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Government of India
Ministry of Health and Family Welfare

Nirman Bhawan,
New Delhi - 110108
Dated the 28th January, 2020

PUBLIC NOTICE

General public is hereby informed that the Ministry of Health and Family Welfare proposes to finalise National Dental Commission Bill for setting up a National Dental Commission and repealing the Dentists Act, 1948. Accordingly, a draft National Dental Commission Bill is prepared and attached for comments of the General Public/Stakeholders. Comments may be furnished via e-mail at v.jha1972@gov.in on or before 20.02.2020 .

Encl: As above.


(Vidyadhar Jha)
Under Secretary to the Government of India

Draft National Dental Commission Bill, 2020

	THE NATIONAL DENTAL COMMISSION BILL, 2020	
	A	
	BILL	
	to provide for a dental education system that improves access to quality and affordable dental education, ensures availability of adequate and high quality dental professionals in all parts of the country; that promotes equitable and universal oral healthcare that encourages community health perspective and makes services of dental professionals accessible to all the citizens; that promotes national health goals; that encourages dental professionals to adopt latest dental research in their work and to contribute to research; that has an objective periodic and transparent assessment of dental institutions and facilitates maintenance of a dental register for India and enforces high ethical standards in all aspects of dental services; that is flexible to adapt to changing needs and has an effective grievance redressal mechanism and for matters connected therewith or incidental thereto.	
	CHAPTER I PRELIMINARY	
	1. (1) This Act may be called the National Dental Commission Act, 2020.	Short title, extent and commencement.
	(2) It extends to the whole of India.	
	(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.	
	2. In this Act, unless the context otherwise requires,—	Definitions.
	(a) “Autonomous Board” means any of the Autonomous Boards constituted under section 16;	
	(b) “Chairperson” means the Chairperson of the National Dental Commission appointed under section 5;	
	(c) “Commission” means the National Dental Commission constituted under section 3;	
	(d) “Council” means the Dental Advisory Council constituted under section 11;	
	(e) “Ethics and Dental Registration Board” means the Board constituted under section 16;	
	(f) “Health University” means a University specialised in affiliating institutions engaged in teaching dentistry and health sciences and includes a dental University and University of health	

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	sciences;	
	(g) “licence” means a licence to practice dentistry granted under sub-section (1) of section 33;	
	(h) “Dental Assessment and Rating Board” means the Board constituted under section 16;	
	(i) “dental institution” means any institution within or outside India which, grants degrees, diplomas or licences in dentistry and includes affiliated colleges and deemed to be Universities;	
	(j) “dentist” means a person who practises dentistry;	
	(k) “dentistry” includes— (i) the performance of any operation on, and the treatment on any disease, deficiency or lesion of, human teeth or jaw or orofacial hard and soft tissues and associated structures; and the performance of other diagnostic tools/investigations in connection with human teeth or jaws or the oral cavity; (ii) Measures for prevention of diseases of oral cavity and associated structures and promotion of oral health including tobacco cessation; (iii) the giving of any anesthetic in connection with any such operation or treatment; excluding general anaesthesia; (iv) the performance of any operation on, or the giving of any treatment, advice or attendance to, any person preparatory to, or for the purpose of, or in connection with restoration, reconstruction and rehabilitation of teeth, jaws, orofacial tissue and associated structures, the fitting, inserting, fixing, constructing, repairing or renewing of artificial dentures or restorative dental appliances, and the performance of any such operation and the giving of any such treatment, advice or attendance, as is usually performed or given by dentists; (v) Knowledge related to performance of mastication, phonation and deglutition. ;	
	(l) “Member” means a Member of the Commission appointed under section 5 and includes the Chairperson thereof;	
21 of 1860.	(m) “National Board of Examination” means the body registered as such under the Societies Registration Act, 1860 and performs such tasks as assigned to it by the Central Government;	
	(n) “National Register” means a National Dental Register maintained by the Ethics and Dental Registration Board under section 31;	
	(o) “notification” means notification published in the Official Gazette and the expression “notify” shall be construed accordingly;	

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	(p) "Post Graduate Dental Education Board" means the Board constituted under section 16;	
	(q) "prescribed" means prescribed by rules made under this Act;	
	(r) "President" means the President of an Autonomous Board appointed under section 18;	
	(s) "recognised dental qualification" means a dental qualification recognised under section 35 or section 36 or section 37 or section 40, as the case may be;	
	(t) "regulations" means the regulations made by the Commission under this Act;	
	(u) "Schedule" means the Schedule to this Act;	
	(v) "State Dental Council" means a dental council constituted under any law for the time being in force in any State or Union territory for regulating the practice and registration of practitioners of dentistry in that State or Union territory;	
	(w) "State Register" means a register maintained under any law for the time being in force in any State or Union territory for registration of practitioners of dentistry;	
	(x) "Under Graduate Dental Education Board" means the Board constituted under section 16;	
3 of 1956.	(y) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes a health University.	
	CHAPTER II THE NATIONAL DENTAL COMMISSION	
	3. (1) The Central Government shall constitute a Commission, to be known as the National Dental Commission, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.	Constitution of National Dental Commission.
	(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.	
	(3) The head office of the Commission shall be at New Delhi.	
	4. (1) The Commission shall consist of the following persons to be appointed by the Central Government, namely: — (a) a Chairperson; (b) seven <i>ex-officio</i> Members; and (c) twenty two part-time Members;	Composition of Commission.
	(2) The Chairperson shall be a dental professional of outstanding	

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	ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of dentistry from any University and having experience of not less than twenty years in the field of dentistry, out of which at least ten years shall be as a leader in the area of dental education.	
	<p>(3) The following persons shall be the <i>ex-officio</i> Members of the Commission, namely: —</p> <p>(a) the President of the Under-Graduate Dental Education Board;</p> <p>(b) the President of the Post-Graduate Dental Education Board;</p> <p>(c) the President of the Dental Assessment and Rating Board;</p> <p>(d) the President of the Ethics and Dental Registration Board;</p> <p>(e) the Director General of Health Services, Directorate General of Health Services, New Delhi;</p> <p>(f) Chief of the Centre for Dental Education & Research, All India Institute of Medical Sciences, New Delhi;</p> <p>(g) one person to represent the Ministry of the Central Government dealing with Health and Family Welfare, not below the rank of Additional Secretary to the Government of India, to be nominated by that Ministry.</p>	
	(4) The following persons shall be appointed as part-time Members of the Commission, namely:—	
	(a) three Members to be appointed from amongst persons of ability, integrity and standing, who have special knowledge and professional experience in such areas including management, law, medical ethics, health research, consumer or patient rights advocacy, science and technology and economics for a term of two years;	
	(b) ten Members to be appointed from amongst the nominees of the States and Union territories, under clauses (c) and (d) of sub-section (2) of section 11, in the Dental Advisory Council for a term of two years in such manner as may be prescribed;	
	(c) nine members to be appointed from amongst the nominees of the States and Union territories, under clause (e) of sub-section (2) of section 11, in the Dental Advisory Council for a term of two years in such manner as may be prescribed.	
	<i>Explanation.</i> — For the purposes of this section and section 17, the term “leader” means the Head of a Department or the Head of an organisation.	
	5. (1) The Central Government shall appoint the Chairperson, part-time Members referred to in clause (a) of sub-section (4) of section 4 and the Secretary referred to in section 8 on the recommendation of a Search Committee consisting of —	Search Committee for appointment

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		of Chairperson and Members.
	(a) the Cabinet Secretary– Chairperson;	
	(b) three experts, possessing outstanding qualifications and experience of not less than twenty-five years in the field of dental education, public health education and health research, to be nominated by the Central Government– Members;	
	(c) one expert, from amongst the part-time Members referred to in clause (c) of sub-section (4) of section 4, to be nominated by the Central Government in such manner as may be prescribed – Member;	
	(d) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of management or law or economics or science and technology, to be nominated by the Central Government – Member;	
	(e) the Secretary to the Government of India in charge of the Ministry of Health and Family Welfare, to be the Convenor- Member.	
	(2) The Central Government shall, within one month from the date of occurrence of any vacancy, including by reason of death, resignation or removal of the Chairperson or a Member, or within three months before the end of tenure of the Chairperson or Member, make a reference to the Search Committee for filling up of the vacancy.	
	(3) The Search Committee shall recommend a panel of at least three names for every vacancy referred to it.	
	(4) The Search Committee shall, before recommending any person for appointment as the Chairperson or a Member of the Commission, satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member.	
	(5) No appointment of the Chairperson or Member shall be invalid merely by reason of any vacancy or absence of a Member in the Search Committee.	
	(6) Subject to the provisions of sub-sections (2) to (5), the Search Committee may regulate its own procedure.	
	6. (1) The Chairperson shall hold office for a term not exceeding four years and shall not be eligible for any extension or reappointment:	Term of office and conditions of service of Chairperson and Members.
	Provided that such person shall cease to hold office after attaining	

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	the age of seventy years.	
	(2) The term of office of an <i>ex officio</i> Member shall continue as long as he holds the office by virtue of which he is such Member.	
	(3) Where a Member 'other than an <i>ex officio</i> Member' is absent from three consecutive ordinary meetings of the Commission and the cause of such absence is not attributable to any valid reason in the opinion of the Commission, such Member shall be deemed to have vacated the seat.	
	(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and Member 'other than an <i>ex-officio</i> Member' shall be such as may be prescribed.	
	(5) The Chairperson or a Member may, —	
	(a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or	
	(b) be removed from his office in accordance with the provisions of section 7:	
	Provided that such person may be relieved from duties earlier than three months or be allowed to continue beyond three months until a successor is appointed, if the Central Government so decides.	
	(6) The Chairperson and every member of the Commission shall make declaration of his assets and his liabilities at the time of entering upon his office and at the time of demitting his office and also declare his professional and commercial engagement or involvement in such form and manner as may be prescribed, and such declaration shall be published on the website of the Commission.	
	(7) The Chairperson or a Member, ceasing to hold office as such, shall not accept, for a period of two years from the date of demitting such office, any employment, in any capacity, including as a consultant or an expert, in any private dental institution, whose matter has been dealt with by such Chairperson or Member, directly or indirectly:	
	Provided that nothing herein shall be construed as preventing such person from accepting an employment in a body or institution, including dental institution, controlled or maintained by the Central Government or a State Government:	
	Provided further that nothing herein shall prevent the Central Government from permitting the Chairperson or a Member to accept any employment in any capacity, including as a consultant or expert in any private dental institution whose matter has been dealt with by such Chairperson or Member.	
	7. (1) The Central Government may, by order, remove from office the Chairperson or any other Member, who—	Removal of Chairperson and Member of

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		Commission.
	(a) has been adjudged an insolvent; or	
	(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or	
	(c) has become physically or mentally incapable of acting as a Member; or	
	(d) is of unsound mind and stands so declared by a competent court; or	
	(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or	
	(f) has so abused his position as to render his continuance in office prejudicial to public interest.	
	(2) No Member shall be removed under clauses (e) and (f) of subsection (1) unless he has been given a reasonable opportunity of being heard in the matter.	
	8. (1) There shall be a Secretariat for the Commission to be headed by a Secretary, to be appointed by the Central Government in accordance with the provisions of section 5.	Appointment of Secretary, experts, professionals, officers and other employees of Commission.
	(2) The Secretary of the Commission shall be a person of proven administrative capacity and integrity, possessing such qualifications and experience as may be prescribed.	
	(3) The Secretary shall be appointed by the Central Government for a term of four years and shall not be eligible for any extension or re-appointment.	
	(4) The Secretary shall discharge such functions of the Commission as are assigned to him by the Commission and as may be specified by regulations made under this Act.	
	(5) The Commission may, for the efficient discharge of its functions under this Act, appoint such officers and other employees, as it considers necessary, against the posts created by the Central Government.	
	(6) The salaries and allowances payable to, and other terms and conditions of service of the Secretary, officers and other employees of the Commission shall be such as may be prescribed.	
	(7) The Commission may engage, in accordance with the procedure specified by regulations, such number of experts and professionals of integrity and outstanding ability, who have special knowledge of, and experience in such fields, including dental education, public health,	

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	management, health economics, quality assurance, patient advocacy, health research, science and technology, administration, finance, accounts and law, as it deems necessary, to assist the Commission in the discharge of its functions under this Act.	
	9. (1) The Commission shall meet at least once every quarter at such time and place as may be appointed by the Chairperson.	Meetings, etc., of Commission.
	(2) The Chairperson shall preside at the meeting of the Commission and if for any reason the Chairperson is unable to attend a meeting of the Commission, any other Member, being the President of an Autonomous Board, nominated by the Chairperson, shall preside at the meeting.	
	(3) Unless the procedure to be followed at the meetings of the Commission is otherwise provided by regulations, one-half of the total number of Members of the Commission including the Chairperson shall constitute the quorum and all the acts of the Commission shall be decided by a majority of the members, present and voting and in the event of equality of votes, the Chairperson, or in his absence, the President of the Autonomous Board nominated under sub-section (2), shall have the casting vote.	
	(4) The general superintendence, direction and control of the administration of the Commission shall vest in the Chairperson.	
	(5) No act done by the Commission shall be questioned on the ground of the existence of a vacancy in, or a defect in the constitution of, the Commission.	
	(6) A person who is aggrieved by any decision of the Commission except the decision rendered under sub section (4) of section 30 may prefer an appeal to the Central Government against such decision within thirty days of the communication of such decision.	
	10. (1) The Commission shall perform the following functions, namely:—	Powers and functions of Commission.
	(a) lay down policies for maintaining a high quality and high standards in dental education and make necessary regulations in this behalf;	
	(b) lay down policies for regulating dental institutions, dental researches and dental professionals and make necessary regulations in this behalf;	
	(c) assess the requirements in dental health care, including human resources for dental health and health care infrastructure and develop a road map for meeting such requirements;	
	(d) promote, co-ordinate and frame guidelines and lay down policies by making necessary regulations for the proper functioning of the Commission, the Autonomous Boards and the State Dental	

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	Councils;	
	(e) ensure coordination among the Autonomous Boards;	
	(f) take such measures, as may be necessary, to ensure compliance by the State Dental Councils of the guidelines framed and regulations made under this Act for their effective functioning under this Act;	
	(g) exercise appellate jurisdiction with respect to the decisions of the Autonomous Boards;	
	(h) lay down policies and codes to ensure observance of professional ethics in dental profession and to promote ethical conduct during the provision of care by dentists;	
	(i) frame guidelines for determination of fees and all other charges in respect of fifty per cent of seats in private dental institutions and deemed to be universities which are governed under the provisions of this Act;	
	(j) exercise such other powers and perform such other functions as may be prescribed.	
	(2) All orders and decisions of the Commission shall be authenticated by the signature of the Secretary.	
	(3) The Commission may delegate such of its powers of administrative and financial matters, as it deems fit, to the Secretary.	
	(4) The Commission may constitute sub-committees and delegate such of its powers to such sub-committees as may be necessary to enable them to accomplish specific tasks.	
	CHAPTER III THE DENTAL ADVISORY COUNCIL	
	11. (1) The Central Government shall constitute an advisory body to be known as the Dental Advisory Council.	Constitution and composition of Dental Advisory Council.
	(2) The Council shall consist of a Chairperson and the following members, namely :—	
	(a) the Chairperson of the Commission shall be the <i>ex officio</i> Chairperson of the Council;	
	(b) seven <i>ex-officio</i> members of the Commission appointed under sub-section 3 of section 4 and three part-time members of the Commission appointed under sub-section 4 of section 4, shall be the <i>ex officio</i> members of the Council;	
	(c) one member to represent each State, who is the Vice-Chancellor of a health University in that State, to be nominated by	

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	that State Government;	
	(d) one member to represent each Union territory, who is the Vice-Chancellor of a health University in that Union territory, to be nominated by the Ministry of Home Affairs in the Government of India;	
	(e) one member to represent each State and each Union territory from amongst elected members of the State Dental Council, to be nominated by that State Dental Council;	
	(f) the Chairman, University Grants Commission;	
	(g) the Director, National Assessment and Accreditation Council;	
	(h) four members to be nominated by the Central Government from amongst persons holding the post of Director in the Indian Institutes of Technology, Indian Institutes of Management and the Indian Institute of Science:	
	Provided that if there is no health University in any State or Union territory, the Vice-Chancellor of a University within that State or Union territory having the largest number of dental colleges affiliated to it shall be nominated by the State Government or by the Ministry of Home Affairs in the Government of India:	
	Provided further that if there is no University in any Union territory, the Ministry of Home Affairs shall nominate a member who possesses such dental qualification and experience as may be prescribed.	
	12. (1) The Council shall be the primary platform through which the States and Union territories may put forth their views and concerns before the Commission and help in shaping the overall agenda, policy and action relating to dental education and training.	Functions of Dental Advisory Council.
	(2) The Council shall advise the Commission on measures to determine and maintain, and to coordinate maintenance of, the minimum standards in all matters relating to dental education, training and research.	
	(3) The Council shall advise the Commission on measures to enhance equitable access to dental education.	
	13. (1) The Council shall meet at least twice a year at such time and place as may be decided by the Chairperson.	Meetings of Dental Advisory Council.
	(2) The Chairperson shall preside at the meeting of the Council and if for any reason the Chairperson is unable to attend a meeting of the Council, such other member as nominated by the Chairperson shall preside over the meeting.	
	(3) Unless the procedure is otherwise provided by regulations, fifty percent of the members of the Council including the Chairperson shall form the quorum and all acts of the Council shall be decided by a	

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	majority of the members present and voting.	
	CHAPTER IV NATIONAL EXAMINATION	
	14. (1) There shall be a uniform National Eligibility-cum-Entrance Test for admission to the undergraduate and postgraduate dental education in all Dental institutions which are governed by the provisions of this Act:	National Eligibility-cum-Entrance Test.
	Provided that the uniform National Eligibility-cum-Entrance Test for admission to the postgraduate dental education shall continue till the National Exit Test under sub-section 5 of section 15 comes into force.	
	Provided further that the uniform National Eligibility-cum-Entrance Test for admission to the undergraduate dental education shall also be applicable to all dental institutions governed under any other law for the time being in force.	
	(2) The National Medical Commission shall conduct the National Eligibility-cum-Entrance Test in English and in such other languages, through such designated authority and in such manner, as may be specified by regulations.	
	(3) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to undergraduate and postgraduate seats in all the dental institutions which are governed by the provisions of this Act:	
	Provided that the designated authority of the Central Government shall conduct the common counselling for All India seats and the designated authority of the State Government shall conduct the common counselling for the seats at the State level.	
	15. (1) A common final year undergraduate dental examination, to be known as the National Exit Test (Dental) shall be held for granting licence to practice dentistry as dentists and for enrolment in the State Register or the National Register, as the case may be.	National Exit Test (Dental).
	(2) The Commission shall conduct the National Exit Test (Dental) through such designated authority and in such manner as may be specified by regulations.	
	(3) The National Exit Test (Dental) shall become operational on such date, within three years from the date of commencement of this Act, as may be appointed by the Central Government, by notification.	
	(4) Any person with a foreign dental qualification shall have to qualify National Exit Test (Dental) for the purpose of obtaining licence to practice dentistry as dentist and for enrolment in the State Register or the National Register, as the case may be in such manner as may be specified by regulations.	

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	(5) The National Exit Test (Dental) shall be the basis for admission to the postgraduate dental education in dental institutions which are governed under the provisions of this Act or under any other law for the time being in force and shall be done in such a manner as may be specified by regulations.	
	(6) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to the postgraduate seats in the dental institutions referred to in sub-section (5):	
	Provided that the designated authority of the Central Government shall conduct the common counselling for All India seats and the designated authority of the State Government shall conduct the common counselling for the seats at the State level.	
	CHAPTER V AUTONOMOUS BOARDS	
	16. (1) The Central Government shall, by notification, constitute the following autonomous Boards, under the overall supervision of the Commission, to perform the functions assigned to such Boards under this Act, namely: — (a) the Under- Graduate Dental Education Board (b) the Post-Graduate Dental Education Board (c) the Dental Assessment and Rating Board; and (d) the Ethics and Dental Registration Board.	Constitution of Autonomous Boards.
	(2) Each Board referred to in sub-section (1) shall be an autonomous body which shall carry out its functions under this Act subject to the regulations made by the Commission.	
	17. (1) Each Autonomous Board shall consist of a President and two whole-time Members and two part-time Members.	Composition of Autonomous Boards.
	(2) The President of each Autonomous Board, three Members (including one part-time Member) of the Under-Graduate Dental Education Board and the Post-Graduate Dental Education Board, and two Members (including one part-time Member) each of the Dental Assessment and Rating Board and the Ethics and Dental Registration Board shall be persons of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of dentistry from any University and having experience of not less than fifteen years in such field, out of which at least seven years shall be as a leader in the area of dental education, public health, or health research.	
	(3) The third Member of the Dental Assessment and Rating Board shall be a person of outstanding ability and integrity, possessing a postgraduate degree in any of the disciplines of management, quality	