THE DENTISTS (AMENDMENT) BILL, 2017

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THE DENTISTS (AMENDMENT) BILL, 2017

The Dentists (Amendment) Bill, 2017 seeks to amend the Dentists Act, 1948. The Act regulates the profession of dentistry and constitutes: (i) the Dental Council of India, (ii) State Dental Councils, and (iii) Joint State Dental Councils. The Amendment Bill proposes to do away with the practice of nominating practicing dentists who do not have required qualification to the Dental Council of India.

Background

Under the Dentists Act 1948, register of dentists is maintained in two parts, Part A and Part B. Persons possessing recognized dental qualifications are registered in Part A and persons not possessing such qualifications are registered in Part B. Persons in Part B are Indian citizens who have been practicing as dentists for at least five years prior to a registration date notified by the state government. The existing Act provides for the composition of the Dental Council of India, State Dental Councils, and the Joint State Dental Councils by including representation from dentists registered in Part B. The Bill seeks to remove the mandatory requirement of the representation of dentists registered in Part B in these Councils.

Salient Features of the Bill

As per the Dentists Act, 1948, the Central Government has to nominate at least two members from Part B to the Dental Council of India. The Amendment Bill proposes to modify the provisions of the Act pertaining to the membership of the Dental Councils of India.

1. The Bill proposes to do away with the practice of nominating practising dentists who do not have the required qualifications to the Dental Council of India through legislation.

2. The Bill proposes to omit the provisions for nominating those registered under Part B to the Dental Council, as well as for electing such people to the state Dental Councils and joint State Dental Councils.

1 The Dentists (Amendment) Bill, 2017 was introduced by the Minister of Health and Family Welfare, Mr. J. P. Nadda in Lok Sabha on December 18, 2017.

2 This category was meant for persons displaced during Partition, those displaced from Bangladesh (since its formation in 1971) or repatriated from Burma or Ceylon after April 14, 1957 and before March 25, 1971. See Statement of Objects and Reasons, Annexure I. According to the government, no person has been registered under Part B after 1972.
3. The Act also provides for the constitution of the State Dental Councils with four members and Joint State Dental Councils with two members elected from among themselves by the dentists registered in Part B of the State register.

4. Through the amendment to the Act, the Government would take away the mandatory requirement of representation of Part B dentists in these councils.

SOURCES CONSULTED

1. The Dentists (Amendment) Bill, 2017, Bill no. 204 of 2017, Lok Sabha
   URL: http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/204_2017_LS_Eng.pdf

   URL: http://pib.nic.in/newsite/PrintRelease.aspx?relid=170942

3. A Legislation in Lok Sabha to amend Dentist Act, Indian Express dated: 18th December 2017
The Dentist Act, 1948 (the Act) was enacted with a view to regulate the profession of dentistry. Section 3 of the Act provides for the constitution of the Dental Council of India (Council) for promoting dental education and dental profession in India. Section 31 of the Act provides that the Council shall maintain a register of dentists known as the Indian Dentists Register which consists of entries in all the State register of dentists. The register of dentists shall be maintained in two parts, namely Part A and Part B, Part A consisting of all dentists possessing recognized dental qualifications and Part B which contains persons not holding such qualifications but engaged in practice of dentistry as principal means of livelihood for a period not less than five years prior to the date appointed under section 32.

2. Registration under Part B was allowed from a date prior to the commencement of the Act i.e. 29th March, 1948 for the persons displaced during Partition and displaced from Bangladesh or repatriated from Burma or Ceylon after 14th April, 1957 and before 25th March, 1971. However, no person has been registered in Part B after the year 1972. There are approximately 950 dentists registered in Part B against 1.6 lakh dentists registered in Part A. Moreover, only few States and Union territories like West Bengal, Kerala, Jammu and Kashmir, Puducherry, Punjab and Delhi have dentists registered in Part B.

3. Section 3 of the Act provides that the Central Government nominates six members to the Council as Central Government nominees, of whom at least two shall be dentists registered in Part B of a State register. The Act also provides for the constitution of State Dental Councils with four members and Joint State Dental Councils with two members elected from among themselves by dentists registered in Part B of the State register.

4. In view of above, it is proposed to amend the Dentists Act, 1948 so as to take away the mandatory requirement of the representation of Part B dentists in the Council, State Dental Councils and Joint State Dental Councils.

5. The proposed Dentists (Amendment) Bill, 2017, provides for the following, namely:

(a) to amend clause (f) of section 3 of the Act relating to membership of Council so as to omit the provision for nomination of at least two members registered in Part B;

(b) to omit clause (b) of section 21 of the Act relating to election of four members from Part B to the State Dental Councils; and
(c) to omit clause (b) of section 23 of the Act relating to election of two members from Part B to the Joint State Dental Councils.

6. The Bill seeks to achieve the above objectives.

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