

**SHRI LAL K. ADVANI:** You kindly undertook upon yourself to go through and examine the records in accordance with the wishes of the House.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** Please sit down. Certainly, I undertook it myself and it was the wish of the whole House, all sections and groups, and they said: "You look into the record and we will abide by it."

**SHRI LAL K. ADVANI:** The speech was subsequently denied.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** I am coming to that. I came this morning at ten o'clock and went through the proceedings in greater detail, as the subject was raised. In the talks and counter-talks many things were not clear. The position that Mr. Shah and some others took was that Mr. Khadilkar referred to China and Mao and I also felt somehow that probably it may be so. I have gone through the whole record. I have also seen the rules relating to my powers to expunge. After looking into the rules and after going through the records I felt that so far as the wording of Mr. Khadilkar is concerned there is nothing which, exercising my discretion, should be expunged. Now, I have directed the Secretariat to complete the proceedings. You would look into it and unless you see the whole thing, it is difficult to come to any conclusion. After that if there is anything, according to rules and procedure you will be entitled to take up this matter.

**SHRI MAHAVIR TYAGI:** One submission I want to make. Even if a word of a Minister is not liked by the House, that word cannot be expunged unless it is unparliamentary. Only such words can be expunged by the Chair which are unparliamentary. If there are some words with which Members differ, they cannot be expunged just because they differ with the words. You can just bring pressure on the Government to make the hon. Minister come forward and withdraw. I can understand that. But it is not for the Chair to expunge a word only because the House does not agree with the word. Unless the word is unparliamentary the Chair cannot expunge it. If the word

is still on the record, it is our privilege as the opposition to censure the Government that it is a clarification of their policy. So long as the words are there, we take it for granted that it is their decided policy to support Mao, Naxalites, etc., unless they come forward and withdraw that remark.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** Let us proceed now.

**SHRI MAHAVIR TYAGI:** It cannot be expunged.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** I have not expunged anything.

**SHRI SUNDAR SINGH BHAN-DARI (Rajasthan):** After going through the record, if we feel that certain portions are worth expunging, we will bring it to your notice.

**SHRI MAHAVIR TYAGI:** How can that be?

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** Subject to the rules of procedure.

**SHRI SUNDAR SINGH BHAN-DARI:** It is for the House to decide.

#### THE ARCHITECTS BILL, 1968— *contd.*

**श्री जगदम्बी प्रसाद यादव (बिहार):** उप-सभाध्यक्ष जी, कई दिनों के बाद आखिर स्थापत्य कला विधेयक सदन में पारित होने के लिए आया।

मैंने संयुक्त प्रवर समिति के निवेदन को देखा और जो हैडिंग था उसे भी देखने का प्रयास किया। एक शब्द का विवेचन मैं यहाँ पर करना आवश्यक समझता हूँ कि आज जब आर्किटेक्ट्स की बात आती है तो ऐसा लगता है जैसे अपने देश में भारतीयकरण की बात चलाई गई है, उसी तरह से इस आर्किटेक्चर की शिक्षा में और व्यवसाय में भी भारतीयकरण की आवश्यकता है। आज हमारे जो आर्किटेक्ट हैं, भवन-निर्माण कर्ता जो हैं बड़े-बड़े दिग्गज हैं आज

उनके ऊपर विदेशीय का प्रभाव दिखाई पड़ता है।

जहां तक गुण-प्राहकता की बात है वह प्रशंसनीय है, लेकिन गुण-प्राहकता के बहाने हम अपने देश की स्थापत्य कला को जो आज के जगत में मानी हुई है, भुला दे, ठीक नहीं। आप मीनाक्षी के मंदिर को लें या कोणार्क के मन्दिर को लें, सँझों-हजारों वर्षों की स्थापत्य कला के नमूने उनमें मौजूद हैं, भारतवर्ष के जो कि विनिर्माता बनने में महायुक्त हुए हैं, आज उस ओर हम शिक्षा का झुकाव नहीं है। इसलिए उपसभाध्यक्ष महोदय, मैंने कहा कि मंत्री महोदय जहां पर रजिस्ट्रेशन निबन्धन की बात लाये हैं, जहां पर इसका जो बेस है, आधार है शिक्षा का व्यवसाय का, जहां तक पाश्चात्य जगत ने प्रगति की है, उस पाश्चात्य जगत के गुणों को सीखा आवश्यक है; वहां पर हमने भी जो प्रगति की थी या हमारी प्रगति के जो नमूने आज भी मौजूद हैं, उस वैभव-शाली कला को हम भूल न जाएं। इसलिए कला का झुकाव उस ओर होना नितान्त आवश्यक है। इसलिए मैंने कहा कि स्थापत्य कला की शिक्षा को प्रोत्साहन देना नितान्त आवश्यक है।

आप, जहां पर उसका हैडिंग देखें वहां पर यह बात आई है कि हमारा भवन-निर्माण का कार्य 90 प्रतिशत सिविल इंजीनियर करते हैं और 10 प्रतिशत आर्किटेक्चर के जो ज्ञाता हैं, वह करते हैं। लेकिन मैं कहता हूँ कि यहाँ पर संयुक्त प्रवर समिति ने एक बात भुला दी, थोड़ा-थोड़ा उसका अंक आया है, कि भारतवर्ष में छोटे और बड़े जै भवनों का निर्माण होता है उसका 80 प्रतिशत से अधिक वैसे लोग निर्माण करते हैं जिनके पास न तो सिविल इंजीनियर की डिग्री है, न ही आर्किटेक्चर की डिग्री है। आप गांवों से लें—दो तीन बड़े शहरों को, कलकत्ता, बम्बई, दिल्ली, मद्रास, छोड़ दें जहाँ पर कुछ आर्किटेक्चर के लोग रहते हैं। और बड़ी-बड़ी इमारतों का निर्माण करते हैं। उनके

सिवाय सिविल इंजीनियर भी, यदि सरकारी भवनों को छोड़ दें, तो शायद ही भवन निर्माण करते हों। भारतवर्ष के नगरों में, गांवों में जहाँ भी भवन, या अट्टा-बिकाएँ बनती हैं, अधिकांश ऐसे लोग उन मकानों को बनाते हैं जिनके पास किसी प्रकार की कोई भी डिग्री नहीं है। इसलिए उनके व्यवसायों पर जो विवेचन होना चाहिए, संयुक्त प्रवर समिति में या इस विधेयक में, वह नहीं है।

एक सवाल के संदर्भ में अपने माननीय मंत्री महोदय का ध्यान आकर्षित करना चाहूँगा कि उन्होंने कहा कि बिना डिग्री होल्डरों को भी निबन्धन की बात आई है। पहले जो मूल विधेयक था, उस विधेयक में कुछ सख्त प्रतिबन्ध थे, इसमें कुछ सहूलियतें दी गई हैं। मैं इन्हें स्मरण दिलाना चाहूँगा कि ब्रिटेन में जब यह विधेयक आया था उस समय यह जिक्र था कि जो डिग्री होल्डर नहीं हैं उनको रजिस्ट्रेशन के लिए मान्यता की शर्त यह हो कि जिस समय वह विधेयक पारित हो उस समय तक अगर वह भवन निर्माण का कार्य करता है तो उसको इसकी सहूलियत दी जाए। लेकिन आपने इसमें पांच वर्ष रखा है इसीलिए मैं उस ओर आपका ध्यान दिलाना चाहता था। एक बहुत बड़ा वर्ग आज भारतवर्ष में भवन निर्माण करता है और इसमें 90 प्रतिशत मकान बिना सिविल इंजीनियर डिग्री के लोग बनाते हैं। मुझे आश्चर्य होता है कि सिविल इंजीनियर 90 प्रतिशत भारत में मकान नहीं बनाता है, मगर 90 प्रतिशत मकान बिना सिविल इंजीनियरिंग डिग्री होल्डर बनाते हैं। इसलिए इसमें विवेचन उन लोगों का होना चाहिए था। संयुक्त प्रवर समिति के सामने ऐसे लोगों का प्रतिनिधित्व नहीं था जिसके कारण इन बातों पर जिनका विवेचन होना चाहिए था, उनका विवेचन नहीं हुआ। यह विधेयक तो उपसभाध्यक्ष महोदय, उन लोगों का है जो कि आर्किटेक्ट्स हैं। उन्होंने यह व्यवस्था की कि जिस प्रकार मे लाइसेंस होल्डर डाक्टर हैं उन्हीं को प्रकटिस करने का अधिकार है, उसी तरह आर्किटेक्ट वालों को भी भवन निर्माण

[श्री जगदम्बी प्रमाद यादव]

करने का अधिकार दिया गया है। इस प्रकार की मोनोपली ग्राइट इसमें है। मयूक्त प्रवर समिति के सामने कुछ विद्वान या सिविल इंजीनियरों का प्रतिनिधित्व था जिन्होंने इस बात को उठाया और जो मही वान है कि ऐसे डिप्टी होल्डर जो भवन निर्माण करने वाले हैं उनमें से १० प्रतिशत सिविल इंजीनियर हैं और उनका अहित करने के लिए यह मोनोपली अधिकार आर्किटेक्ट लोग चाहते हैं। उन्होंने लड करके इस बात को खुलासा किया कि यह सही नहीं है कि हम उन सिविल इंजीनियरों को डिबार करे। इसका मौजूदा उदाहरण चडीगढ का शहर है। चडीगढ का निर्माण करने वाला 'ला वूजियर' था। वह पहले आर्किटेक्ट नहीं था। उसने ऐसे शहर का निर्माण किया है जिसकी सभी लोग प्रशंसा करते हैं। तो इस आधार पर सिविल इंजीनियरों को सम्म्या हल हुई।

रमी तरह से हम चाहते हैं कि ऐसे लोगों का भी जिन्होंने सचमुच में भारतवर्ष के भवन का निर्माण किया है, जिसके ऊपर भारतवर्ष का भवन बना है ऐसे लोगों को भी सुविधा दी जाए। अगर अमेडमेट में इसकी गुजाइश न हो तो दूसरे तरीके से भी गुजाइश होना जरूरी है।

एक वान की ओर मैं और सदन का ध्यान दिलाना चाहता हूँ। अभी इसमें ऐसा लगता है कि सिविल इंजीनियर या बिना डिप्टी होल्डर को डिबार नहीं है, लेकिन वह दिन दूर नहीं जब इसका इटरप्रिटेसन इस ढंग से आएगा। वह कैसे आएगा कि अगर किसी मकान का रेवेन्यू आकने के लिए उसका सर्टिफिकेट मांगा जाएगा, तो ही मकाना है वह अधिकारी कह दे कि आर्किटेक्चर का सर्टिफिकेट ले आओ। तो वहां पर उस मकान मालिक को कठिनाई हो जाएगी आर खर्चा करके आर्किटेक्ट के पास जाना पड़ेगा कि तुम जरा सर्टिफिकेट दे दो। और इसीलिए हम कहना चाहते हैं कि सिविल इंजीनियर से भी सर्टिफिकेट लेने में कठिनाई होगी क्योंकि अधिकांश

मकान, १० प्रतिशत, मकान, ऐसे लोगों द्वारा बनाये गये हैं जिनके पास न तो सिविल इंजीनियरी और न आर्किटेक्ट की डिग्री है। इसलिए हम कहना चाहते हैं कि मकान वालों को जो कठिनाई होगी उसका ख्याल कर के उस हिसाब से सुविधा देनी चाहिये। इस विधेयक के अनुसार अगर कोई रजिस्ट्रेशन की बात आती है तो रजिस्ट्रेशन की बात इसलिये आनी चाहिये कि जनता को सुविधा हो किमी इंडिविजुअल को सुविधा नहीं हो और इसमें यह देखा गया है कि सुविधा इंडिविजुअल आर्किटेक्ट को हो और उनको सुविधा नहीं हो जो कि मकान वाले हैं। मकान वालों की, मकान बनाने वालों की मूहलियत के हिसाब से ही कोई विधेयक आना चाहिये! इसलिये हम, श्रीमान्, कहना चाहते थे कि जब हम आर्किटेक्ट्स को एक मानो-पली देने जा रहे हैं तो हम गम्भीरतापूर्वक विचार करे कि सचमुच में जो मकान बनाने वाले हैं उनको इसके कारण बाधाएं तो नहीं होंगी। अगर इसको स्ट्रिक्टली फानो किया जाय कि आर्किटेक्ट ही मकान बनाने तो मैं मती महोदय में पूछना चाहता हूँ कि इस भारतवर्ष में कितने आर्किटेक्ट्स हैं और कहा कहा वह प्राप्य हैं, मैंने जिन चार शहरों का रेफरेस किया है उन शहरों के बाहर भी क्या आर्किटेक्ट मिल सकते हैं? इसी मदर्भ में मैं यह भी जानना चाहूंगा कि इतने दिनों तक जो यह लटकाये रहे वह क्या शायद इसलिये कि यहा आर्किटेक्ट नहीं है? फिर भी सचमुच में यह प्रश्न है कि क्या भारतवर्ष में इतने आर्किटेक्ट्स हैं कि जिनके लिये यह आवश्यकता आ पडी कि इस विधेयक को श्रत्यत आवश्यक विधेयक कह कर यहा लाया जाय, वैसे यह निर्दोष विधेयक है और मैं इसका समर्थन करने लगा हूँ किन्तु जो प्रश्न उठते हैं उन प्रश्नों की ओर भी मैं सदन के द्वारा मती महोदय का ध्यान आकषिण करना चाहूंगा कि कहीं ऐसा कुछ न हो जाय जिससे कि भवन निर्माण करने वालों को आगे चल कर कठिनाई हो।

इसी सदर्भ में कौंसिल की बात का भी उन्होंने जिक्र किया। आज यह मानी हुई बात है कि

हर चीज की जो कौमिल होनी है उसमें यह देखा जाता है कि जो उसका रिप्रजेंटेशन का पैटर्न हो वह डेमोक्रेटिक पैटर्न हो लेकिन आप देखेंगे कि इसमें डेमोक्रेटिक पैटर्न की जगह पर इस कौमिल का पैटर्न सरकारीकरण है और सरकारीकरण के कारण ही इसमें कहा गया है कि जो इलेक्शन के मामले होंगे उनका निर्णय सरकार करेगी और किसी डिस्प्यूट के होने पर सरकार ट्राइब्यूनल एप्वाइंट करेगी। और उस केस को ट्राइब्यूनल को दे देगी कि ट्राइब्यूनल इसका निर्णय करे। मैं यह पूछना चाहता हूँ कि इलेक्शन का निर्णय करने का तो ट्राइब्यूनल को सरकार देगी तो फिर इसमें डेमोक्रेटिक पैटर्न कहा रहेगा। जैसे कि कोआपरेटिव फील्ड है या और दूसरी जगह है कि उसका पैटर्न डेमोक्रेटिक है उसी तरह से फिर इस कौमिल को डेमोक्रेटिक बनाने में आपको क्या अशुद्धि है, आप क्यों नहीं इसको डेमोक्रेटिक पैटर्न पर बनाने को तैयार हैं। आने जो कुछ आर्किटेक्ट हैं उनको और कुछ ओर लोगों का प्रतिनिधित्व दिया है लेकिन वास्तव में जो नामिनेशम है वे नामिनेशम सरकार के हाथ में ही हैं। इसलिये मैं चाहूँगा कि मंत्री महोदय इस बात का विवेचन कर के देखें कि सचमुच में इसमें डेमोक्रेटिक पैटर्न होता है या नहीं होता है और क्या अब भी ऐसा मौका है कि उसमें कुछ सुधार किया जा सकता है।

एक बात और है। इसके अन्त में जो फाइनेशल मेमोरेण्डम है उसमें इन्होंने कहा है कि 1 लाख 20 हजार रुपये इसमें खर्च होगा और यह जो रजिस्ट्रेशन होगा उससे आ जायगा और इन्होंने रजिस्ट्रेशन का जो आकड़ा लगाया है उसमें यह है कि अगर पाच हजार लोग रजिस्ट्रेशन कराये तो करीब 1 लाख रुपये हो जायगा और केवल 20 हजार रुपये की व्यवस्था करनी पड़ेगी लेकिन मुझे तो पता लगा है वह यह है कि वहाँ पर तीन या चार हजार से कम ही आर्किटेक्ट लोग हैं। जनका कि रजिस्ट्रेशन होगा और उनमें से भी जितने ऐसे होंगे जो कि इसके लिये नहीं आयेंगे, मान लें कि तीन हजार आते

हैं तो 3000 गुणा 20 यानी 60 हजार रुपये से ज्यादा नहीं होता है और इस प्रकार 40 और 20 यानी 60 हजार रुपये का घाटा रह जाता है। तो जितने रुपये की व्यवस्था करना चाहते हैं वह पर्याप्त नहीं है। जो आपने टोटल एक्सपेंडीचर बताया है वह 1 लाख 20 हजार है लेकिन शायद इतने रुपये से ही काम न चले और इसके लिये और अधिक रुपये की आवश्यकता पड़े। इसलिये मैं सरकार से निवेदन करना चाहूँगा कि अगर सचमुच में इस विधेयक को बना कर के कागज पर ही नहीं रखना है बल्कि इसका कुछ सदुपयोग करना है तो ऐसी व्यवस्था करनी पड़ेगी कि सचमुच में यह सरकार इसको चला सके। जैसे कि और दूसरे एसोसियेशंस के बारे में होता है कि शुरू शुरू में सरकार उसके सारे खर्चों की जिम्मेदारी अपने ऊपर ले लेती है उसी तरह से अगर सचमुच में इसको आप चलाना चाहते हैं तो शुरू शुरू में चाहे वह तीन वर्ष हो या पाच वर्ष हो इतने वर्षों तक जितना भी इस पर खर्चा हो उसकी व्यवस्था सरकार करे और सारे के सारे खर्चों को मीट करने का सरकार प्रयास करे तो ही मकान है कि शायद इसका कोई कुछ समाधान निकले।

इन शब्दों के साथ मैं इस बिल का समर्थन करते हुये सरकार से निवेदन करना चाहता हूँ कि अभी हमने जो कन्सल्टेशन मागे हैं उनको सरकार कन्सल्टेड करे।

SHRI M. H. SAMUEL (Andhra Pradesh): Sir, both the engineers and the architects have long been waiting for this day when this House and Parliament are going to pass this Bill. The first engineer in this country came out of the college 150 years ago, and the first architect in India came out about 30 years ago. Till 1947, there were only 300 qualified architects in the country. Today, as Mr. Yadav has rightly said, there are about three thousand, perhaps more than that. Engineers are now about one hundred thousand, engineers of all kinds, of whom 50 per cent are civil engineers. Engineers were also practising as architects without the architectural qualification. When the architects believed

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that their trade must be regulated and that no outsider should come in and step into their shoes and take away their trade, there grew a demand that it was perhaps necessary for the architects as well as for the engineers practising as architects that some legislation should be brought forward for this purpose. That was insistent demand of the architects at that time; but the engineers were not so much in the picture.

A legislation was conceived in our country for architects 25 years ago, and this legislation is going now before Parliament after 25 years. I do not remember any legislation first conceived and then bearing fruit after a period of 25 years. And therefore, as I said in the beginning, engineers practising as architects and architects qualified in architecture, have been looking forward to this day.

The first Architects Bill was drafted somewhere in 1947. It was circulated to the States. Their opinions were solicited. Later, the whole thing went moribund. For 15 years nobody ever said anything about it, nobody thought anything about it. Then the architects revived their demand. In 1960 discussions again began with all the persons concerned within profession, and eight years later, the Bill was introduced in this House, in 1968. It was referred to a Joint Select Committee in 1969 and the Bill is now before the House.

You will agree with me, Sir, that since creation man has been a builder, an engineer in one sense of the term. Since creation, man has been endowed with a sense of beauty, harmony and synthesis. An architect is one  
3 P.M. who introduces into a building these elements of beauty, synthesis and harmony, consistent, of course, with the environment in each case. Both engineers and architects are complementary to each other. Neither can do without the other. But they must work together—this is important—both as equals, neither being subordinate to the other. A reconciliation of the roles of the two, the engineers and the architects, with a happy consensus, was the task before the Joint Select Committee. It was not an easy task.

If I may say so, engineering and architecture are so imbedded in each

other, almost with one body but with two souls, that they can be called almost Siamese twins. A surgical operation to separate the two would have been neither possible nor desirable. Each has to be given its own identity, and yet each must breath in unison. That was the task of the Joint Select Committee.

Naturally, in the vortex of these conflicting interests between the engineers and architects, the moment we started our work—I was a member of the Joint Select Committee—we came up against, so to say, a big boulder, the boulder of definition of an architect. The first clause was the title and the second clause was the definition. The original Bill had a definition of an architect and we discussed it at great length. It said: "Architect means a person qualified to design and supervise the erection of any building." Now, we immediately realised that this impinged very effectively upon the functions of an engineer. Building is an engineer's job. We discussed other definitions that were suggested, but as my time is limited . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You can go on for another five or seven minutes.

SHRI M. H. SAMUEL: Each time we discussed one definition, we came up against a dead wall. Then, ultimately, the whole Committee came to the conclusion that it is better not to define an architect but merely confine an architect registered under this Act. This was one of the fundamental changes that the Joint Select Committee thought it wise to make. I personally have no regrets for making it and I am happy to say that the President of the Institute of Engineers and the President of the Institute of Architects both came forward with the same suggestion—"All right, Sir, leave out the definition; let us be just registered architects." As a matter of fact, the President of the Institute of Architects, Mr. Bhalla, who appeared before the Committee, was very co-operative. He wrote a letter to the Committee suggesting that this definition need not be there at all; and he is a man who has been demanding for the Architects Bill. He wanted somehow that the Bill should be passed as quickly as possible. As a result of this, certain consequential changes had to be made. Now,

anybody can design and erect a building without calling himself an architect. It is a big change. This has met the viewpoints of both the engineers as well as the architects. Therefore, we confirmed the view that we were only protecting the title of architects and not the profession of architects. You will find these consequent changes in clauses 33, 35 (2) and 36 of the Bill that has been reported upon by the Joint Select Committee.

Now, having talked about the definition, for lack of time, I would like to content myself with dealing with certain broad aspects of the Bill before us and the major changes that have been made in it. First, I would like to say a few words about registration of architects. This is crucial because, as I said, we have left out any definition of architects and have contented ourselves by saying that an architect is one who is registered under the Act. This you will find in clause 23 of the new Bill. Here also we tried to remove some of the apprehensions of the engineers. For example, if you take clause 25 (b), it was stated that an engineer who wants to be registered as an architect must have, as his principal means of livelihood, this business. That would have excluded a lot of engineers, which would have been a tremendous calamity because of the huge number of engineers who have been doing this architectural work for so many years. The minimum qualifications have also been widened, liberalised, as Mr Bhakt Darshan has pointed out. The Committee has been able to revise Schedule 1 which prescribes the qualifications for registration as an architect, and put in a lot of things. These things are embodied in clauses 14, 15, 16, 17, 18 and 19 of the new Bill.

The second broad aspect I would like to deal with is the Registration Council and its composition. You will find this under clause 3. The original Bill had prescribed the strength of the Registration Council as 35, with one member from each of the 18 States—including Union Territories, and so on—and three members from the Central Government, Railways, C. P. W. D. and Defence. That would have meant 21 out of the 35 members being Government members. That the Committee felt was a terrific overweightage for Government. We, therefore, re-

moved, with the consent of the Government representatives, that overweightage for Government, and the major change that we did was that the 18 State representatives need not be State employees; they can be any well known architects practising in that particular State. In recognition of his services, the State Government can come forward and nominate any architect to the Registration Council. In this respect, I feel that many of the persons nominated by the State Governments will have been non-officials and not officials only.

The third aspect is in regard to the withdrawal of recognition. As Mr. Bhakt Darshan has said, a very cumbersome procedure was evolved in the original Bill, and we simplified it by saying, if there is any complaint about a particular qualification or teaching in any particular college in which not sufficient attention is being paid to any particular subject or curricula, the matter should be referred to the College, and if no reply is received, the matter should be referred to the State Government; if no reply is received, the Central Government may act on the direction of the Council. This will not take more time whereas the previous procedure will have taken more than one year or so. The new Bill, therefore, in my opinion, Sir, is a reconciliation of the viewpoints of both engineers and architects and a synthesis of the consensus expressed in the Committee. We had in our Committee two very highly qualified, respected Members of the two professions. Our own House contributed an engineer, Mr. Mahida, who fought his battles of the engineers admirably and bravely and ultimately won the day. Architects were represented by a Member from the other House, a practising Architect Mr. Piloo Mody, himself very robust not only in body but in expression.

MR. CHAIRMAN: I think it is a well balanced representation from both the House . . .

[MR. DEPUTY CHAIRMAN in the Chair]

SHRI M. H. SAMUEL: May I say, Sir, that the Chairman had to be very tactful in dealing with Mr. Mahida and Mr. Piloo Mody? But it was all a happy ending. And the Members of the Committee met many witnesses,

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examined them, read a lot of memoranda submitted, and ultimately brought forward this Bill, and recommended this Bill. And in our opinion, it was found that it was a balanced measure in the interests of our engineers and architects. Thank you, Sir.

SHRI U. N. MAHIDA (Gujarat) : I rise to support this Bill. As the history of the Bill would show, while the engineers participated in its formulation in the very early stages it is not true to say that they were continuing their participation till the end. The result was that when Dr. Triguna Sen introduced the Bill, there was considerable opposition. I must own it today, that I was principally responsible for the working up of a huge amount of opposition to this Bill. As we see from the result of the deliberations of the Select Committee, I did not want to overburden the members of the Rajya Sabha Secretariat, to put in the maximum amount of labour for nothing. The amendments now brought about here and the recasting of the Bill that has now resulted in this reconciliation, show the justice of my opposition and the engineers case. The initial opposition was well planned and it succeeded. The scope of the Bill as emerging now is restricted to purely Architect's registration. The engineers support this Bill whole-heartedly, as registration is the right of every profession. Architects are entitled to seek registration. What they get out of it is not for others to question, but registration is a symbol of status, the architects are entitled to that. Registration is also helpful in one matter—it weeds out the inefficient, incapable and the unqualified. That is the primary function of the registration. It incidentally, as a result of this registration, confers a status on those registered. And as you know, Sir, professional men value status more than profits. With this registration, there is also a great benefit to the community, that it is assured of service by competent men. That is a gain to the society and that is the justification of registration. They will be safeguarded; they will be served by honest men. The registration can be cancelled by these bodies if members are found guilty of unprofessional conduct. The only thing that one has to be careful about in matters of registration is that it does not bring about undesirable

monopoly in human activities. The original Bill, as has been very ably explained by the Minister and subsequently by Mr. Samuel, Chairman of the Select Committee, was tending to create a monopoly, however hard it was sought to be explained, that there was no such intention. The very phraseology of the clauses of the Bill, and two or three clauses read carefully together established this fact. As amended, the clauses would now remove the disabilities to the engineers. Precautions have now been taken in this registration so that no monopoly is being created. I am glad that the Bill has been so amended as to meet the needs of the architects and at the same time remove the disabilities of the engineers. There is another aspect of this question. While amending a certain section, it removes the two embargoes or rather the two restrictions, that anybody other than qualified Architects applying for registration must necessarily be a member of the Institution of Architects, and that he must necessarily have Architecture practised as his principal means of livelihood. These things have been removed. I wanted that the third restriction that he should have practised for 5 years should also have been removed. I was satisfied that most of the requirements that we wanted were conceded by the Committee, and I did not press for this point. But for the information of the House, I might say that the corresponding British Legislation which went into this very question did remove this disability inasmuch as the corresponding clauses of the British Act stated very clearly that if application for registration was made within two years from the commencement of the Act, it only required that at the commencement of this Act, he had been practising as an architect: 'At the commencement of the Bill'. That's all. Here, we are restricting people to a period of five years. That is the great disability, and I bring this matter once more to the notice of the Minister.

Again, I am glad that all the disabilities have been removed and the Government was keen to accept these amendments. The Committee wisely removed all those disabilities; otherwise, a very serious consequence would have followed. Legislations are to be enacted with a very wide intent. The original Bill, as drafted, would have seriously come in conflict with Article

19 of the Constitution. Art. 19(1) (g) prescribes the right of freedom "to practise any profession, or to carry on any occupation, trade or business". This Article 19(1)(g) is further qualified by Section 19(6) that nothing in sub-Clause (g) will prevent the Government from making restrictions *re.* qualifications, and it adds that they can prescribe professional or technical qualifications necessary for practising any profession. But before that is done, it makes a very salient provision in Sub-section (6) that this should be in the interest of the general public, not in the interest of a group of professional men and that the restrictions should be reasonable. The original Bill offended against these provisions and I am glad that though I had not to bring this point pointedly to the notice of the select committee I was spared the unpleasantness of having to mention these defects. I am glad to say that the select committee accepted my amendments. It must be realised that it would have offended against the constitution, would have led to consequential litigation and embarrassment and the references to Supreme Court on writ petitions and all that follows. I have brought this to your notice that in future no such efforts be made to restrict professional activities unduly.

**SHRI THILAI VILLALAN** (Tamil Nadu): Sir, this is a long awaited Bill. This Bill was expected to become law more than two decades before. This Bill was under consideration since the year 1946. The draft was prepared in 1964 and the previous Government approved this Bill in 1968. While supporting this Bill I want to make my suggestions under three headings. The first is protection of Indian architecture. Indian architecture is a very ancient one. If you turn the pages of history of India and make a tour of India, you can find different kinds of Indian architecture. They are different in time and also in places. If you make a study of Indian architecture, right from primitive architecture to the last Chalukya or Hoyasala style, you can find the difference and also the very interesting, very attractive, very enthusiastic types of architecture. In history we find Altars and Sacrificial Halls; Cave architecture; Buddhist period Chaityas and Stupas; Buddhist Railings; Chitya Halls and Viharas; Stambhas; Early Brahminical Temples;

Chaitya Temples; Nagara Temples of Orissa; Nagara Temples of Northern Districts; the Nagara Forms of Jain Temples; Jain Temples; Nepalese Temples; Dravida Temples; Cave Architecture of the South; Rathas; Pallava Cave Shrines; Early Dravida Temples; Dravida Temples of the Pallavas; Dravida Temples of the Cholas and Pandyas; Dravida Temples of the Vijaynagara Dynasty; Architecture of the Nayakas; Chalukyan Architecture; Vesara Temples; and lastly Chalukyan or Hoyasala Style.

My first submission here is that ancient Indian architecture should be preserved and maintained by the present architects. By the present Bill we are attempting to regularise the profession of architects by bringing all the architects who are taking part in the different kinds of architecture, *i.e.*, designing; actually constructing, supervising and different parts of the work. We are attempting to bring all sorts of persons who are taking part in the different stages of a particular building or a construction, into one category called "architects".

My next submission is under the heading "protection of traditional architects". By giving a strict definition to the word or term "architect" we should not prevent the traditional architects who are not having any diplomas or degrees of the modern times, because Indian architecture is an age-long and ancient one. It has been carried on by traditional architects who have had no qualification or degree or diploma as they are called now. By their own aesthetic knowledge, by their own experience, they have played their role as architects from the ancient days, from the Aryan days, till the present times. I humbly request the honourable Minister to give protection in this Bill to the traditional architects who have had no diplomas or degrees of our modern education. I should say that they are more fit persons than the present degree or diploma-holders because by their own efforts and experience they became architects.

My next submission is that in the modern days, after we started implementing our Five Year Plans—from the First to the present Fourth—if any project is announced, whether we get coal or not, whether we get oil or not, the first point would be that there must be



[Shri Thillai Villalan]

a colony of houses for the persons who are going to work on that project, who are going to be employed there. First we have to build a colony and then only do we attempt to work on the project. So the work of an architect is more essential than the work of an engineer on the project itself. So my submission is that the Bill must provide restrictions on architects in their selection because in most of the colonies in the present days the construction is defective. I have my own experience in the colony of Neyveli. There they have built a new town itself on even wet lands. The buildings are not in proper form. They have not been built in a proper way. There are very many cracks in the walls, even in the compound walls; we can see them. Therefore, my submission is that there should be restrictions on the selection of persons who are registered in the register mentioned in the Bill.

Sir, I have gone through the whole Bill. I have found provisions for the constitution of a Council and for the maintenance of a register. There is also a provision fixing the qualifications for getting registered in the register kept by the Council. So my suggestion is that there should be a provision for the restriction on selection of persons whose names can be registered in the register.

With these observations I welcome this Bill and I extend my wholehearted support to this Bill.

**SHRI V. B. RAJU** (Andhra Pradesh): The objective of the Bill is not very clear. I want to know whether it is to protect the profession or the person or the philosophy behind it and what is the immediate need for it. I venture to put a question whether anybody in his House can define 'architect'. I do not think the framers of the Bill have ever applied their mind to this because I happen to be associated with the profession indirectly as an engineer. I do not like to speak to a particular section of professionals. Architecture is not painting. It is not sculpture. One eminent person defined 'architecture' as the proportion between voids and solids in a structure. As we have now here, it is not actually the filigree work which is called architecture. It is not that column which is called architecture. It is just a balancing proportion between the voids and

the solids. An eminent person put it and said "how it pleases the human mind." There is no rationale behind it. So in this country there is no registration of painters, there is no registration of sculptors, there is no registration of politicians on whom the people's destiny depends.

Now the most important thing. I would like to register is engineering because I belong to that profession because the safety of the occupants of a structure is now in the capacity of the engineers. It is the engineer who gives the comfort, who provides the safety but what is the architect going to do and what does he do? As my friend put there is no **uniformity** in art. In science there is uniformity. Someone in Soviet Russia, if I remember the name, Lisenko, tried to distinguish between capitalist science and communist science in biology. Now it is not there. I do not know what the Communist friends here would say. Fortunately in this world science is common and universal. Physics, chemistry, biology, etc. are not influenced by regional, national ideological considerations. That is why we want a scientific approach to get nearer truth. When there is no Registration Council for engineers to protect the profession or those who belong to the profession and when the House does not take care of that particular activity which is very very essential, when even 25 years have been spent and other 25 years will not compel us to go in for registration, why is this necessary? If it is a question of giving monopoly to certain personnel, who by convenience, comfort and facilities could have that education prescribed or could have that education in those institutions prescribed in the schedule here, if they want to have a monopoly of certifying a particular design where such a certificate is necessary, then I can understand it. I do not think this House is interested in a small section of the people, while ignoring the difficulties that actually a huge section of the population is facing. So I wanted to know the aims and objects of this Bill. This Bill does provide for the registration of architects. Wherever in any Municipal Act it is said that a design must be certified by an architect, as defined in such Act, he will be considered as the competent architect and certify. Beyond that there is no purpose in this. I do not feel the need for it. If I had happened to be here

earlier when the Bill was at the stage of First Reading, I would have said the same thing. If I am late, I must be excused. The Bill is vague and as I said, when so many professions in this country and when so many important professionals in this country do want registration and actual certification, why compel the architect? Who designed the temple at Tanjore? Who designed the buildings which are called railway compartment buildings to-day with monolithic architecture with only glass, cement and steel and nothing to inspire?

**SHRI M. I. SAMUEL :** Mr. Raju has raised a very important question as to why there should be registration for the architect when there is no registration for the engineers. I submit, the engineers were well protected from the beginning in view of their employment conditions and no person could be recognised unless he has been an engineer. Their profession was comparatively well protected also. There were no intruders. There was nobody who made intruders into the engineering profession. Therefore, now after 150 years, it was considered that there was no need for the registration of engineers although they have an Institute of Engineers which protects the interests of the engineers. Just as a small child requires protection, the profession of architects is not a small child requiring protection. May be, after 150 years, they may not need it; but to-day, in view of other people trying to practise the same thing, they thought that it was necessary.

**SHRI V. B. RAJU :** The medical profession has registration because the life and death question is there. It is not for the sake of medical practitioners or architects or the engineers that we should have a statute. It is in the best interests of the people of the country and that must be the guiding principle because the life and death of the individual is in the hands of the medical profession and one may not misuse the name and present himself as a doctor before a patient and to protect that we have done it. I can make a distinction. Such a profession—medical profession—now has to undergo registration. It is necessary but I would like to put it in a lighter vein that whatever crimes are committed by a medical man, they are buried and they are

below the ground, they are never seen but whatever crimes are committed by an engineer are always seen—the cracks in the building and actually the weakness in the structure is visible for centuries but still the engineers did not like that the profession should be registered.

**SHRI BRAMANANDA PANDA (Orissa) :** That is what Bernard Shaw said: "To be famous, a doctor has to kill a hundred eminent patients."

**SHRI V. B. RAJU :** Yes but actually there is no definition of 'architect'. Who is an architect—one who is registered as an architect in the register. How is the register maintained? It is those who have come from such institutions and by virtue of their being trained but is there any uniformity or scientific criterion laid down for an architect excepting the institutions which have grown now? I know something of this. Therefore this is not a Bill that should really go into the Statute Book. The engineers have cooperated because they have been accommodated somewhere, that is what I have understood, in the Council or somewhere. It shall not be the guiding principle. We must see how far the statute is going to help the people of India or in the advancement of this profession. I could have understood putting some limitation on the misuse of the profession but no such thing is found here. Anyhow I do not want to take the liberty of requesting permission to oppose the Bill; it is not my intention. I think the Minister when he replies to the debates, may keep these in view and keep scope for possible amendments which may come in the future.

**SHRI BHAKT DARSHAN :** Sir, I am thankful to all the Members, who have participated in this discussion and, as I pointed out in my opening remarks, this is a very non-controversial measure and it has been borne out by the fact that practically all Members have supported it.

**AN HON. MEMBER :** Mr. Raju opposed it.

**SHRI BHAKT DARSHAN :** He only wanted clarifications and I am thankful to Mr. Samuel, who was the Chairman of the joint Committee, for throwing sufficient light on all the commendations of the Joint Committee

[Shri Bhakt Darshan]

and so I need not take more time of the House. Mr. Raju who is an eminent parliamentarian, this I knew, but to-day I came to know for the first time that he has been an engineer also. He has raised the basic point and has asked as to what is the justification for the Bill at all. Mr. Samuel has tried to reply to his query, but I would like to read out from the Statement of Objects and Reasons which will be found in the Bill, which Dr. Triguna Sen had introduced in this House. It runs like this :

“There is a tremendous amount of building activity in consequence of the industrial development and the implementation of the various Plans. With this increase in building activity, unqualified persons are designating themselves as architects and the architectural profession is thereby seriously endangered. The various authorities, including the Indian Institute of Architects, have expressed the view that a statutory regulation is necessary to protect the public from such unqualified persons. With the passing of this legislation it would be unlawful for any person to designate himself as architect unless he has the requisite qualifications and experience. The legislation is on the lines of similar legislation obtaining in other countries.”

SHRI V. B. RAJU : I have gone through it. That is exactly what I have objected to. Also the hon. Member who was a Member of the Joint Committee has said that. A new statement of objects and Reasons was not available. I was only depending upon the Statement of Objects and Reasons found on the Bill when it was introduced. By not registering the architect is the community going to suffer; that is my point, and that objection has not been met. A building collapses because of a mistake committed by the engineer but nothing goes wrong if the architect does not design it properly.

SHRI BHAKAT DARSHAN : Mr. Raju has tried to make out a point that because several other professions and avocations are not registered or regulated why there should be the regulation of architects; but I suggest that he should not take this argument too far. If some professions have not been registered or regulated, it does not

follow that architects should not be regulated or properly registered. I need not enter into any argument with him.

Sir, two or three other points have been raised and one of them is that adequate emphasis should be laid on our Indian architecture. I may assure the House that all our institutions, which are imparting education and training in architecture, are teaching these things. As far as the preservation of the old buildings is concerned, there is a regular full-fledged department under this Ministry, the Archeological Survey of India. They have been carrying on the work for the last several years and they have got a big programme about the protection of our old monuments and the exquisite pieces of architecture. Therefore, there should not be any worry on that score

Shri Yadav tried to make out the point that the Architects' Registration Council is going to be monopolised by architects. It is not a fact; civil engineers are not debarred. The job could be carried on as usual by other agencies also provided they do not assume the designation of architects. Therefore, I do not think there is any undemocratic process involved in it. The constitution of this Council is fairly democratic. And it is not an ordinary type of Council, where adult franchise has to be exercised. It is a professional body; it is a body of experts, and we have tried to choose representatives of professional bodies like the Institution of Engineers, the Institution of Surveyors, architects, etc. So I hope that Mr. Yadav will agree with me that his contention that this body is going to be undemocratic does not hold good.

Shri Yadav tried to make out the need for me to dilate on any point. I am very grateful to the House that they have extended their support to this Bill.

श्री जगदम्बी प्रसाद यादव : फाइनेंशल ऐडजस्टमेंट करने जा रहे हैं ?

श्री भक्त दर्शन : श्रीमन्, माननीय सदस्य ने फाइनेंशल ऐडजस्टमेंट के लिए कहा है। इसमें जो मेमोरैंडम दिया गया है, उसमें बताया गया है

कि 1 लाख 20 हजार रुपयों का खर्चा होगा। उन्होंने कहा कि जगभग तीन हजार आर्किटेक्ट हैं तो उनसे कम रुपये मिलेंगे और लगभग साठ हजार रुपया का अनुमान बताया। लेकिन जो इंजीनियर इसके अंदर रजिस्टर्ड होंगे और जिनकी संख्या करीब एक लाख है, तो उनको भी रुपये देने पड़ेंगे। फिर भी अगर इसमें अधिक खर्च होगा तो शुरू में सरकार की ओर से खर्च होगा। बाद में यह सेल्फ-सपोटिंग हो जायेगी।

Therefore appeal to the House to adopt this motion.

MR. DEPUTY CHAIRMAN: The question is:

"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."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3 (Constitution of Council)

SHRI JAGDISH PRASAD MA-  
THUR (Rajasthan): Sir, I move:

3. "That at page 4, line 36 be deleted."

4. "That at page 5, after line 16, the following provisions be inserted, namely:—

'Provided that the number of Government employees among the nominated members shall not exceed one-third of the total number of members;

Provided further that the term of office of the First Council consisting of nominated members shall, in no case, exceed a period of one year.'

The questions were proposed.

श्री जगदीश प्रसाद माथुर : क्लॉज 3 में मेरे दो अमेंडमेंट हैं, मैं उनको प्रस्तावित करता हूँ।

उपसभापति महोदय, माननीय मंत्री महोदय ने कहा है कि विधेयक बड़ा निर्दोष है और इसमें किसी को आपत्ति नहीं, इसका गठन डेमोक्रेटिक होगा। धारा 3 में मैंने पंक्ति 38 को जिसे मैंने विलोपित करने के लिए मंशोधन दिया है वह है 'एक व्यक्ति को केन्द्रीय सरकार द्वारा नाम निर्देशित किया जाएगा'। इसमें ऐसे कौन से व्यक्ति हैं जो सरकार द्वारा नाम निर्देशित नहीं किए जाएंगे। जो 35 सदस्य इसमें बनने वाले हैं उनमें से 22 सरकारी सदस्य होने वाले हैं और बाईस के बाईस ऐसे हैं जो कि सरकार के द्वारा नाम निर्देशित होंगे। तो 22 को नामनिर्देशित करने के पश्चात् भी सरकार को ऐसी कौनसी आवश्यकता पडी कि वह स्पष्ट रूप से लिखे कि 'एक व्यक्ति केन्द्रीय सरकार द्वारा नामनिर्देशित किया जाएगा'। इस धारा को रखने के पीछे उपसभापति महोदय, मुझे लगता है कि सरकार की नियत में कुछ फर्क है। वह कौनसा व्यक्ति होगा जो बेरोजगार हो गया है जो चुनाव में जीत नहीं सका, सरकार के अन्दर नहीं आ सका, मंत्री पद नहीं पा सका। कोई भी कमीशन आप बनाए, कोई भी कारपोरेशन बनाए, सरकार द्वारा इनके अंदर वही लोग रक्खे जाते हैं जो चुनाव हार जाते हैं या किसी प्रकार रह जाते हैं। इस प्रकार के व्यक्तियों को सरकार नाम-निर्देशित करती है। अगर सरकार की नियत में गड़बड़ नहीं होनी तो वह 'एक व्यक्ति' की क्वालिफिकेशन लिखती कि वह कौनसा इंजीनियर होगा। इस एक व्यक्ति की क्वालिफिकेशन न लिखने के पीछे मुझे स्पष्ट लगता है कि सरकार की नियत में कुछ गड़बड़ है। वह किसी को बैंक डोर से लाना चाहती है। आपने आगे लिखा है कि इसमें जो अध्यक्ष और उपाध्यक्ष होगा उसको सरकार नाम-निर्देशित करेगी। इसके प्रेसिडेंट और वाइस प्रेसिडेंट को भी सरकार नामनिर्देशित करेगी। इसलिए इस धारा के अन्दर

[श्री जगदीश प्रसाद माथुर]

मंत्रि-मंडल जिसे सदस्य बनना चाहेगा, अगले आदेश द्वारा उसको मंत्रिमंडल अध्यक्ष भी बना देगा। इस प्रकार का अधिकार मंत्रिमंडल में नहीं होना चाहिए।

इमी में मेरा दूसरा मंगोधान है। अगर आप इसको इंजीनियरो का इंस्टीट्यूशन बनाना चाहते हैं तो उसमें कम से कम सरकार के जो पदाधिकारी हैं, सरकारी आफिशल्स हैं, उनकी संख्या में कोई लिमिट होनी चाहिए। मैंने कहा है कि 'एक-तिहाई से अधिक नहीं होगी' अभी जो संख्या आपने दी है उसके अनुसार 22 होनी चाहिए।

दूसरा मेरा जो अमेंडमेंट इसमें है वह यह है कि प्रथम परिषद् के लिए आपने कहा है कि सरकार द्वारा नामनिर्देशित सदस्य लिए जाएंगे और बाद में उस परिषद् का विधिवत गठन होगा। इसमें उस परिषद् का कब गठन होगा, इसका कोई उल्लेख नहीं है।

सरकार चाहे तो पाच वर्ष या दस वर्ष ले सकती है बिल्कुल विधिवत् निर्वाचित परिषद् का गठन करने में। यह सरकार की इच्छा पर है। इसलिये मैंने यह कहा है कि कोई इसकी अवधि निर्धारित होनी चाहिये, कोई टाइम लिमिट होनी चाहिये।

इसीलिये मैंने अपने मंगोधान में कहा है :

परन्तु यह भी कि नामनिर्देशित सदस्यों से गठित प्रथम परिषद् की कालावधि, किसी भी दशा में, एक वर्ष से अधिक नहीं होगी।

तो मेरा यही निवेदन है कि जो परिषद् आप नामनिर्देशित करते हैं उसकी अवधि एक वर्ष से ज्यादा नहीं होनी चाहिये।

तो ये मेरी तीन बातें हैं और इसके बारे में मंत्री महोदय क्या कहना चाहते हैं वह कहें।

SHRI M. H. SAMUEL : Sir, may I say a few words? I oppose the amendment. That is why I am speaking. Ex-

planation is part of the Minister's duty. I think the hon. Member, when he is talking of nominations, is thinking of nominations to the Councils, Assemblies or to the Rajya Sabha or the Panchayats.

SHRI JAGDISH PRASAD MATHUR : Everywhere nominations are being made by the Government.

SHRI M. H. SAMUEL : This is entirely different from those political bodies. Here it is a professional body. Do not make any mistake about it. It is entirely different in this particular case.

श्री जगदम्बी प्रसाद यादव : अगर आप इसको अपोज कर रहे हैं तो आप यह भी साबित करेंगे कि ऐसी जो कारपोरेशंस और ऐसी वाडीज बनाई गई हैं उसमें मंत्री महोदय की इच्छानुकूल लोगों का नामांकन हुआ है या नहीं हुआ है। सिर्फ इसको इस तरह से कह देने से ही काम नहीं चलेगा। इनके बहुत से लोग ऐसे भी होंगे जिनको यह टेकनिकल डिक्लेयर कर देंगे।

इस तरह से खाली कह देने से क्या होता है। आप यह भी बतायेंगे कि उन हिस्सों से नामांकन हुआ है या नहीं। सरकार अपने लोगों को वैसे ही नामांकित कर देती है।

श्री नेकीराम (हरियाणा) : पहले भी बोलते हैं और फिर उठ कर के बोलने लगते हैं। बार बार बोलते हैं।

SHRI M. H. SAMUEL : I could not follow what the hon. Member has said, but anyway I will proceed. In my opinion, this Registration Council is not going to be overdominated by the Government departments. After all, please take into consideration that the Government is a big building organisation. In the Defence Ministry they have got Chief Engineers. In the Railways they have Engineers. In the CPWD they have got Engineers. Do you mean to say that the Government departments, which are employing engineers and have engineering departments, are to be excluded from the Architects' Registration Council? Would

that be fair? Now, take the composition as such. The Council shall consist of the following members, namely:—five from the Institute of Architects; two nominated by the All India Council for Technical Education, five elected from among themselves by heads of architectural institutions in India; Chief Architects in the Ministries; two persons nominated by the Institution of Engineers and one person nominated by the Institution of Surveyors of India. It comes to 15. These will all be non-officials. Now, 18 persons are to be nominated by 18 State Governments, but it has been provided that they need not necessarily be State Government employees. Any good engineer with a certain reputation in the profession can be nominated. It is not necessary that the State Governments should nominate their own employees. So, out of 35 members, 21 or 23 are calculated to be persons not really belonging to the Government. Therefore, I do not see how this body is not professional or is undemocratic, if at all democracy could get into this professional body.

**श्री भक्त दर्शन :** उपसभापति जी, माथुर साहब ने जो शर्तों प्रकट की हैं उनका कुछ जवाब तो श्री मै यूवेल साहब ने दे दिया है। असल में स्थिति यह है कि पैंतीस सदस्यों में से अगर एक सदस्य भी केन्द्रीय सरकार का न हो तो एक तरफ तो यादव जी सारी जिम्मेदारी सरकार पर डालना चाहते हैं, और चाहते हैं कि जो घाटा हो वह केन्द्रीय सरकार दे और दूसरी तरफ अगर उसका एक भी प्रतिनिधि वहां न हो तो फिर क्या होगा? केन्द्रीय सरकार का यह जो प्रतिनिधि है, वह सम्पर्क स्थापित करेगा, उसकी रिपोर्ट विभाग को देगा और मंत्रालय का जो दृष्टिकोण है उसको वहां पर रख सकेगा। तो मैं समझता हूँ कि यह उचित नहीं होगा कि वहां सरकार का एक भी प्रतिनिधि नहीं हो।

**श्री जगदीश प्रसाद माथुर :** यह सरकारी कर्मचारी होगा या आफिशियल होगा या नान-आफिशियल होगा, यह क्लैरिफाई कर दें। किसी ऐसे नेता को ला कर वहां बिठा दें...

**श्री भक्त दर्शन :** यह मैं विश्वास दिलाता हूँ कि कोई नेता नहीं नियुक्त किया जायेगा।

**श्री जगदीश प्रसाद माथुर :** नेता ही जाता है।

**श्री भक्त दर्शन :** कम से कम नेता नहीं नियुक्त किया जायगा, यह मैं विश्वास दिलाता हूँ।

**श्री जगदीश प्रसाद माथुर :** क्लैरिफाई इसको कर दीजिये न।

**श्री जगदम्बी प्रसाद यादव :** इसको क्लैरिफाई करने में क्या दिक्कत है?

**श्री भक्त दर्शन :** श्रीमन्, अब जो उन्होंने सभापति और उपसभापति के सम्बन्ध में कहा है तो जो उपसभापति और उपसभापति मनोनीत किया जायगा वह हमेशा के लिये नहीं है। जैसा कि इसमें आप देखेंगे कि पृष्ठ 5 पर स्पष्ट किया गया है कि प्रेमिडेंट और वाइसप्रेसिडेंट कौंसिल के मेम्बरों द्वारा चुने जायेंगे लेकिन चूँकि पहले पहले एलेक्शन नहीं हो सकेगा, उसमें कुछ समय लगेगा इसलिये तात्कालिक व्यवस्था के रूप में यह प्रबन्ध किया जायगा कि इस बीच में सभापति और उपसभापति को मनोनीत कर दिया जाय। इस पर तो सदन को आपत्ति नहीं होनी चाहिए।

**श्री जगदीश प्रसाद माथुर :** इसमें तो हमने अवधि निर्धारित करने के लिये ही कहा है हमने एक वर्ष कहा है, आप दो वर्ष कहें, कुछ कहें लेकिन कोई अवधि तो रखी जानी चाहिए।

**श्री भक्त दर्शन :** माथुर साहब कहते हैं कि एक वर्ष से अधिक की अवधि नहीं होनी चाहिए लेकिन हम इसको कम में भी कर सकते हैं, हम कोशिश करेंगे कि एक वर्ष के समय तक भी इंजॉर न करना पड़े, हो सकता है कि छः महीने में ही हो जाय, लेकिन हो सकता है कि सारे प्रयत्न करने पर भी इसमें डेढ़ साल या दो साल लग जायें इसलिए हम अपने हाथों को इससे बांध नहीं स

श्री जगदीश प्रसाद माथुर : आप छः महीने न लिखें, एक वर्ष न लिखें, दो वर्ष का समय ले लें लेकिन यह निश्चित कर दें कि दो वर्ष में समाप्त कर देंगे ।

श्री भक्त दर्शन : मैं यही आश्वासन दे सकता हूँ कि यह कार्य जल्दी से जल्दी किया जायगा, और इसमें कोई देरी नहीं होने दी जायगी, लेकिन समय को बाँध कर के रख दें यह हम नहीं कर सकते । इसलिए इसके बारे में जो अमेंडमेंट है उसको मैं स्वीकार नहीं कर सकता हूँ ।

MR. DEPUTY CHAIRMAN: The question is :

3. "That at page 4, line 36 be deleted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is :

4. "That at page 5 after line 16, the following provisos be inserted, namely :—

'Provided that the number of Government employees among the nominated members shall not exceed one-third of the total number of members ;

Provided further that the term of office of the First Council consisting of nominated members shall, in no case, exceed a period of one year ;"

*The motion was negatived.*

MR. DEPUTY CHAIRMAN : The question is :

"That clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*Clause 4—President and Vice-President of Council*

SHRI JAGDISH PRASAD MATHUR : Sir, I move :

5. "That at page 5, after line 22, the following proviso be inserted, namely :—

'Provided further that the President and the Vice-President of the Council shall be elected from among the non-official members.'

यह जो मेरा संशोधन है इसमें तो एक छोटी सी बात है और मुझे आशा है कि शायद मंत्री महोदय इसको स्वीकार कर लेंगे । इसमें आपने अध्यक्ष और उपाध्यक्ष रखे हैं और आप यह कहना चाहते हैं कि इसमें बड़े बड़े इंजीनियर्स आयेंगे और सारे देश के लोग होंगे तो ये जो दो लोग हैं, अध्यक्ष और उपाध्यक्ष हैं, कम से कम ये तो गैरसरकारी सदस्य होने चाहिये, केवल उमके लिये मैं यह क्लेरिफिकेशन इसमें करवाना चाहता हूँ, जिससे कि जो भी वह निर्णय लें उसमें सरकार का कोई दबाव न रहे । वह जो भी निर्णय लें उसके लिये कम से कम वह तो स्वतंत्र रहें । इसलिये ही मैंने यह संशोधन दिया है कि अध्यक्ष और उपाध्यक्ष अग्रामकीय सदस्यों में से निर्वाचित किए जायेंगे । माननीय मंत्री जी आशा है इसको स्वीकार कर लेंगे ।

*The question was proposed.*

श्री भक्त दर्शन : मैं माननीय सदस्य की भावना का तो आदर करता हूँ, लेकिन मैं समझ नहीं पा रहा हूँ कि यह आपत्ति उनको क्यों है ? मैं उनको यह विश्वास दिलाता हूँ कि जो भी सभापति और उपसभापति होंगे वे ऐसे व्यक्ति होंगे, जिन पर कि इंजीनियर्स तथा आर्किटेक्ट्स सब श्रद्धा रखें और जिनका कि सब आदर करते हों ।

श्री जगदीश प्रसाद माथुर : आदर की बात नहीं है, इसको कानून में लिखा जाय, आदर के वहाँ कोई अर्थ नहीं होंगे ।

श्री उपसभापति : आप इसको विदड़ा करना चाहते हैं या प्रेस करना चाहते हैं ।

श्री जगदीश प्रसाद माथुर : मैं विदड़ा करना नहीं चाहता ।

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 5, after line 22, the following proviso be inserted, namely:—

'Provided further that the President and the Vice-President of the Council shall be elected from among the non-official members.'

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clauses 5 to 7 were added to the Bill.*

*Clause —Disabilities*

SHRI JAGDISH PRASAD MA-  
THUR: Sir, I move:

6. "That at page 6, after line 39, the following be inserted, namely:—

'(c) has been disqualified to contest election under the Representation of the People Act, 1951, on account of corrupt practices.'

उपभाषित महोदय, सेलेक्ट कमेटी ने एक अमेंडमेंट स्वीकार किया है कि कोई व्यक्ति जिमको कि किसी भी अदालत के द्वारा कम से कम दो साल की सजा हुई है तो उसको इसका सदस्य नहीं बनाने के लिये कहा है, तो इसके साथ ही साथ मैं यह निवेदन करना चाहता हूँ कि एक बात और जोड़ दी जाय और मेरा वह अमेंडमेंट यह है कि भ्रष्ट आचरण के कारण लोक प्रतिनिधित्व अधिनियम, 1951 के अधीन निर्वाचन लड़ने में निरहित कर दिया गया है, जो भी व्यक्ति किसी भी हाईकोर्ट के द्वारा चुनाव लड़ने से दो साल के लिये या किसी भी अवधि के लिये रोक् दिया गया है वह भी इसका सदस्य न बन सके, यह मेरा निवेदन है। जैसे कि श्री डी० पी० मिश्र महोदय हैं, उनको अयोग्य घोषित कर दिया गया है, श्री चन्ना रेड्डी महोदय को छः साल के लिये अयोग्य घोषित कर दिया

गया है। तो ऐसे व्यक्तियों को भी इसमें ला कर आप रख सकेंगे।

SHRI M. H. SAMUEL: Are they architects or engineers?

श्री जगदीश प्रसाद माथुर : इसमें एक व्यक्ति केन्द्रीय सरकार द्वारा नामनिर्देशित किया जायगा और यह जरूरी नहीं है कि वह सरकारी कर्मचारी हो, वह तो किसी को भी कर सकते हैं, किसी भी व्यक्ति को माननीय मंत्री महोदय नामनिर्देशित कर सकते हैं। तो जब कि सेलेक्ट कमेटी ने यह प्रतिबन्ध लगा दिया है कि यदि किसी व्यक्ति को दो साल के लिये सजा हो जाय उसको न लिया जाय, जो सजायाफ्ता व्यक्ति हों वह न आये इसमें, तो उसी प्रकार से ऐसे गैरसरकारी व्यक्ति जो कि चुनाव लड़ने में भ्रष्ट आचरण के कारण से अयोग्य घोषित कर दिये गये हैं इस प्रकार के लोगो को भी नहीं आने दिया जाय। तो हमारा जो संशोधन है उसके द्वारा इस प्रकार के व्यक्तियों को भी लिया नहीं जा सकेगा। इस बारे में मैं सांचना हूँ कि माननीय मंत्री को कोई आपत्ति नहीं हो सकती है और इस संशोधन पर उन्हें कोई आपत्ति नहीं होनी चाहिये।

*The question was proposed.*

4 P.M.

श्री भक्त दर्शन : श्रीमन्, मुझे कुछ ऐसा प्रतीत होता है कि माननीय सदस्य के मामले केवल भ्रष्टाचार का ही चित्र हमेशा रहता है। हम सब भ्रष्टाचार के विरुद्ध हैं। हम कृत संकल्प हैं कि उसको दूर किया जाय देश के सार्वजनिक जीवन से और सभी क्षेत्रों में। लेकिन हर जगह इसकी चर्चा लाना उचित नहीं होगा। संयुक्त मर्मित में इस पर पूरी तरह से विचार किया गया था और बहुत विचार विमर्श करने के बाद यह तय किया गया कि प्रेजेन्टेशन आफ द पीपुल्स ऐक्ट के अंदर जो डिस्क्वालिफिकेशन रखी गई है उनको ही इसके अंदर भी लाया जाये। इसलिए मैं माननीय सदस्य से अनुरोध करना चाहता हूँ की वे इसको 'प्रेस' न करें।



MR. DEPUTY CHAIRMAN : The question is :

6. "That at page 6, after line 39, the following be inserted, namely :—

"(c) has been disqualified to contest election under the Representation of the People Act, 1951, on account of corrupt practices."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN : The question is :

"That clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

*Clauses 9 to 23 were added to the Bill.*

*Clause 24—First preparation of register*

SHRI JAGDISH PRASAD MATUR : Sir, I move :

8. "That at page 11,—

(i) in line 27, for the words 'an authority' the words 'a Tribunal' be substituted;

(ii) in line 30, for the word 'authority' the word 'Tribunal' be substituted;

(iii) in line 34, for the word 'authority' the word 'Tribunal' be substituted."

*The question was proposed.*

श्री जगदीश प्रसाद माथुर : अभी माननीय मंत्री ने बताया कि बाकी जो दूसरे विषय हैं उनके संबंध में सरकार ने अपने ऊपर जिम्मेदारी न लेकर के, जिसे कोई भी विवाद पैदा हो, इसलिये अलग से न्यायाधिकरण बनाने का फैसला किया है। लेकिन इस धारा के अंदर ऐसा प्राविधान है कि जहां सरकार ने अपने ऊपर निर्णय ले लिया कि : "इस प्रकार तैयार किया गया प्रथम रजिस्टर तत्पश्चात् ऐसी रीति में प्रकाशित किया जायेगा जिसे केन्द्रीय सरकार निरिष्ट करे और इस प्रकार प्रकाशित रजिस्टर में रजिस्ट्रीकरण अधिकरण के किसी अधिव्यक्त या विवक्षित विनिश्चय में व्यथित

कोई भी व्यक्ति ऐसे प्रकाशन की तारीख में तीस दिन के भीतर ऐसे विनिश्चय के विरुद्ध अपील ऐसे प्राधिकारी को कर सकेगा जिसे केन्द्रीय सरकार ने शासकीय राजपत्र में अधिसूचना द्वारा, इस निमित्त नियुक्त किया हो।" अब यह जो प्राधिकारी नियुक्त करने की बात है, एक जगह आपने स्वयं माना है कि सेलेक्ट कमेटी ने मुझाव दिया है कि सरकार को अपने ऊपर इस ढंग का निर्णय नहीं लेना चाहिये, और जो विवाद हो ट्राइब्यूनल में जाना चाहिये फिर इन्जीनियरों को जिनको रजिस्ट्रेशन के बारे में शिकायत हो, उनके बारे में फैसला करने का अधिकार सरकार ने अपने प्राधिकारी के पास क्यों लिया। अगर इस जगह भी ट्राइब्यूनल कर देते, न्यायाधिकरण कर देते तो आपने जिस तरह से मुझाव दिया था, अगर उसको मानते हैं तो मेरा निवेदन है कि यहां प्राधिकारी की जगह आप न्यायाधिकरण शब्द रखें।

SHRI M. H. SAMUEL : I wanted to say, how can an appeal against a tribunal go back to the tribunal? Therefore we considered that an appeal against a tribunal's verdict should be heard by somebody other than the tribunal. For this purpose the authority is to be constituted, under the recommendation of the Registration Council, by the Government, and that will go into any appeal coming against a tribunal.

SHRI JAGDISH PRASAD MATUR : Judicial authority or governmental authority? It must be defined. Otherwise it will create complications.

SHRI M. H. SAMUEL : Judicial authority or a political authority to decide about architectural matters?

SHRI JAGDISH PRASAD MATUR : When first you have given it to a tribunal, why are you hesitating now?

SHRI M. H. SAMUEL : You want it to go back to the tribunal again? A tribunal gives a verdict and a dispute against the verdict, you want it to go back to the tribunal?

SHRI JAGDISH PRASAD MATUR : A judicial institution.

SHRI M. H. SAMUEL: For these considerations the Committee felt that an independent authority should be there.

श्री भक्त दर्शन : श्रीमन्, मुझ तो और कुछ कहन की जरूरत नहीं है। ट्राइब्यूनल के ऊपर एक और ट्राइब्यूनल नहीं हो सकता है। एक अधिकारी नियुक्त किया जायगा जो इस तरह की शिकायतों की जांच करेगा। यह व्यवस्था संतोपजनक है।

MR. DEPUTY CHAIRMAN: The question is :

8. "That at page 11,—

(i) in line 27, for the words 'an authority' the words 'a Tribunal' be substituted;

(ii) in line 30, for the word 'authority' the word 'Tribunal' be substituted;

(iii) in line 34, for the word 'authority' the word 'Tribunal' be substituted."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: The question is :

"That clause 24 stand part of the Bill"

*The motion was adopted.*

*Clause 24 was added to the Bill.*

*Clauses 25 and 26 were added to the Bill.*

*Clause 2—Renewal fees*

SHRI JAGDISH PRASAD MAHUR: Sir, I move :

10. "That at page 12, line 42, for the word 'before' the words 'within one month after' be substituted."

उपसभापति महोदय, यह तो जो हमके सदस्य होंगे उनकी सुविधा के लिये है। कहीं पर भी जहाँ भी इस तरह रैन्युअल का प्रश्न आता है, किमी का नून के अंदर ऐसा नहीं है कि रजिस्ट्रेशन की अवधि समाप्त होते ही, अगर किसी ने फीस जमा नहीं कराई, अगर 31 मार्च तक डेट है और 31 मार्च तक वह फीस न जमा कर सके तो 1 अप्रैल को उसका नाम

कट जायें। इसके अंदर यह प्रावधान है कि जो नियत तिथि है, रैन्युअल डेट है, उसके अंदर जमा नहीं कराए तो नाम काट दिया जायेगा दोबारा नाम लिखवाने के लिये तमाम प्रोसीजर में उसको जाना पड़ेगा। इसलिये मेरा निवेदन है कि कम से कम एक महीने की अवधि हो जिसमें उसको सूचना भी हो जाये। छोट से छोटा मामूली सा ड्राइविंग का भी लाइसेंस होता है, तो उसमें भी उपसभाध्यक्ष महोदय, इस प्रकार से कौन्सिलेशन नहीं होता है। उसमें थोड़ा जुमाना कर देते हैं। लेकिन इस प्रकार के इन्स्टीट्यूशन में जहाँ ऐसे लोग हैं, अगर भूल से भी रह गया जमा कराने के लिये, तो एक वर्ष के समाप्त होते ही उसका नाम काट दिया जायेगा। अगर नाम काटने की बजाय, एक महीने की व्यवस्था रखदी जाये तो मैं समझता हूँ कि किसी को कोई आपत्ति नहीं होनी चाहिये।

*The question was proposed.*

श्री भक्त दर्शन : श्रीमन्, माननीय सदस्य श्री माथुर ने कई संशोधनों की सूचना देने का कष्ट किया था। इनमें बहुतों को अस्वीकार किया जा चुका है। लेकिन उनकी खातिर मैं इसको स्वीकार कर रहा हूँ।

MR. DEPUTY CHAIRMAN: The question is :

10. "That at page 12, line 42, for the word 'before' the words 'within one month after' be substituted."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: The question is :

"That clause 27, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 27, as amended, was added to the Bill.*

*Clauses 28 to 44 and the Schedule were added to the Bill.*

*Clause 1—Short title, extent and commencement*

**SHRI BHAKT DARSHAN:** Sir, I move :

2. "That at page 3, line 5, for the figure '1969' the figure '1970' be substituted."

*The question was put and the motion was adopted.*

**MR. DEPUTY CHAIRMAN:** The question is :

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

*Enacting Formula*

**SHRI BHAKT DARSHAN:** Sir, I move :

1. "That at page 3, line 1, for the word 'Twentieth' the word 'Twenty-first' be substituted."

*The question was put and the motion was adopted.*

**MR. DEPUTY CHAIRMAN:** The question is :

"That the Enacting Formula, as amended, stand part of the Bill".

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

**SHRI BHAKT DARSHAN:** Sir, I move :

"That the Bill, as amended, be passed."

*The question was put and the motion was adopted.*

### THE TEA (AMENDMENT) BILL, 1969

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (CHOWDHARY RAM SEWAK) : Mr. Deputy Chairman, Sir, I beg to move :

"That the Bill further to amend the Tea Act, 1953, as passed by the Lok Sabha, be taken into consideration."

Before the hon. Members participate in the discussion, I would like to make a short speech. The Tea Act of 1953 which came into force on the 1st April, 1954 seeks to provide for the control by the Union Government of the tea industry and for that purpose, to establish a Tea Board. Section 10 of the Act places on the Tea Board certain responsibilities for taking measures for the development of the tea industry. In the discharge of its responsibilities under this section, the Tea Board has taken up certain schemes, namely, the Tea Plantation Finance Scheme and the Tea Machinery Hire-Purchase Scheme, through which it advances long-term loans to the tea industry for undertaking extensions or replantations. These schemes are financed by loans advanced by the Union Government to the Tea Board. On a review by the Government of the requirements of the tea industry for long-term development, the Government have to assist this industry with a subsidy to tea plantations with over-aged bushes, with a view to ensuring the desired level of the tea plantations. The Tea Act in its present form makes no provision for the Tea Board to receive either grants-in-aid or loans of the kind that are being advanced by the Central Government today. It is therefore considered necessary to amend the Tea Act of 1953 to enable the Tea Board to receive grants-in-aid or loans from the Central Government.

Sir, clause 2 of the Bill provides for grants or loans to be made by the Central Government to the Board since the cess collected under Section 25 of the Tea Act, 1953 is not sufficient to meet the cost of the developmental scheme of the tea industry, as already mentioned. These grants or loans are intended to ensure that the activities of the Tea Board do not receive a setback.

It is also proposed to avail of this opportunity to substitute sub-section (3) of Section 49 of the Act relating to the laying of rules before each House of Parliament in order to bring it in conformity with the present pattern.

With these words, Sir, I move.

*The question was proposed.*

**SHRI CHITTA BASU** (West Bengal) : Sir, in the Statement of Objects and Reasons of the Bill, it has been