professional address.

Number of years of practice.

The exact date of commencement of practice.

Employment if any.

## QUALIFICATIONS

Description of qualifications of which registration is desired. Name of the authority which conferred the qualification with full address. Date of attaining the qualification. Institution through which appeared.

I have forwarded herewith in original the diplomas I possess. The same may please be returned when no longer required.

Yours faithfully,

Station:

(Signature)

Date:

Name in full.

## INSTRUCTIONS

1. All particulars given above must be filled in by the applicant only.
2. All particulars should be in neat legible hand.
3. Registration fees should be paid in person or sent by money order, or by postal order only.

4. Candidates should note that their names on the application must exactly correspond with their name in the University or other examinations, as the case may be.

Please give below a specimen of your signature as used by you on certificates.

FORM II  
(See Rule 66)

APPLICATION FOR REGISTRATION OF ADDITIONAL QUALIFICATIONS

To The Registrar, Kerala Dental Council.

Sir,  
I beg to apply for the Registration of the additional qualifications of ..... which I have obtained from ..... in ..... 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. is ..... The prescribed fee of Rs. .... is sent herewith.

Yours faithfully,

Station:

Date:

Signature of applicant.

FORM III

(See rule 68)

CERTIFICATE OF REGISTRATION UNDER THE DENTISTS ACT—1948

This is to certify that the person named below has been registered under Part A/Part B, as a dentist under the provisions of the Dentists Act, 1948 (and his registration was lost renewed on.....).

This certificate shall remain in force till

Name  
Qualification  
Registered Number  
Signature  
Date

Kerala Dental Council

N.B.—The portion within brackets, viz. (and his registration was lost renewed on.....) shall be omitted when the certificate is issued on first registration.

## FORM IV

(See rule 69)

DUPLICATE CERTIFICATE OF REGISTRATION ISSUED UNDER  
SECTION 44 OF THE DENTISTS ACT, 1948 AS THE ORIGINAL  
CERTIFICATE HAS BEEN LOST OR DESTROYED

This is to certify that the person named below has been registered under Part A/B 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

Name  
Qualification  
Registered Number

Signature  
Kerala Dental Council.  
Dated:

## FORM V

(See rule 71)

FORM OF THE REGISTER OF DENTISTS

## Part-A

1. Serial Number.
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. Date of renewal of registration.
13. Remarks.

(Note: 'Removal' or 'Restoration' of name with dates).

## Part-B

1. Serial Number.
2. Name in full.
3. Father's name.
4. Date of birth.
5. Nationality.

6. Residential address.
  7. Date of first admission in the ...
  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. Date of renewal of registration.
  13. Remarks.
- (Note: 'Removal' or 'Restoration' of name with dates).

## FORM VI

(See rule 120)

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

Office of the Kerala Dental Council.  
Dated:

Sir,

On behalf of the Kerala 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 set out the circumstances briefly) and that in relation there to you have been guilty of infamous conduct in a professional 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 of ..... 19.... a meeting of Council will be held at ..... 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 Dentists 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 your defence thereto must be addressed to the Registrar of the Council and transmitted so as to reach him not less than ..... days before the day appointed for the hearing of the case.

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

(Sd.) Registrar



FORM VII - 5  
(See Rule 120)

Notice to a person complaining against a dentist, to attend the proceedings of the Kerala Dental Council and substantiate the allegations made by him.

Office of the Kerala Dental Council, Date:

To  
Sir,

I am directed by the Kerala Dental Council to give you notice that on the ..... day of ..... 19..... a meeting of the Council will be held at..... O'clock in the ..... to consider the allegations 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.

FORM VII

[See Rule 135(6)]

STATUTORY DECLARATION BY APPLICANT FOR RE-ENTRY OF NAME IN THE REGISTER OF DENTISTS

To

The Kerala 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 qualification (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 said Council by (e) of and the offence of which the Council directed the 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 of my name is re-entered in the register to (h)

(vi) The grounds of application are (i) declared at..... on before me.

A Commissioner for Oaths, or Justice

- INSERT FULL NAME
- INSERT QUALIFICATIONS, IF ANY
  - (a) Insert date.
  - (b) Insert original qualifications.
  - (c) To be added to, if necessary.
  - (d) Insert date of enquiry.
  - (e) Insert name and address of complainant.
  - (f) Insert charge on which name was removed.
  - (g) The blanks in this paragraph must be filled in according to circumstances.
  - (h) Insert particulars as to proposed future occupation.
  - (i) All acts and grounds on which the name was removed should be clearly and concisely stated.

### FORM IX

(See Rule 135-6)

#### CERTIFICATE IN SUPPORT OF APPLICATION

I, ..... of .....  
as follows:—

- (i) My registration No. is .....
- (ii) I have read paragraphs (v) and (vi) of the Rules of 1956 and say that I have been removed from the register of Dentists, that I am now a person of good character, and that the grounds stated in the said paragraphs are, to the best of my knowledge and belief, true.

Address, .....

(Sd.)

(Name)

(By order of the)

A. SETHUMADHAVAN

Secretary to Government

Health and Labour Department

Trivandrum,

6-6-1963.

15th August 1967]

KERALA GOVERNMENT

Health and Labour Department

Health and Labour (D)

NOTIFICATION

No. 10473/D3/67/HLD.

Dated, Trivandrum, 9th June 1967.

In exercise of the powers conferred by Section 55 of the Dentists Act, 1948 (Central Act 16 of 1948) the Government of Kerala hereby make the following amendments to the Kerala Dental Council Rules, 1963, namely:—

AMENDMENTS

In the said rules,—

(1) in sub-rule (4) of rule 41 for the word "January" the word "December" shall be substituted.

(2) in Appendix I,—

(a) in instruction 2 in Form II, for the words "The name of the proposer and seconder" the words "The name of the candidate, proposer and Secunder" shall be substituted.

(b) in Form III, for the entry "Number on the electoral roll, if any" the words "Register Number" shall be substituted.

By order of the Governor,  
C. K. KOCHUKOSHY,  
Secretary.

Health and Labour (H)

NOTIFICATION

No. 35404/H2/67/HLD.

Dated, Trivandrum, 4th August 1967.

Whereas the Industries specified in the Schedule below, which are industries specified in the First Schedule to the Industrial Disputes Act, 1947 (Central Act 14 of 1947), have been declared to be public utility services for the purposes of the said Act for the period upto and inclusive of the 17th June, 1967, in the Health and Labour Department Notification No. 78105/H2/62/HLD, dated 18-12-1962, published at page G, 4390 (a) of Part I (Supplement) of the Kerala Gazette dated the 25th December, 1962 read with Notification No. 80667/H2/66/HLD dated the 25th December, 1966 of Part I of the Kerala

- 7. Services
- 8. Fire
- 9. K. L. L.

A 387/67

NOTICE

No. 47372/H2/67/HLD.

The following arbitration the dispute between the Road Transport Corporation by;

- (1) Shri S. Anand Kerala
- (2) Shri M. Kerala
- (3) Shri B. Kerala

and the Kerala State Transport Corporation represented by

- (1) Shri N. State Transport Corporation
- (2) Shri V. Kerala State Transport Corporation
- (3) Shri V. State Transport Corporation
- (4) Shri

is hereby published in section 10 A of the Central Act