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Pre-Legislative Note on the National Dental Commission Bill, 2022*

I. Introduction

The Dentists Act, 1948, that extends to the whole of India, is an Act to regulate the profession of dentistry; which was passed by the Indian Parliament in close association with All India Dental Association on 29th March, 1948¹. The Government enacted the existing Dentists Act in 1948 to regulate dental education and profession in India through the Dental Council of India (DCI) plus local state dental councils. Given the developments in dental education since 1948 and to revive dentistry, the Ministry of Health and Family Welfare proposed the draft National Dental Commission Bill in January 2020. This proposed Bill will repeal the existing Act and dissolve the Dental Council of India.

***[NOTE: This pre-Legislative Note is prepared on the basis of information and materials available in media sources or public domain only. The Bill is yet to be introduced in the Parliament, hence, the note will be updated as and when the copy of Bill is available]**

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¹ <https://www.latestlaws.com/articles/all-about-dentist-act-1948#:~:text=No%20certificate%20required%20by%20or,such%20in%20any%20other%20State.>

II. The Dentists Act, 1948²

- The Act has main object of regulating standard of dental education ,dental profession and dental ethics in the country and also recommend to the Government of India to accord permission to start a dental college, start higher education, and to increase seats for students in a dental college.
- The Act defined following terms: Dental Hygienist is described as s person who scales, cleans and polishes teeth or give instruction in dental hygiene. Dental mechanic is a person who makes or repair denture or dental appliances. Dentistry includes performance of any operation and treatment of disease of jaw or teeth, performance of radiographic work,anesthesia, aritfical denture, etc. Dentist is the person who practices dentistry.
- The Act authorises the council to give recognition to any degree or diploma in dentistry obtained from India or from foreign countries. Council registered dental hygienist and dental mechanics who have completed prescribed period of training and education. For registration of dental hygienists, mechanists, and dentists, the registers are maintained. The Council appoints an inspector who may inspect any dental college and submit a report which may lead to action and even cancellation of registration of college.
- No person shall establish an authority or institute to conduct a course of study or training or receiving degree or diploma shall be recognised until it is permitted by the Central Government in accordance with the provision of this Act (10A, 10B, 10C).
- The Act authorises state governments to constitute state level councils for the fulfillment of the object.
- False registration or misuse of title during practice is taken as crime and punishable. Name can be removed from the register in case of suppression of fact, or for infamous conduct, or for false registration. Commission of inquiry can be held by 3 persons appointed by Central Government including one judge from the high court. Punishment may be fine up to Rs. 500 to Rs. 1000 or imprisonment up to 6 months or both.

III. Objective of the Bill³

The National Dental Commission Bill, 2022 proposes for setting up a National Dental Commission and to repeal the Dentists Act, 1948. The National Dental Commission Bill, 2022 aims to improve access to good-quality and affordable dental education, availability of dental professionals and their services in all parts of the country, periodic and transparent assessment of dental institutions and facilitate maintenance of a national dental register. It also aims to enforce high ethical standards in all aspects of dental services. It proposes the formation of a new regulatory body, called the National Dental Commission (NDC), to draft policies and maintain quality standards in dental education and the profession.

The Bill also seeks to standardize the procedure for graduates to enroll in the state dental registers, obtain licenses to practice dentistry and to seek admission into graduate programmes through a National

² http://www.nihfw.org/Legislations/THEDENTISTSACT_1948.html

³ <https://science.thewire.in/health/indian-dentistry-is-in-crisis-the-new-dental-commission-bill-should-step-up/#:~:text=According%20to%20data%20from%202019,demand%20issue%20in%20the%20profession.>

Exit Test (Dental).

The preamble of the new Bill envisages a dental education system that improves access to education, dentists and oral healthcare for all and maintains ethical standards. While the Dentists Act 1948 recognises services and procedures related only to restoring or replacing teeth, the new Bill covers the breadth of oral health care services dentists can provide as well as tobacco cessation activities.

IV. Need for the Bill⁴

- a) To provide quality and affordable dental education,
- b) To ensure availability of adequate and high quality dental professionals in all parts of the country;
- c) To promote equitable and universal oral healthcare that encourages community health perspective and makes services of dental professionals accessible to all the citizens
- d) To promote national health goals
- e) To encourage dental professionals to adopt latest dental research in their work and to contribute to research
- f) Periodic and transparent assessment of dental institutions and facilitation of maintenance of a dental register for India which enforces high ethical standards in all aspects of dental services
- g) Providing flexibility to adapt to changes need.

V. Salient Features of the Bill

1. The Bill proposes to repeal the Dentists Act, 1948.
2. It proposes to dissolve Dental Council of India (DCI) and replace with a dental Commission.
3. It proposes to set up a National Dental Commission (NDC)- which shall consist of the following persons to be appointed by the Central Government, namely: –Chairperson; Seven ex-officio Members; and Twenty two part-time Members.
4. National Exit Test (Dental) for final year under graduate students for granting license to practice dentistry, as a basis for admission to PG (MDS) and for obtaining license to practice in India for the person having foreign dental qualification.
5. It will provision setting up of four Autonomous Boards under National Dental Commission -
 - Under Graduate Dental Education Board (BDS) shall determine standards of dental education at undergraduate level
 - Post Graduate Dental Education Board (MDS) shall determine the standards of dental education at the postgraduate level
 - Dental Assessment & Rating Board determine the procedure for assessing and rating the dental institutions with the standards laid down by the Under-Graduate Dental Education Board or the Post-Graduate Dental Education Board ; to grant permission to establish new dental college or increase seats.

⁴ <https://mohfw.gov.in/newshighlights/seeking-comments-draft-national-dental-commission-bill-2020>

- Ethics & Dental Registration Board shall regulate professional and promote dental ethics; and shall maintain National Register of all licensed dentists in India.
- 6. Bar to Practice-** No person other than a person who is enrolled in the State Register or the National Register, shall-
- Be allowed to practice dentistry as a qualified dentist;
 - Hold office as a dentist or any other office, by whatever name called, which is meant to be held by a dentist;
 - Be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified dentist.
 - Be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to dentistry.