

a surprise on the Chair so abruptly. Of course, you are much wiser.

13.04 hrs.

ARCHITECTS BILL

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV) : On behalf of Prof. S. Nurul Hasan, I beg to move :*

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

As the House knows, the question constitution of a body of the architects and regulation of the profession of architects has been under the consideration of the Government of India for a long time. After careful consideration of all aspects of the matter, the Central Government prepared a Bill and discussed it with Central Ministries and other organisations concerned, the State Governments, professional bodies and also with the All India Council for Technical Education. On the basis of these discussions, the Bill was finalised and introduced in the House on 10th December, 1968. The House discussed the Bill on 15th may 1969 and approved a motion of the then Minister for Education and Youth Services, Prof. VKRV Rao, to refer the Bill to a Joint Committee of the Rajya Sabha and Lok Sabha. The Lok Sabha also concurred in the proposal to refer the Bill to a Joint Committee, on 16th May 1969.

The Joint Committee, under the chairmanship of late Shri Henry Samuel and consisting of 15 members of the Rajya Sabha and 30 members of the Lok Sabha examined the provisions of the Bill, considered all memoranda, representations and references received from professional bodies, individuals and other organisations and heard a number of witnesses and finally submitted its report on 28th November, 1969. The amendments made by the Joint Committee to the provisions of the original Bill were all passed by the Rajya Sabha its sitting on 7th May 1970.

Subsequently, the Bill along with the amendments as passed by Rajya Sabha, came before the Lok Sabha and a detailed debate took place on 25th, 26th and 27th November, 1970. The Lok Saboa also passed all the amendment, suggested by the Joint Committee and in addition, it also made amendments to certain other provisions of the Bill. All of us had hoped that the Bill as amended by the Lok Sabha would be passed by the Rajya Sabha. Unfortunately, before this could happen, the Fourth Lok Sabha was dissolved and the Bill lapsed. The Government, therefore, has taken the first opportunity available to bring the Bill forward again in this House. This Bill incorporates all the amendments made by the Joint Committee as also amendments passed by the Rajya Sabha and the previous Lok Sabha. It is absolutely in a final form and incorporates all the valid points raised and accepted in the discussions and debates in the Select Committee in both Houses of Parliament.

In conclusion, I wish to point out that the question of registration of architects has been before the Central Government for a long time. During that period, we have had many discussions and consultations with almost all professional organisations, experts, State Governments and Central Ministries. We have also hand the benefit of the advice and guidance of a Joint Committee of the former Lok Sabha and the Rajya Sabha. After all these discussions and consultations, we have now brought forward the Bill in the final form. Every provision of the bill has been drafted with great care and deliberation and represents practically unanimity of approach or views on the part of experts, organisations and others concerned. We have ensured that every legitimate interest is fully protected and that at the same time the stature and integrity of architectural profession elevated. I would now request the House to pass the Bill unanimously.

MR. SPEAKER : Motion moved : “That the Bill to provide for the registration of architects and for matters connected therewith as passed by Raja Sabha, be taken into consideration.”

SHRI S. M. BANERJEE : There was Council a in Maharashtra. They had sub-

*Moved with the recommendation of the President.

[S M Banerjee]

mitted a petition Does it include that also ?

SHRI D P YADAV There are certain amendments If the hon Member specifies the amendment, I will read it out

MR SPEAKER Shri Somnath Chatterjee

SHRI SOMNATH CHATTERJEE (Burdwan) This appears to be non-controversial Bill, but certain provisions which have been incorporated in this Bill, to my mind, will not serve the purpose of the Bill for which it is intended In the Statement of Objects and Reasons it is said

“With this increase in building activity many unqualified persons calling themselves as architects are undertaking the construction of buildings which are uneconomical and quite frequently are unsafe, thus bringing into disrepute the profession of architects ”

Various organisations are supposed to have made representations It is a known principle that some law should be there to regulate the activities of every type of professional people, and to that extent this Bill is welcome But as it is well-known, the architects only prepare draft plans or designs They do not carry out the actual building activity It is the job of the engineers and, most significantly the engineers have been left completely outside the scope of this Bill The building activity is supposed to be done not in a proper manner, in an uneconomical manner and in an unsafe manner and the problem is sought to be tackled only by regulating the architects It only provides for registration of architects The civil engineers who are responsible for construction are completely outside the scope of this Bill I don't know why How can the main purpose of this Bill be achieved in this piecemeal measure which has been brought before the House ?

It is well-known that in most of the cities only there the question of big building is relevant, in village buildings are not so big and they do not come within the scope of this Bill—you have the municipal laws which require engineers to certify the plans and designs which are drawn up for

the purpose of erection of buildings. For them the minimum requirements have already been laid down Regulation of architects only will not solve the purpose unless the engineers who are responsible for the construction are also brought under control No suggestion whatsoever has been given in this Bill as to how that can be achieved

The next point to which I wish to draw the attention of the hon Minister is that if the object is that we should have the services available of competent architects and that the building activity which has been going on in this country and which is expected to go up further, should be in the hands of competent persons and that ordinary people should get the benefit of these competent people, I would have thought that the Government would itself provide for drawing up or for preparation of a panel of architects so that persons, ordinary persons of humble means who want to build small houses and who cannot go to the architects whose fees are generally known to be very high or to well-known engineers who also charge very high fees, for them the Government should make available the services of architects or engineers and a panel of them will be prepared by the Government and ordinary people can take recourse to them just like the idea of giving free legal aid which we have been suggesting for quite a long time So small people who want to make construction of their small houses with their life's savings or from borrowings should have been given the facilities of getting the services of architects or engineers and their panels should be prepared by the Government and fees also fixed by the Government at a reasonable level No thought has been given to that aspect and we find only that certain provisions have been made for the registration of architects as if that will solve all the problem of unsafe buildings with which they have nothing to do or they will solve the problem of uneconomical constructions as if the architects have anything to do with that I don't know how the purposes or objects of the Bill can be achieved by mere registration of the architects because that does not touch even the fringe of the problem

So far as the Bill is concerned, there is one provision which requires immediate atten-

tion because I will request the hon Minister to look into it because we have not been able to give an amendment CI 30 lays down procedure in respect of inquiries to be made with regard to professional misconduct allegedly committed by an architect It says .

"When on receipt of a complaint made to it, the Council (to be set up under the Act) is of opinion that any architect has been guilty of professional

misconduct which if proved, will render him unfit to practise as an architect, the Council may hold an inquiry in such manner as may be prescribed by rules .

This is the only ground on which an inquiry can be made and his name removed for professional misconduct What about inefficiency ? What about incompetence ? That does not come within 'professional misconduct' The building may be badly designed or badly put up because of the inefficiency or because of the incompetence of the architect or of the engineer or of both, working together, but that will not be covered by Clause 30 because professional misconduct necessarily means some sort of culpability which does not necessarily mean negligence or incompetence or inefficiency Therefore, I would request the hon Minister to take that into consideration If the object is to have safer buildings or better buildings or more economical buildings, we cannot possibly continue to have inefficient architects or incompetent architects For that matter it will be outside the scope of the entire provision of the inquiry that has been provided in clause 30 of the Bill Therefore, I request the hon Minister to look into that and, if possible, to remedy this defect

So far as the other provisions in the Bill are concerned, I request the Government to consider whether the provision of Clause 17 is not inconsistent with clause 25 Clause 17 says .

"Notwithstanding anything contained in any other law, but subject to the provisions of this Act, any recognised qualification shall be a sufficient qualification for enrolment in the register

A register is to be maintained under this Act

It says that if somebody qualifies in accordance with the recognised qualification, then he is automatically entitled to be enrolled in the register Kindly see clause 25 Clause 25 says :

"A person shall be entitled on payment of such fee as may be prescribed by rules to have his name entered in the register if he resides or carries on the profession of architect in India and—

- (a) holds recognised qualification, or
- (b) does not hold such qualification but being citizen of India, has been engaged in practice as an architect for a period of not less than five years prior to the date "

You will kindly come to clause 23 It provides for the preparation of a register of architects as laid down there Therefore there is an anomaly Under clause 17 there is an automatic registration because any recognised qualification will be sufficient qualification and so far as clause 25 is concerned, other qualifications have to be fulfilled and apart from that, clause (b) says that somebody may be registered as an architect without holding any qualification Therefore how is this qualification to be judged ? Merely, one has been engaged in practice as an architect for a period of not less than five years, then he will be deemed to be a qualified architect and he will be entitled to registration provided he only pays the fees

Therefore, we come to a situation where apart from qualified architects, there may be persons who may be having no qualifications In the Bill no standards have been laid down, no rules have been laid down as to how the competence or efficiency of these persons who have no recognised qualification will be judged, Nothing has been laid down in this Bill Therefore, in my submission, the object for which this Bill is primarily intended to be brought and has been brought, cannot be served only by including the architects and not the engineers and not laying down the provisions as to how the persons qualified and also those not qualified strictly according to the technical requirements are to be brought together

And the last thing I wanted to submit is that the Government should favourably

[Shri Somnath Chatterjee]

consider whether the Government should not prepare a panel for itself and regulate the fees also of the architects so that ordinary people can take recourse to competent and qualified people for the purposes of their own buildings. Otherwise, the main purpose of this Bill will not be served.

Thank you, Sir

श्री धार० बी० बडे (खरगोन) अध्यक्ष महोदय, यह बिल जो शासन ने हाउस के सामने पास होने के लिए पेश किया है यह पहले भी पेश हुआ था और ज्वाइंट कमेटी के सामने भेजा गया था। उन की रिपोर्ट आई है और रिपोर्ट आने के बाद उसमें बहुत सी तब्दीलियां करके यह बिल लाया गया है। लेकिन उसमें इस बिल का उद्देश्य फलीभूत हुआ है क्या? इस बिल की हेडिंग दी है—आर्किटेक्ट्स बिल। इसके बदले इसका नाम आर्किटेक्ट्स रजिस्ट्रेशन बिल होना चाहिए था क्योंकि पूरे के पूरे बिज में आर्किटेक्ट्स को रजिस्ट्रेशन कैसे मिलना है इसी के बारे में प्राविजन है। लेकिन आर्किटेक्ट्स की फीस क्या होगी या और बाते क्या होगी यह इसमें नहीं है। आर्किटेक्ट्स की क्वालिफिकेशन क्या होगी यह तो कुछ दिया है, लेकिन आर्किटेक्ट्स की डेफिनीशन यह दी है कि दोज हू धार क्वालिफाइड फार आर्किटेक्ट और यह बिल आने से पहले पाच माल से जो आर्किटेक्ट का घन्घा करता होगा उस को आर्किटेक्ट में रखा जायगा। ऐसी हालत में अगर कोई आर्किटेक्ट क्वालिफिकेशन होते हुए भी घन्घा करता है रजिस्ट्रेशन नहीं करायेगा तो भी उस को पनिसामेट मिलेगा। मैं ऐसा समझता हू कि यह देश बहुत विशाल देश है, यहाँ पर छोटे छोटे गाव हैं, छोटी-छोटी नगरपालिकायें हैं, उनके नियमों में ऐसा लिखा हुआ है कि मकान बनाने के लिये थो प्लान दायेगा, उस पर आर्किटेक्ट के दस्तखत होने चाहिये, तभी उसको मन्सूर किया जायगा, ऐसी हालत में आप के दिये हुए क्वालिफिकेशन का आर्किटेक्ट नहीं होगा तब क्या स्थिति होगी,

अगर 10 या 20 परसेन्ट टैक्स लग गया तो गरीब आदमी मारा जायगा। इस से बहुत बड़ी दिक्कत पैदा होगी।

इस बिल में आप ने सिविल इंजीनियर्स को नहीं लिया है। जब यह बिल ज्वाइंट सिलेक्ट कमेटी के विचाराधीन था, वहाँ पर श्री मोहन धारिया ने एक प्रश्न पूछा था—

“Do you agree that to-day in this country there are many engineers who are also doing the job of architects, and in the world even engineers like Mr Frank Lloyd and Mr Mitchel are primarily engineers but they have proved to be the best architects of international repute? Under these circumstances if the present engineers who are also architects in the country might not have obtained their degrees as architects, how should they be protected?”

उस समय इस विषय पर काफी चर्चा हुई थी और कहा गया था कि इंजीनियर्स को भी इसमें शामिल किया जाय। लेकिन मुझे दुख है कि इस बिल में ऐसा कोई प्रावीजन नहीं है कि इंजीनियर्स को भी इस में इन्कलूड किया जायेगा। मैं मंत्री महोदय से जानना चाहता हू कि इस के बारे में आप का क्या विचार है—आप उनको इन्कलूड करना चाहते हैं या नहीं करना चाहते हैं? जहाँ तक आर्किटेक्ट शब्द का सम्बन्ध है—आर्किटेक्ट आफ नेशन होते हैं, आर्किटेक्ट आफ कांस्टीचूशन हैं, उसी तरह से आर्किटेक्ट आफ बिल्डिंग हैं और उनमें इंजीनियर्स भी शामिल हैं। मैं यह समझता हू कि इसमें जो आर्किटेक्ट शब्द लिखा हुआ है, इसमें केवल रजिस्ट्रेशन चाहते हैं, इससे जो आप का उद्देश्य है, वह फलीभूत नहीं होगा।

इसके बाद जितने इंजीनियर्स हैं आर्किटेक्ट्स हैं, जो बन-एम्पलायेड हैं उनके वास्ते फण्ड की बात है। जैसे एडवोकेट्स एक्ट में प्रावीजन है कि गरीब सिलियेन्ट्स को मदद मिलेगी, वैसे इस बिल में भी प्रावीजन रखा जाता कि उनको प्रेसिडेंट स्टार्ट करने के लिये फण्ड से मदद

मिलेगी, क्योंकि इसमें फण्ड के निर्माण का प्राचीजन है, उसमें आप ऐसी व्यवस्था भी रख सकते थे।

जहां तक आर्किटेक्ट्स के रजिस्ट्रेशन का प्राचीजन है, आपने कहा है कि पाच साल का बोट करने वाले को लिया जायगा तो आर्किटेक्ट क्या नकशा निकालने वाले को समझेंगे, जिसके पास सर्टिफिकेट होगा उसको आर्किटेक्ट माना जायगा या जो इण्डियन इस्टीमेशन है, जिन में आर्किटेक्ट की ट्रेनिंग होती है या जिनके पास डिप्लोमा है उनको भी इस में शामिल किया जायगा। इस बात की इसमें शका उत्पन्न होती है क्योंकि जहां पर रजिस्ट्रेशन के बारे में लिखा है, वहां यह बात स्पष्ट नहीं होती है।

मैं ऐसा अनुभव करता हूँ कि ज्वाइन्ट सिलैक्ट कमेटी में जो बातें कही गई थी, उनकी तरफ ध्यान नहीं दिया गया है। वहां पर बरुआ जी की एविडेन्स हुई थी, वारिया जी की एविडेन्स हुई थी, उन बातों के बारे में इसमें कोई अमेण्ड-मेन्ट नहीं आया। इसलिये मेरा ऐसा विचार है कि इस कानून का जो परपज था, वह सब नहीं होगा।

यह बात ठीक है कि हिन्दुस्तान में आर्किटेक्ट का होना जरूरी है, उनके बिना काम नहीं चलेगा। उनका काम सुपरविजन आफ बिल्डिंग भी होता है तो वह जो सर्टिफिकेट देंगे कि हमने सुपरविजन किया है, वह स्टैम्पड के मुताबिक है या नहीं है, अगर वह गिर पड़े तो क्या कोई पनिसमेन्ट होगा। इसके लिये दो-तीन साल जबाबदारी या गारन्टी होनी चाहिये—यह भी इस बिल में नहीं है।

मैं चाहता हूँ कि मंत्री महोदय ज्वाइन्ट सिलैक्ट कमेटी में जो डिस्कशन हुआ था उसके बारे में प्रकाश डालें। मुझे जहां-जहां सामिया दिखाई पड़ी है, मैंने अमेण्डमेन्ट दिये हैं। फिर भी मैं इस बिल को सपोर्ट करता हूँ। लेकिन इस का नाम आर्किटेक्ट बिल रखना मिसली-

डिंग है। इसका नाम आर्किटेक्ट रजिस्ट्रेशन बिल होना चाहिये था। इंग्लैंड में भी इस प्रकार के कानून हैं, लेकिन वे परफेक्ट-ला है, रजिस्ट्रेशन के लिये अलग कानून हैं और आर्किटेक्ट किस प्रकार का होना चाहिये उसके बारे में अलग कानून है। ज्वाइन्ट सिलैक्ट कमेटी में भी इसके बारे में कहा गया था।

शेड्यूल का जहां तक सम्बन्ध है ज्वाइन्ट सिलैक्ट कमेटी में तीन चार शेड्यूल दिये गये थे, लेकिन मंत्री महोदय ने सिर्फ एक ही शेड्यूल गवसट किया है इस लिये मेरे रूयल में यह इम्प्लीट बिल है। मैं आशा करता हूँ कि इस में सिविल इंजीनियर्स को जरूर शामिल किया जायगा। इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हूँ।

SHRI DHAMANKAR (Bhirwadi) I rise to welcome and support this Bill, Developmental activity in the country is increasing at a fast rate and wrong type of people without proper qualifications come into the picture and the buildings are at times unsafe. In order to protect this a Bill has been brought forward by the Government. In the schedule of qualifications we find that civil engineers are omitted, Civil engineers have to undergo a course of planning and designing. I feel that civil engineers should be included provided they have at least one year experience of working in an architect's firm.

13 28 hrs

[MR. DEPUTY SPEAKER in the Chair]

Secondly, it says that an annual fee of Rs 20 will be charged. Besides this, practising architects have to pay licence fees in different municipal cities. In big corporations they charge Rs 250 per year in small municipalities the fees are perhaps less. If this fee of Rs 20/ provided for in this Bill is raised to Rs 250/- per year and they are allowed to practice all over India, I think it will solve the problem of the architects. With these two suggestions I support the Bill.

SHRI S M BANERJEE (Kanpur)
Mr Deputy Speaker, I support the Bill

After it has been passed by the Rajya Sabha and after each clause has been gone in, in great detail by the Joint Committee, I think that best person to reply is Mr Piloo Mody and instead of the Minister, let him reply to the debate, he will do it better. Let us evolve some healthy traditions in the House. In Parliament his contribution may be questionable, his contribution in that particular line is unquestionable.

Mr hon friend Chatterjee has pointed out certain lacunae, especially in clause 25 which mentions qualifications. Clause 25 says that a person shall be entitled on payment of such fee as may be prescribed by rules to have his name entered in the register, if he resides or carries on the profession of architect in India and holds a recognised qualification, or does not hold such a qualification but being a citizen of India has been engaged in practice as an architect for a period of not less than five years prior to the date appointed or possesses such other qualifications as may be prescribed by rules.

It has been stated by many Members in this House that civil engineers should also be included. There is some difference between an architect and a civil engineer. In this case, a person who has no qualification, neither a civil engineer or an overseer or diploma holder from an institution but who has merely worked for five years with Mr Piloo Mody can become an architect. Anybody who stays with Piloo Mody, even his servant or anybody else can fall within this category and can become an architect.

So, I hope that there should be some clarification—possess such other qualifications as may be prescribed by rules. Who is going to prescribe these rules—this Council. That is all.

But, primarily, Sir, he should be in that particular line for five years. I feel if really we want to encourage that good architects should actually design the various buildings in this country, when the construction work is going on so much in every city especially in Delhi, we shall not be able to recognise Delhi after 10 years, so there should be some qualified persons incharge of it. I would request hon Minister to kindly specify why has this particular clause been put? It is because some

people are already working as architects. They have been tried as architect. If that is so, I have no objection. But merely because somebody has worked with particular architect of reputation he should not be exempted and granted a licence.

Clause 12 reads as under,

(a) appoint a Registrar who shall act as its Secretary and who may also act if so decided by the Council, as its reasurer,

then clause 12 (c) says "with the previous sanction of the Central Government, fix the pay and allowances and other conditions of service of officers and other employees of the Council.

It has not been decided what should be the pay and allowances of those officers or those employees working in that Council. Again, Sir, it has come into clash with the Central Government, in the name of autonomy and those employees, who are likely to be recruited after the formation of the Council after the passing of this Bill may suffer in the same manner as other employees in various Corporations suffer. What I want is that it should be clearly mentioned there that with the previous sanction of the Central Government fix the pay and allowances and other conditions of service of officers and other employees of the Council as prescribed in the Central Government undertakings and as applicable to Central Government undertakings.

Some of the Corporations are suffering from various handicaps because in the matter of pay and allowances they are like the Government employees and not the Central Government employees. They are treated Central Government employees for the purpose of 1, 2 and 3 and not for 4, 5 and 6. In the case of discipline this Article 311 is not applicable in their case. You have seen the Food Corporation and other Corporations also. My fear is that in this case it should be made clear that those employees who will be serving this particular Council will be governed by all the rules and regulations applicable to that of Central Government employees.

Now the Pay Commission is there. Supposing the Report is out to-morrow or after two months, this will not be made applicable. They will suffer because it is

not prescribed here 'with the previous sanction of the Central Government' The Central Government will only sanction the appointment of such staff, fix the pay and allowances and other conditions of service of officers and other employees of the Council I feel it should be made clear that they should be treated as Central Government employees for the purpose of pay and allowances and other amenities

Then I come to Clause 30 My hon friend Shri Somnath Chatterjee stated about procedure in inquiries relating to misconduct Sir, it is clearly stated that on receipt of a complaint, when the Council is of the opinion that any architect has been guilty of professional misconduct (the word efficiency has not found a place in it) he may be debarred from professional conduct It may be very good But he does not know ABC of it

SHRI J B PATNAIK (Cuttack) He may lose his practice

SHRI S M BANERJEE You go to Corporation A building is constructed in Delhi city An extra room is also constructed You go to the architect, get a certificate for him This is going on every day in Delhi and other metropolitan cities Professional misconduct is a very wide term The word "inefficiency" should find some place there Otherwise, if an architect, civil engineer and an overseer connive and construct a building, it will collapse like a pack of cards Instead of cement, they will use sand, instead of bricks something else and so on This is what is happening with the contractor's work They constructed a building "Suryodaya"—Sun Rise—in Lucknow for the Central Command It became Suryasth within one month and started leaking during the rainy season When we raised it, they said, it is actually meant to judge whether it leaks or not This is one of the biggest buildings built for the Central Government of the Army in Lucknow So, "inefficiency" should also be mentioned here

I am told that the demands put forward by one of the Councils of architects in Maharashtra have been met If the Minister gives the assurance that they have been met, I shall not pursue it Otherwise, I

would request him to look into these demands,

I know certain very bright boys who have qualified as architect after the five year degree course in I I T Kharagpur and other places They are full-fledged architects, but they are unemployed, This Bill will provide that a man with five years experience without any qualification can be registered as an architect What about these qualified people? I would request the Minister to take out a list of those architects who are without job I know some of them have been appointed as Deputy Town Planner etc on a salary of Rs 350 or 400 Sir, daily construction work is increasing and we are trying to rebuild our country So, at least architects and engineers should not be unemployed

If it is possible to bring "Civil Engineer under the purview of this legislation, I would welcome it

MR DEPUTY-SPEAKER I have been requested to see if this Bill can be passed by 2 P M because at 2 we have to take up another item I do not know whether it will be possible Let us see

SHRI PHOO MODY (Godhra) Sir, I will not take much time On the last occasion when this Bill was brought before Parliament, I was a little hasty and congratulated the Minister, Dr V K R V Rao, for having made history in introducing this Bill and seeing it through, because this Bill has been on the anvil for something like 23 to 24 years, At last almost after a quarter of a century, this demand is being finally met by the Government of India and I congratulate Prof Nurul Hasan on this very great occasion, at least as far as architects are concerned Mr Banerjee, a little earlier, was in a generous mood and felt that I should reply to this debate, instead of the minister If that means I would be mistaken to be a minister, I do not think my reputation can possibly afford such a misunderstanding

There are several misconceptions regarding this Bill This is merely a Bill which protects the word "architect" It is not going to provide employment for architects, It is not going to remove the other

[Shri Piloo Mody]

hardships of the profession. It is not going to do any of the things that are going to bring about a healthy architectural tradition in the country. But this is the first step, and it is a very positive step and, as I said, it is a step which has been taken after 25 years of debate. Therefore, we all should welcome this Bill.

One misconception that seems to be flowing is that those who are practising architecture and calling themselves 'architects' should not be deprived of the livelihood that they have taken up for the last five years. As Shri Banerjee rightly pointed out, this clause will not go towards improving the profession of architecture but it will certainly go a long way in mitigating the hardships that a great many people are likely to suffer as a result of the introduction of this. When you do something like this you do not want to cut away and completely render unemployed a large section of people who have been, for one reason or other practising as "architects". That is why this provision has been introduced.

Another suggestion that was made by Shri Banerjee was that there should be some penalty for inefficiency. I would like to point out to him that we are not passing an amendment to the Indian Penal Code. We are merely protecting word in the English language and I hope also in all the vernacular languages which permits a man to call himself an architect if he satisfies certain qualifications. This is the sum total of it. We have been going through all the demands that were made to the Joint Committee and even before, and we have tried to satisfy all demands, because we do not want to make this Bill specially controversial, so we thought in order to make it so simple that nobody feels aggrieved as a result of this Bill, we incorporated in the schedule at the back as well as in the text of the Bill that all those who feel so should be entitled to practise architecture. This Bill is for future generations, those who call themselves architects will have the requisite qualifications as understood by modern civilisation. Therefore, this Bill may not have its immediate impact on architecture in India, I think over a period of 10, 20 or 30 years

the register will begin to change in colour and complexion and will afterwards truly represent those who are capable of practising the profession of architecture.

One more suggestion has been made why engineers also should not be included in this. The simple reply would be for the same reason that doctors are not included in this Bill. A Bill is forthcoming very soon, I am told, which will protect the title of engineers those who are qualified to practise engineering. To believe that anybody can put up a building provided he knows how to make the four corners of the building stand is a misconception. There is something more to architecture than mere stability. Therefore engineers have not been included. They will be included when this Bill comes before Parliament. With these words I welcome the Bill and I recommend to the House that we pass this Bill without further debate.

SHRI B V NAIK (Kanara) Mr Deputy Speaker, Sir I welcome this Bill. Till now architecture has remained a profession of the urban elite because the fees are rather considerable and it has been possible to hire the service of architects only in respect of big buildings, public buildings and mansions constructed by very well off people. I think the greatest measure of economy in the building construction will be in the vast amount of rural construction works that we will be undertaking. While the Bill is internally self consistent, the only handicap which I see is whether it will be possible for us to have a group of people who will be available with their services in the mofussils and in the very interior areas of this country, who will be in a position to help us in the rural construction works and in the construction of buildings in the countryside. I think it would be well beyond the means of such people who will be working and operating in the interior areas in this country, very widespread as they are, to be in a position to come over here or to get into the headquarters that is indicated, namely, New Delhi, and then get themselves enrolled as architects.

I agree with the point of view put forward by our esteemed friend, Shri Piloo Mody, that architecture is a discipline not

necessarily connected with being able to an engineer. After all, this is an applied art and we can say that people very well-known as architects, like Corbusier were never the big wigs in the fields of engineering.

So, I would say that it would be a bit too far to ask that this profession of architects is left as an exclusive preserve for the civil engineering graduates that are coming out of our Universities. There is no harm as to why a civil engineering graduate should not be an architect. But to impose a condition that it should be a civil engineer alone who is eligible and having the requisite qualification would be stretching the imagination of an architect a bit too far.

Sir, while welcoming this Bill—this is in line and in the tradition of many others professional associations like the Institute of Chartered Accountants like the Institute of Bankers, like the Institute of solicitors—the only handicap— I know it is being tried for the last 25 years to be introduced here—is that there is no provision in the entire Bill in regard to the period of probation or what we call as the principle of being under-study for a considerable period of time. It is not only necessary that the best of architects are produced to serve in our schools of architecture or in the colleges of architecture but also under certain masters. I, therefore, think it is possible for the Minister now or at a future date—now that it has come to a final stage—to incorporate this provision of being under studies or being able to study under certain famous architects. That would be a good contribution to this entire profession of architecture. This is very important for us. Thank you, Sir.

SHRI D P YADAV I am thankful to the hon. Members. So far as the apprehensions made by them, I have already spelt out in my introductory speech that it has taken about 5 years to bring this Bill in the final shape and I personally feel that there is no necessity at this stage for any further amendments to it. There should not be any apprehension. The Bill is intended to protect the architects. Engineers are free to do work relating to design and construction of buildings, provided they do not call themselves architects. Further, any engineer who

has been practising architecture for at least 5 years can be registered as an architect. So, this question does not arise and there should not be any apprehension that engineers will not be included in it. I can assure the House so far.

Let this Bill be passed at this stage and in future if the august House feel that any amendment is necessary, the Government will not mind to accept it.

Ultimately, I congratulate Shri Piloo Mody as he has answered to many of the queries and questions. Here, I remember the words of one of the great scientists, Linceus, who correctly said that, if you detect any mistakes of mine, I rely on your superior knowledge to excuse them. I am thankful for the friendly corrections. With these words, I will request this august House to pass the Bill.

MR. DEPUTY-SPEAKER The question is

‘That the Bill to provide for the registration of architects and for matters connected therewith as passed by Rajya Sabha, be taken into consideration’

The motion was adopted

Clause 2—(Definitions)

MR. DEPUTY-SPEAKER Now, we take up clause-by-clause consideration.

There are a number of amendments to various clauses. To clause 2, there are amendments given notice of by Mr. Bade and others. Are you moving, Mr. Bade? I will put it to the House.

SHRI R V BADE I want to say a few words.

MR. DEPUTY-SPEAKER We have to conclude by 2 P M.

SHRI R V BADE If you are not doing justice to our thinking, then only time is to be seen.

MR. DEPUTY-SPEAKER We are behind time.

SHRI R V BADE I will say only a few words in regard to clause 2.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): The amendments have already been circulated. The hon. Member need not read the amendment.

MR. DEPUTY-SPEAKER : You need not read the amendment You can make your submission

SHRI SURENDRA MOHANTY (Kendrapara) Is it unparliamentary to read it ?

MR. DEPUTY-SPEAKER : It is not a question of being unparliamentary It is a question of economising time

SHRI R. V. BADE I beg to move .

Page 1, line II,—

add at the end—

“and includes a person qualified to design and supervise the erection of any building and also includes Civil Engineers.” (1)

‘Architect’ means a person whose name is for the time being entered in the register I want to add at the end the following :

“and includes a person qualified to design and supervise the erection of any building and also includes Civil Engineers”

I want to make it more explicit, wider, so that all the civil engineers may be included. Civil engineers take the certificates. As a matter of fact, they become diploma holders They will not take the trouble to register themselves. Therefore, I want to include this in the Bill.

PROF. S. NURUL HASAN: I am unable to accept the amendment, Sir

MR. DEPUTY-SPEAKER I shall now put Mr. Bade's amendment to the vote of the House

Amendment No 1 was put and negatived

MR. DEPUTY-SPEAKER : The question is ;

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(*Constitution of Council of Architecture*)

SHRI R. V. BADE : I beg to move :

Page 2, line 32,—

add at the end—

“from among the architects” (2)
page 2,—

after line 38, insert—

“(1) two persons from architects who had experience of five years or from consulting engineers.” (3)

I want to add these words because, otherwise we do not know who would be the person nominated It may be a party man. There I would say that it should be “from among the architects.” I also want two persons from architects who had experience of five years or from consulting engineers, to be added. It should be more democratic. The Government must not be in majority in the Committee. Therefore, I have suggested this amendments

PROF. S. NURUL HASAN . I am sorry, I am unable to accept these amendments.

MR. DEPUTY-SPEAKER : I shall now put these two amendments to the vote of the House.

Amendments No. 2 and 3 were put and negatived.

MR. DEPUTY-SPEAKER . The question is :

“That Clause 3 stand part of the Bill ”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 12 were also added to the Bill.

Clause 13—(*Financing of Council*)

SHRI R V BADE I beg to move
Page 5,—

after line 42, insert—

“(1A) Part of the fund shall be utilised for payment of unemployment allowance to unemployed architects in accordance with scales to be determined by the Council ” (4)

Government is going to have an architects fund That fund is to be utilised for what ? There is no mention about the utilisation of the fund When we see that there is unemployment and architects and civil engineers are unemployed, Government should think of doing something for their their daily living also Architects and civil engineers who are unemployed should be provided with some unemployment allowance from this fund In the Advocates Act, similar provision is likely to be made that those advocates who are not employed or who are disabled will be provided with some money from the advocates fund Similarly in this case also I want that part of the fund shall be utilised for payment of unemployment allowance to unemployed architects in accordance with the scales to be determined by the council I want these words to be added in the clause

SHRI D P YADAV We can not accept this amendment

MR DEPUTY SPEAKER I shall now put amendment No 4 to the vote of the House

Amendment No 4 was put and negatived

MR DEPUTY-SPEAKER The question is

‘ That clause 13 stand part of the Bill ’

The motion was adopted

Clause 13 was adopted to the Bill,

Clauses 14 to 23 were added to the Bill

Clause 24—(First preparation of register),
SHRI R V BADE I beg to move

Page 9, *after line 32, insert—*

“Provided that if no application is made within the prescribed time and

delay is due to satisfactory reasons is may be condoned ” (5)

Page 9, line 36,— *add at the end,—*

“and if the application is rejected the grounds for the rejection shall be given in writing ” (6)

After the Advocates Act came into force, in Madhya Pradesh they have made a similar provision Persons who were not advocates or law graduates were expected to apply for registration within one year or two years so that they might be enrolled as advocates But some of them had failed to go within the prescribed time and there was no provision for condoning the delay Later on, they have made an amendment on the lines I have suggested here On the same lines, I am suggesting an amendment to this Bill also so that if an architect who has worked for five years before the coming into force of this Bill fails to apply for registration, if there are satisfactory reasons shown to the council, the period of delay may be condoned That is my amendment

SHRI D P YADAV I am unable to accept the amendment

MR DEPUTY-SPEAKER I shall now put amendments Nos 5 and 6 to the vote of the House

Amendments Nos 5 and 6 were put and negatived

MR DEPUTY SPEAKER The question is

“That clause 24 stand part of the Bill”,

The motion was adopted

Clause 24 was added to the Bill.

MR DEPUTY-SPEAKER We have reached the deadline now But even so, we are about to finish the Bill, and so if we take two or three minutes more from the next item, I hope Shri Kartik Oraon will not mind it

The question is

“That Clause 25 stand part of the Bill.”

[Mr Deputy Speaker]

14.02 hrs

The motion was adopted

DISCUSSION RE REPORTED SALE
OF ADIVASI GIRLS FROM
ORISSA

Clause 25 was added to the Bill

Clause 26—(Procedure for Subsequent
Registration

SHRI R V BADE I beg to move

Page 10, line 41,—after "date"
invert "or knowledge" (7)

Since the hon Minister says that he is un-
able to accept my amendments, let me also
insist and persist in moving my amendments
and having my say on them

It is possible that the person may be
living in a village and there may be no post
office in that village, and he may not be
aware or have the knowledge of this Bill
coming into law I want to provide for
such cases by inserting the words 'or know-
ledge' after the word 'date'

14 00 hrs

SHRI D P YADAV We do not
accept it

MR DEPUTY SPEAKER I shall
now put the amendment to vote

Amendment No 7 was put and negatived

MR DEPUTY SPEAKER The ques-
tion is

'That clause 26 stand part of the
Bill'

The motion was adopted

Clause 26 was added to the Bill

*Clauses 27 to 45, the Schedule, Clause 1 the
Enacting Formula and the Title were added
to the Bill*

SHRI D P YADAV I beg to move

"That the Bill be passed"

MR DEPUTY-SPEAKER The ques-
tion is

"That the Bill be passed"

The motion was adopted

SHRI KARTIK ORAON (Lohardaga) ·
Mr Deputy Speaker, this House had been
apprised of the reported sale of about 2,000
Adivasi girls from Orissa to different parts
of the country by the local contractors A
call attention notice was taken up here on
25-4-72 but the reply given was very inade-
quate, inconclusive and far from satisfac-
tory I would not know that the Home
Minister was responsible I would not even
say who was responsible for this But this
is a very shameful conduct After 25 years
of independence we should by now have
come to regard this as a national affront

The fact is that the Tata-owned mines
at Gorumalsani Badafmahar ceased to
operate since 1967 This created a serious
situation of unemployment for the people
Those who were working in the mines had
to look for other jobs But this should
have been the concern of the Government
to find some alternative employment for
them In 1969 there were some cases of
trafficking of Adivasi girls to different
parts of the country There were reports
also to that effect in September 1971 about
3 girls being involved, and again by the
end of that year another 3 girls Now it
has reached the alarming figure of 2,000
Adivasi girls being allowed to be sold to
different parts of the country

The hon Minister had stated that the
State Government had repudiated this figure
They did not want to accept this figure
But the Government has nowhere contra-
dicted the reports which had regularly
appeared in the press about these 2,000
Adivasi girls

It is immaterial whether the number is
a little more or a little less But we must
remember that there is no such thing like a
ceiling on crime Because the number is a
little less, therefore the offence is as such is
not less reprehensible No attempt has
been made to apprehend the culprits and
bring them to book I do not understand
how this shameful act did not attract the
provisions of the Indian Penal Code fo