

Bill No. 168 of 2016

THE DENTISTS (AMENDMENT) BILL, 2016

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BILL

further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Dentists (Amendment) Act, 2016.

Short title and commencement.

(2) It shall be deemed to have come into force on 24th May, 2016.

16 of 1948. 5

2. After section 10C of the Dentists Act, 1948 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 10D.

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“10D. There shall be conducted a uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:

Uniform entrance examination for undergraduate and post-graduate level.

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Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination.”.

Amendment
of section 20.

3. In section 20 of the principal Act, after clause (*h*), the following clause shall be inserted, namely:—

“(ha) the designated authority, other languages and the manner of conducting of uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level;”

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Repeal and
savings.

4. (1) The Dentists (Amendment) Ordinance, 2016 is hereby repealed.

Ord. 5 of
2016.

(2) Notwithstanding such repeal, anything done or any action taken under the Dentists Act, 1948 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

16 of 1948.

STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948 was enacted for the regulation of the profession of Dentistry.

2. The Act confers upon the Dental Council of India (the Council) the responsibility of maintenance of the highest standards of dental education throughout the country. In pursuance of the responsibility, the Council makes its recommendations to the Central Government for matters related to the courses of study, examination to be undertaken for such qualifications and inspection of examinations, etc.

3. In order to conduct a uniform entrance examination to all dental educational institutions at the undergraduate and post-graduate level for all candidates, the Council notified the conduct of a single entrance examination, namely the National Eligibility-cum Entrance Test (NEET) by amending the BDS and MDS Course Regulations, 2007 respectively.

4. Several Court cases were filed by a number of Institutions and State Governments of Tamil Nadu and Andhra Pradesh against NEET in various Courts across the country. On the request of the Council, the said cases were transferred to the Hon'ble Supreme Court. However, the Hon'ble Supreme Court, *vide* its order dated 18th July, 2013 had quashed the said regulations.

5. Since, the Government was of the firm opinion that it would be in the larger interest of the society and the students aspiring to study medicine to have NEET, certain review petitions were filed by the Central Government and the Council before the Hon'ble Supreme Court. The Hon'ble Court *vide* its order dated 11th April, 2016 allowed these review petitions and recalled the judgment dated 18th July, 2013 and directed that matters to be heard afresh. Further, the Hon'ble Supreme Court *vide* its orders dated 28th April, 2016 and 9th May, 2016 in W.P. No. 261/2016 filed by Sankalp Charitable Trust and Others Vs. Union of the India directed that NEET [Undergraduate] shall come into effect immediately. It had further directed that All India Pre Medical Test, 2016 (AIPMT) to be held on 1st May, 2016 shall be Phase-I of NEET and Phase-II of NEET shall be held on 24th July, 2016 and the combined result of both the tests shall be declared on 17th August, 2016.

6. In view of the judgment of the Hon'ble Supreme Court, NEET became mandatory for all undergraduate and post-graduate admissions with immediate effect. However, some State Governments indicated that it would be in the larger interest of the students' community across the country to hold NEET for undergraduate admission from the year 2017-18 onwards instead of 2016-17, in the light of the following difficulties being faced by those State Governments':

(i) State level examinations for admissions have already been conducted and students will have to appear for a second examination;

(ii) State examinations are also conducted in regional languages. It is not appropriate to make all students to take the examination in Hindi and English, particularly when only two months are left for NEET Phase-II examination; and

(iii) the syllabi for the State level examinations are different from the AIPMT, which is going to be the basis for NEET Phase-II examination.

7. It was accordingly decided to make certain amendments to the Dentists Act, 1948. Since the Parliament was not in session and immediate action was required to be taken in the light of representations of the State Governments and exigencies of the NEET scheduled for 24th July, 2016, the Dentists (Amendment) Ordinance, 2016 was promulgated by the President on the 24th May, 2016.

8. The Dentists (Amendment) Bill, 2016 which seeks to replace the Dentists (Amendment) Ordinance, 2016, provides for the following, namely:—

(a) to insert a new section 10D in the Act for conducting of uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and in such other languages and in such manner as may be prescribed;

(b) to insert a proviso in the said section so as to provide that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination; and

(c) to amend section 20 of the Act so as to enable the Council to make regulations for all matters connected with the conduct of uniform entrance examination.

9. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

JAGAT PRAKASH NADDA

The 15 July, 2016

LOK SABHA

A
BILL
further to amend the Dentists Act, 1948.

(Shri Jagat Prakash Nadda, Minister of Health and Family Welfare)