

[श्री मधु लिमये]

था, जिस के बल पर उन्होंने पासपोर्ट पाया, वह फोज्ड लैटर है। मैं ने प्रधान मंत्री को कहा कि अगर यह फोज्ड लैटर है, तो क्या वजह है कि सरकार कुली मस्तान के खिलाफ फोज़री का केस नहीं चला रही है।— इस लिए कि वह फोज्ड लैटर नहीं है। बिहार का गवर्नर भूठ बात बोल रहा है। मैं मंत्री महोदय को चुनौती देना चाहता हूँ कि अगर वह फोज्ड लैटर है, तो वह फोज़री का केस चलायें और अपराधी को सजा दिलायें। लेकिन सरकार ऐसा नहीं कर रही है और हम को कहा जाता है कि वह फोज्ड लैटर है। इस तरह के आदमी को यह सरकार गवर्नर बनाती है। उन की टर्न खत्म हो गई है, लेकिन सरकार उन को उस पद से नहीं हटा रही है, क्योंकि बिहार में प्रशासनिक संकट है और सरकार चाहती है कि वहाँ ऐसा गवर्नर रहे, जो बिहार में उसके दल की सरकार को बचाये।

इसी लिए मैंने कहा कि चव्हाण साहब पर मुझे दया आती है, रहम आता है। न एनफोर्समेंट डायरेक्ट्रेट उन के हाथ में है। न विदेश व्यापार मन्त्रालय उन की बात सुनता है, न कम्पनी कानून मन्त्रालय उनकी बात सुनता है और न औद्योगिक विकास मन्त्रालय में उनकी बात चलने वाली है। इस स्थिति में यह बिल पास करें—मैं भी इस के पक्ष में वोट दे दूंगा—, लेकिन इस से कोई नतीजा नहीं निकलने वाला है, जब तक बुनियादी परिवर्तन नहीं होता है।

SHRI Y. B. CHAVAN : The hon. Member has made general points, but I do not think that they related to this Bill, except the one point which he made namely that this Bill was a good and innocent Bill,—which was more or less the summing up of his argument—but it was not going to solve the entire problem facing the

country. I never made that claim. This is the only thing that I can say. He has very sympathetically said : “मुझे उन पर दया आती है।” ईश्वर की दया है कि हम पर उन की दया है।

MR. SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

17.07 hrs.

ARCHITECTS BILL

THE MINISTER OF EDUCATION AND YOUTH SERVICES (DR. V.K.R.V. RAO) : I beg to move:

“That the Bill to provide for the registration of architects and for purposes connected therewith, as passed by Rajya Sabha, be taken into consideration.”

As the House knows, this bill was introduced in the Rajya Sabha on 10th December, 1968. The motion for reference of the Bill to a Joint Committee of both Houses was discussed in the Lok Sabha on the 16th May 1969 and concurred in by the Lok Sabha on the same day.

The Joint Committee held nine sittings in all, and after considering all memoranda, representations, references and so on, and after hearing a number of witnesses submitted its report on 28th November, 1969. I would like to take the first opportunity in this House which is available to me to thank the chairman and the members of the Joint Committee for their fine report which is practically a unanimous document. Only one member of the Lok Sabha has thought it worth-while to append a minute of dissent.

I would now like to refer to some of the more important provisions of the Bill as amended by the Joint Committee. The original Bill visualised the definition of an architect as a person qualified to de-

sign and supervise the erection of and building. This definition implied that no person other than the one who was styled as an architect and registered under the Act would engage himself in any activity concerned with the design, construction and supervision of any building. This attracted, and naturally, I think, the protest of a large number of other professions, particularly, engineers who felt that the designing, supervision and construction of buildings was not the exclusive responsibility of architects.

As the House knows, the engineering profession is vast and important. A large number of our engineers are engaged in various aspects of designing and construction of buildings. Any attempt to deprive them of their legitimate professional responsibilities would be unfair to the engineers. It is on this issue, that the Joint Committee deliberated at length and also heard evidence of the representatives of the Institution of Engineers, of the Institute of Architects and other professional bodies. After talking all factors into considerations, the committee agreed that the definition of the term 'architect' should be so amended that the title can be used by all persons irrespective of their qualifications whose names are borne on the register of architects to be maintained by the Architects Registration Council. In essence, what we are now doing is to protect the title of 'architect' to ensure its use only by those persons who are registered under the proposed Act. This amendment fully meets the viewpoint of the Institution of Engineers and other professional bodies. The Institute of Architects is also satisfied with the proposed definition of the title 'architect', through, in the first instance, they wanted something much more.

The original Bill visualised that an Architects, Registration Council should be set up as a body corporate to maintain a register of architects for India, The Bill also visualised that the Council shall consist of 35 members including an architect of the Government of each State or an architect under the services of the Government and a person to be nominated by the Institution of Engineers. The Joint Committee felt that the Council constituted in this manner gave a heavy weightage to those person holding

office under Government, leaving inadequate scope for the representation of non-official professional bodies and particularly architects in that profession. The Committee has, therefore, amended the constitution of the Registration Council in such a manner that the Government of a State need not necessarily be represented on the Council by an architect of the Government concerned or by an architect serving under that Government. Instead, the Government of a State should have the discretion to nominate any architect from that State, whether he serves under the Government or not.

Further, the Committee has suggested that the representation of the Institution of Engineers on the Council shall be increased to two persons. In addition, the Institution of Surveyors of India, which is another important professional body, should also be represented on the Council. The amendment proposed by the Joint Committee gives adequate representation to all the interests concerned on the one hand, and on the other maintains a balance between practising professional architects and architects in the employ of the Central and State Governments.

Then, according to the original Bill, whenever any dispute arose regarding any election to the Council, the matter shall be referred to the Central Government and the Central Government's decision thereon was to be final. It was felt that the Central Government should not be involved in any disputes concerning elections to the Council and all such and all such disputes should be referred to a tribunal appointment by the Central Government. Accordingly, the necessary amendment has been made to the concerned clause of the Bill.

Then the original Bill provided that a person shall not be eligible for election or nomination as a member of the Council if he has been convicted by a competent court for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years. There was considerable discussion in the Committee on this provision, particularly the interpretation of the term "moral turpitude." It was ultimately felt that this clause should

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be brought in line with the provision for elections to the Houses of Parliament. The amendment accepted by the Committee is that a person shall not be eligible for election or nomination as a Member of the Council if he has been convicted by a court for any offence and sentenced to imprisonment for not less than two years and shall continue to be ineligible for a further period of five years after his release.

I should like to remind the House that the standards of architectural education and training are important both in the interests of the profession and in the interests of the general public. Whenever the standard of a recognised architectural qualification falls below the minimum, it is necessary to examine the matter in detail and consider whether a person holding that qualification should be entitled to be registered. For the purpose of assessing on a continuing basis the standards of architectural qualifications and for taking necessary action on the assessments made, the original Bill visualised a very detailed procedure. The Committee felt that this procedure proposed for withdrawal of recognition was time-consuming and cumbersome and, therefore, a simpler procedure should be evolved. Accordingly, a simplified procedure has been suggested by the Committee. The reports of the Inspection Committees will be examined by the Council which will make appropriate recommendations to the Central Government. The Central Government, after further enquiries if necessary, will, by notification in the Gazette, remove that particular qualification from the Schedule. I may also add at this stage that the Bill also provides for additions to the list of qualifications. It is not merely removal of qualifications which have gone below par, but it also provides for addition to the list of qualifications mentioned in the Schedule because new diplomas are being created and old diplomas or old qualifications may be getting upgraded, and we must be flexible enough to include in the list all eligible qualifications, including new courses of education in architecture which may be coming up from time to time.

An important aspect of the Bill, and

this is what I want to emphasise, is registration of persons who do not hold architectural qualifications but are engaged in practice as architects. There is a great deal of apprehension that people who have been functioning as architects, designing and constructing buildings for a long time, may suddenly find themselves displaced from their employment because of the passing of this Bill. Therefore, an important aspect of this Bill is the registration of persons who may not be holding recognised architectural qualifications but are engaged in practice as architects. For this purpose the original Bill had prescribed two conditions to be fulfilled. The first was that the individual concerned should have been practising architecture as the principal means of livelihood and the other was that he should be a member of the Indian Institute of Architects. It was felt by the Committee, and I entirely agree with their feeling, that these conditions were rigid, particularly since it is difficult to interpret the term "principal means of livelihood." I can tell you as an economist statistician that we have found it extremely difficult to interpret this expression. It was, therefore, considered necessary to liberalise that provision by deleting both the conditions. The liberalised provision goes a long way in meeting the representation of a large number of persons who feared that they would be deprived of their means of livelihood. The main purpose is to protect the expression "architect". After the coming into force of this Act, a person who is not entitled to use the title and style of an architect cannot claim himself as an architect. If, therefore, a plan or a certificate in respect of any building is required by or under any law from an architect, it must be signed by a person whose name is borne on the register to be maintained under this Act. In the original Bill, "no plan or certificate in respect of any building required by or under any law from an architect shall be valid unless the person signing it is registered as an architect under this Act." This was found to be redundant and therefore, the Joint Committee has deleted that provision from the Bill.

Then, the original Bill visualised that "if any person not being a registered architect takes or uses any title or description of an

architect, or uses any name, style or title containing the word "architect", he shall be punishable with fine which may extend to five hundred rupees." Here, if I may digress for a moment, I wish there were a similar clause regarding economists. Unfortunately, economists cannot be defined as well as architects can be defined. The Committee rightly held the view that if the clause is allowed to stand as it was, every architect, irrespective of the fact whether he is or is not eligible for registration, might after the commencement of the Act and before the register is completed be liable to punishment. Because it will take some time before the register is compiled, as pointed out by the Committee, this clause needs to be deleted.

Then, I would like to say that the original Bill contemplated both protection to the profession of architecture or the practice of architecture and the title of the architect. When I say, profession of architecture, I mean not only construction but also designing, supervision and all that. The Bill, as now amended by the Committee, however, provides for the protection of the use of the title and style of architect only. I want to underline that : that this Bill only protects the title.

SHRI C. K. BHATTACHARYYA (Rai-
ganj) : Not the profession ?

DR. V. K. R. V. RAO : Because engineers can function, design and construct and supervise and so on, but they cannot call themselves architects. To call yourself as an architect, you must be registered. That is the whole purpose of the Bill. Therefore, even the original Bill precluded any person other than a registered architect from practising the profession of an architect. So, it needs to be amended and brought in line with the protection and title only. The amendment proposed by the Committee, therefore, is that after the expiry of one year from the date appointed for the purpose, no person other than an architect or a firm of architects shall use the title and style of architect. Hence, the term here, of architect, means a person who is registered under the Act, and there-

fore, you will see it will also cover those people who have been practising in this profession even though they may not have all the academic qualifications which are spelt out in the Schedule. The Schedules to the Bill have also been revised to make them more comprehensive. The revised schedule, Parts I and II, now includes all the architectural qualifications which have been recognised by the UPSC and the Central Government for the purpose of recruitment to the post of architect. I am aware that a number of persons have been writing letters and sending telegrams for adding a large number of other items to the schedule. I want to point out that all those which have been included are recognised by the UPSC and the Central Government. There is nothing to preclude the Central Government after consultation with the Council from adding new items to the schedule, provided they satisfy the required academic qualifications.

In conclusion, I wish to point out that the question of registration of architects has been before the Central Government for nearly 25 years. During this period, we prepared several drafts of Bill, consulted State Governments, the All-India Council of Technical Education, and other authorities. We wished to bring forward a Bill which would satisfy the legitimate demand of architects on the one hand, and on the other, give adequate safeguards to engineers and others in the pursuit of their vocation in life. It is only after these consultation discussions and so on, that the Bill was introduced on the 10th December, 1968. Many important issues were still raised about the scope of the Bill, and how it affected the wide spectrum of constructional work in our country in which many different types of professional particularly, engineers are engaged. It may be school buildings or municipal buildings or other buildings. So many building are being constructed all over the country and many people have been engaged in designing and constructing the buildings, who would not be what we call professional architects. We wanted to see that their interest were not adversely affected by the passing of this Bill.

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The joint Committee has gone into all these matters with great care and deliberation. I would again pay my tribute to the committee. We used to have heated discussions. Even my friend Mr. Piloo Mody who is normally very clam except when he is interrupting, was violent in his statements. But after all the violence and heat in the discussions, we came to unanimous conclusions. We took care to see that the title of architect was properly protected. We did no harm to those who are practising this profession provided they do not call themselves by the official title of architects. In this process the fundamental change the Joint Committee has made in the original Bill is to protect the title and style of architect only and not, would repeat not, to make the designing, construction and supervision of buildings the exclusive responsibility of any one particular group of professionals. I have no doubt that this fundamental change will satisfy the legitimate demand of the architects and also allow engineers and other professionals to pursue their legitimate avocations in life.

The Bill, with the amendments suggested by the Joint Committee, represents the greatest possible measure of agreement. The report of the Joint Committee was passed on 7th May, 1969 with only one amendment of clause 27 (2), viz.,

"Where the renewal fee is not paid within one month after the due date, the Registrar shall remove the name of the defaulter from the register."

Otherwise, the entire report of the Joint Committee was passed I would now commend the Bill, as it has been passed by the Rajya Sabha, to the House for its consideration and I hope it will unanimously adopted by the house.

MR. SPEAKER : Motion moved :

"That the Bill to provide for the registration of architects and for purposes connected therewith, as passed by Rajya Sabha, be taken into consideration."

SHRI PILOO MODY (Godhra) : Mr. Speaker, Sir, to begin with, I would like to congratulate the Government of India on having brought forward this Bill, as the Minister admitted, after 25 years of consideration. This matter has been under active debate for the last 25 years and therefore, I must particularly congratulate the Minister-in-charge that it has fallen to his lot after I do not know how many predecessors have taken a hand at it, to bring it before the House, to steer it through the Joint Committee, have the Rajya Sabha approve of it and finally come to last hurdle, which is the Lok Sabha.

As the Minister said, the Bill is really non-controversial on a great many fronts.

MR. SPEAKER : You may continue tomorrow. It is now 5.30 and we have to take up the half-hour discussion.

17.29 hrs.

HALF-AN-HOUR DISCUSSION RE : PRICE OF SUGARCANE

श्री रघुबीर सिंह शास्त्री (बागपत) : अध्यक्ष महोदय, गन्ने के मूल्य का मामला इस देश के किसान और इस उद्योग में लगे हुए मजदूर—दोनों के लिए बहुत ही महत्वपूर्ण और रुचि का विषय है। इसी 12 नवम्बर को यहां लोक सभा में मेरे प्रश्न का उत्तर देते हुए माननीय कृषि मंत्री जी ने बतलाया था कि इस फसल के लिए, जो अभी चालू हुई है, गन्ने का भाव नियत करने के सम्बन्ध में उन्होंने विभिन्न राज्य सरकारों के सुझाव मांगे थे और उन सुझावों को देखने के बाद सरकार ने तय किया कि गन्ने का भाव 7 रुपए 37 पैसे रखना चाहिए। एक सब से बड़ी दिलचस्प बात यह है कि जितनी सरकारों से इन्होंने सुझाव मांगे, वे 11 सरकारें हैं और उन 11 सरकारों में जिन राज्यों में गन्ने का उत्पादन एक मुख्य उत्पादन के रूप में है, उन सभी सरकारों ने, जो स्वयं