

[Shri M. M. Dharia]

to have your ruling on the point of order raised by me. And on that point of order I am here to make the demand that all those nasty, irresponsible arguments made by Mr. Rajnarain must be expunged. They cannot form part of the records. Therefore I would like to have your ruling and I am here to make the demand that such arguments made by Mr. Rajnarain challenging the conduct of the President should be expunged from the records of the House.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I will examine it.

श्री राजनारायण : श्रीमन्. पाइन्ट आफ आर्डर । मैं आपकी व्यवस्था जानना चाहता हूँ कि क्या डम मदन का कोई सदस्य यह हक रखता है कि वह सरकार से पूछ सके कि राष्ट्रपति का कार्यक्रम दक्षिणी राज्यों का क्यों कैमिल हुआ ? म समझता हूँ कि पूरा हक रखता है । अगर वह नहीं पूछता है तो वह अपने ससदीय कर्तव्य का पालन नहीं करता है, वह दबा हुआ है, गुलाम संसद सदस्य है । इसलिए मैं अपने हक का इजहार करना चाहता हूँ । मैं आपके द्वारा सरकार से पूछना चाहता हूँ कि 26 मई तक का जो राष्ट्रपति का कार्यक्रम बना था वह 9 मई से आगे क्यों कैमिल हो रहा है ? अखबारों से कारण दिया है कि श्रीमती गिरी के मसूदे में दर्द है ।

SHRI OM MEHTA (Jammu and Kashmir): Sir, he is again repeating those things.

SHRI LAL K. ADVANI: Sir, . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, Mr. Advani, please sit down.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): He is raising another point.

SHRI LAL K. ADVANI: I would like . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, no. I am calling Mr. Bhakt Darshan.

SHRI RAJNARAIN: He is on a point of order.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You please sit down, Mr. Rajnarain.

Yes, Mr. Bhakt Darshan.

THE ARCHITECTS BILL, 1968

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION AND YOUTH SERVICES (SHRI BHAKT DARSHAN): Sir, I beg to move :

"That the Bill to provide for the registration of architects and for purposes connected therewith, as reported by the Joint Committee of the Houses, be taken into consideration."

Sir, as the House is aware, this Bill was introduced in the Rajya Sabha on the 10th December, 1968. The motion for reference of the Bill to the Joint Committee of the Houses was moved by my senior colleague, Prof. V. K. R. V. Rao, on 15th May, 1969 and it was adopted by this House the same day. The matter was discussed in the Lok Sabha on the 16th May, 1969 and it concurred in the motion the same day.

The Joint Committee held nine sittings in all, and, after having considered all memoranda, representations, and references etc., and having heard a number of witnesses, it submitted its report on the 28th November, 1969; and it is now before this House.

Let me take this first possible opportunity to thank the Chairman and other members of the Joint Committee for their fine Report, which is almost unanimous, as only one member of the Lok Sabha has thought it worth while to append a minute of dissent.

I wish to take this opportunity to refer to some of the more important provisions of the Bill, as amended by the Joint Committee.

The original Bill had visualised the definition of an architect as a person qualified to design and supervise the erection of any building. This definition implied that no person other than

the one, who was styled as an architect and registered under the Act, could engage himself in any activity concerned with the design, construction and supervision of any building. This attracted the protest of a large number of other professionals particularly engineers, who felt that the designing, supervision and construction of buildings was not the exclusive responsibility of architect only. As the House is aware, 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 them. It is on this issue that the Joint Committee deliberated at length and also heard the evidence of the representatives of the Institution of Engineers, representative of the Institute of Architects and other professional bodies. After taking all factors into consideration, the Committee agreed that the definition of the term "architect" should be amended, so 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.

The original Bill had visualised that an Architects Registration Council should be set up as a body corporate to maintain a register of architects for India. The Bill had also visualised that the Council should consist of 35 members, including an architect to the Government of each State or an architect in the service of that Government and a person nominated by the Institution of Engineers. The Joint Committee felt that the Council constituted in this manner gave heavy weightage to those persons holding office under the Government, leaving inadequate scope for the representation of non-official professional bodies and particularly architects in the profession. The Committee has, therefore, amended the constitution of the Registration Council. Now the Governments of States 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 will have discretion to nominate any architect from that State. Further, the Committee has also suggested that the

representation of the Institution of Engineers on the Council should 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. Thus the amendments proposed by the Joint Committee for the composition of the Council give adequate representation to all the interests concerned, on the one hand, and, on the other, maintain a balance between the practising professional architects and architects in the employ of the Central and State Governments.

According to the original Bill, wherever any dispute arose regarding any election to the Council, the matter was to 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 dispute concerning elections to the Council and all such disputes should be referred to a tribunal appointed by the Central Government. Accordingly, the necessary amendment has been made to the concerned clause of the Bill.

The original Bill had provided that a person should not be eligible for election or nomination as a member of the Council, if he had 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 on this provision in the Joint Committee particularly the interpretation of the term "moral turpitude". It was ultimately felt that this clause should be brought in line with the same provisions as for election 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 5 years since his release.

The standards of architectural education and training are important, both in the interest of the profession and in the interest of the general public. Wherever the standard of a recognised architectural qualification falls below the minimum it is necessary to examine the matter in detail

[Shri Bhakt Darshan]

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 assessment made, the original Bill visualised a detailed procedure. The Committee felt that the proposed procedure for withdrawal of a recognition was time-consuming and cumbersome and, therefore a simpler procedure should be evolved. Accordingly, a simplified procedure has been suggested by the Committee.

An important aspect of the Bill is the registration of persons, who do not hold recognised architectural qualifications, but have been 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 his principal means of livelihood and the other, that he should be a member of the Indian Institute of Architects. It was felt by the Joint Committee that these conditions are rather rigid, particularly since it is difficult to interpret the term "principal means of livelihood." It was, therefore, considered necessary to liberalise the provision by deleting the conditions of "principal means of livelihood" and "membership of the Indian Institute of Architects." The liberalised provision, it is hoped, will go a long way in meeting the representation of a large number of persons, who feared that they will be deprived of their means of livelihood, in which they have been engaged for a long time.

After coming into force of this Act, a person, who is not entitled to use the title and style of architect, cannot call himself 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. Under the circumstances, there is no need to provide separately as in the original Bill, for "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." The provision was considered redundant

and, therefore, the Committee has rightly suggested that it be deleted from the Bill.

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 names, style or title containing the word "architect", he shall be punishable with fine which may extend to Rs. 500. The Committee rightly held the view that if this clause is allowed to stand, every architect irrespective of the fact whether he is or is not eligible for registration, might at the commencement of the Act and before the register is completed be liable to punishment. The Committee had, therefore, recommended the deletion of this clause.

The original Bill contemplated both protection of the profession of architecture and the title of architect. The Bill, as now amended by the Committee, however, provides for the protection of the use of the title and style of "architect" only. Therefore, the provision in the original Bill precluding any person other than a registered architect from practising the profession of architecture needs to be amended and brought in line with the protection of the 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. Here, the term "architect" means a person, who is registered under the Act.

The Schedules to the Bill have also been revised to make them more comprehensive. The revised schedules now include all the architectural qualifications, which have been recognised by the UPSC and the Central Government for purposes of recruitment to the posts of architects.

In conclusion, Sir, I wish to point out that the question of registration of architects has been before the Central Government for nearly twenty-five years. During this period, several drafts of the Bill were prepared and the State Governments, the All India Council for Technical Education and other authorities were consulted. The desire of the Government was to bring forward a Bill, which would satisfy the legitimate demands of architects, on

the one hand, and, on the other, give adequate safeguards to engineers and others in the pursuit of their own vocations in life. It is only after all these consultations, discussions and so on that the Bill was introduced in the House on 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 professionals and, particularly engineers, are engaged. The Joint Committee has gone into all these matters with great care and deliberation and has made several amendments to reconcile and harmonise different factors affecting various interests, for which our sincere thanks are due to its Chairman and members.

I, therefore, commend this Bill as amended by the Joint Committee, for the consideration and unanimous adoption by this august House.

The question was proposed.

RE EXPUNCTION OF CERTAIN WORDS FROM THE SPEECH OF SHRI R. K. KHADILKAR MADE ON 6TH MAY, 1970

श्री लाल आहूराणी (दिल्ली) : सभापति जी, जब कल सयकाल सदन के म्यग्मित होने से कुछ ही पहले यहां पर श्री खाडिलकर जी ने कुछ बातें कही थी, सदन के सब भागों की ओर से उन पर रोष प्रकट किया गया। जब उन्होंने यह कहा कि नक्सलवादियों को इस बात की छूट है कि वे कहीं से प्रेरणा लें और इसमें कोई आपत्ति की बात नहीं है, तो सदन के सभी माननीय सदस्यों की तरफ से, एक आध को छोड़ कर, यह मत व्यक्त किया गया कि इस प्रकार की भाषा और इस प्रकार का कहना माओ के मंदर्भ में नक्सलवादियों के मंदर्भ में, और चीन के मंदर्भ में, सर्वथा अनुचित है। आप ने अनुग्रह कर के सब लोगों की बात सुन कर यह आश्वासन दिया कि आप सारे रेकार्ड देखेंगे और अगर ऐसी बात होगी तो आप उनको एक्सपंज कर देंगे। आज प्रातःकाल मेरी

जानकारी में जब कांग्रेस पार्टी की मीटिंग हुई तो उस कांग्रेस पार्टी की मीटिंग में भी यह चर्चा हुई और प्रधान मंत्री जी ने आप को इस हलिया का हवाला देते हुए कहा कि वह कोई निर्णय करना तभी उचित समझेगी जब उपसभापति जी राज्य सभा के इस को पहले स्वयं देख लें और इस पर अपना कोई निर्णय दे दें। मैं इस मंदर्भ में निवेदन करना चाहूंगा कि आप इस सदन को काफ़ी डेम में ले कर बतायें कि आप ने क्या निर्णय लिया क्योंकि टनना तीव्र रोष ब्रामन्व में सदन में सभी तरफ से, मत्ताधारी पक्ष की ओर से और विरोधी पक्ष की ओर से भी शायद पहले कभी नहीं इस के लिए प्रकट किया गया। चीन हमारा दुश्मन है, और माओ एक प्रकार से भारत की शत्रुता का द्योतक है और उस के लिए यह कहना कि माओ से प्रेरणा लेना एक प्रकार से मैजिनी और गेरीवाल्डी से प्रेरणा लेना है यह अनालाजी बैठती नहीं। और इसी कारण यह आपत्ति हुई। मेरा आप से यही निवेदन है कि सदन को जानकारी दें कि इस विषय में क्या कार्यवाही की गयी है। क्या वह सारे जो आब्जेक्शनेबिल रिमार्क्स थे वह एक्सपंज हो गये या आप को ऐसा लगता है कि आप स्वयं उनको निर्देश देंगे कि वह इस प्रकार की भाषा न बोला करे। क्योंकि एक बड़ी विस्फोटक स्थिति है और इस विस्फोटक स्थिति में जब सरकार का मंत्री ऐसी बात कहता हो जो एक प्रकार से चिनगारी का सा काम कर सकती है। It is putting a spark to an inflammable situation.

इस कारण इस विषय में आप का निर्णय अत्यन्त आवश्यक है।

श्री महावीर त्यागी (उत्तर प्रदेश) : लेकिन जब सरकार की पालिसी ही इस तरह की हो तो उस में आप को क्या कहना है ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I thought it would have been better if somebody else had been in the Chair and if I had been there I would have been in a better position to explain it to you.