

RAJYA SABHA

*SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Wednesday, December 14, 2011/Agrahayana 23, 1933 (Saka)

MATTER RAISED WITH PERMISSION OF THE CHAIR

Neglect and Apathy towards Family of A.N.I. Press Cameraman who received bullet wounds in attack on Parliament on 13.12.2001 and died subsequently

SHRI DEREK O'BRIEN: Yesterday, while the nation mourned the death of nine brave hearts ten years ago, the tenth person killed in that horrific Parliament attack was Vikram Bisht, the camera person of ANI, who was left, although he was a private person, who first received a bullet injury on the spine and subsequently died at AIIMS. One is not suggesting that a private citizen be treated specially because he died outside the Parliament. But I appeal on humanitarian grounds to this House because his widow and his family have been running all around the place for the last ten years. He was the tenth person who was killed in that attack. In fact, when yesterday those nine pictures were put up there, his picture was not there. It may be because he was a private citizen. But can we do something for this gallant media person's wife and his family?

(Shri Ravi Shankar Prasad, Shri Tarun Vijay and the whole House associated.)

***This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

**The National Capital Territory of Delhi Laws (Special Provisions)
Second Bill, 2011**

THE MINISTER OF URBAN DEVELOPMENT (SHRI KAMAL NATH), moving the motion for consideration of the Bill, said:-The Delhi Laws (Special Provisions) Act, 2006 was introduced on 9th May, 2006 for one year. The objective was not only to protect certain forms of unauthorized developments from punitive action in the National Capital Territory of Delhi but also for providing an opportunity for Governmental agencies to finalize the norms, policy guidelines and feasible strategies as well as their orderly implementation.

The last such legislation made was the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 which will cease to operate after 31.12.2011. After the first Master Plan for Delhi, the revised MPD would cover unauthorised colonies, village population and the whole of the National Capital Territory of Delhi. It has to be ensured that no hardship is imposed on people until the revision of the Master Plan is completed.

SHRI S.S. AHLUWALIA : I support the Bill. This is the fifth time since 2006, that the Minister of Urban Development has come before the House for an extension of this provision. Everybody knows about the history of Delhi. When Delhi was established, its population was 3.50 lakhs. At the time of Independence, it was 7.50 lakhs. Now, it is nearing 2 crores. Delhi is expanding and the density of population is also increasing. The open and green areas are less. The Master Plan was prepared, but not implemented because of Court's interference. Then the Administration wanted to bring certain changes in the Master Plan. The Minister has brought a Special Provision for the NCT of Delhi for a further period.

However, my point is that so many people are entering Delhi for their livelihood, education, health care and better living. But the conditions are deteriorating day-by-day. It is due to wrong planning, wrong administration and lack of infrastructure. We are failing to provide the basic infrastructure facilities such as roads, sanitation,

sewerage, drinking water, health, education and green park. When we look at the civic facilities available in Delhi, we feel sorry. We have to save the historic River Yamuna in Delhi that is the only source of water. We must keep it clean. There is lack of programme of the sewerage and sanitation and also for roads, movement of traffic, hospitals, etc. Actually, basic infrastructure is required. What is the policy of the Government in regard to farm houses in Delhi? What is the policy regarding providing tax rebates to their owners? What is the policy on *jhuggi jhopadis* and unauthorized colonies? The number of unauthorized colonies is growing day-by-day.

As Delhi has a large population, each household requires a helper, a maid servant or an office assistant. These people cannot afford to live in areas on the periphery of Delhi. They need houses. They come to Delhi for work from areas as far away as Ghaziabad, Sonapat, etc. Why do we not identify areas within the heart of the town to accommodate these people? I request the Government to come forward with a comprehensive plan along with the Bill, so that we do not have to extend or amend this again and again. This is a temporary arrangement. A permanent arrangement is required. Delhi is a land of opportunities, education, employment and good health. People run to Delhi. They must have a good living when they are here. Therefore, a good Master Plan is required. I request the Government to make Delhi a beautiful city where everybody can live happily.

SHRI PRASANTA CHATTERJEE : I support this Bill. It is proved now that the development of Delhi, the National Capital of the country, has been taken care of seriously while the other metropolitan areas have been left. The rural development should also be made. While dealing with the problems of the urban areas, the rural problems should be taken into consideration. In the recent scenario of the country, on account of bad economy, closure of big industries and agrarian crisis, the farmers and rural people migrated to urban areas. The capital city of India also has the same problem. The poor people have settled in unauthorised areas which are developed for

commercial purposes for the rich people. In this respect, I urge the Government to consider their physical improvement.

So far, Delhi has been taken care of, as compared to other metropolitan cities. It is a horrible picture of urban development. The Government will have to acquire the private lands. The Jhuggi and Jhopris and slums will have to be given tenancy rights on lease rents. There should be a proper arrangement of sewage, roads, water, etc. Such concepts of physical settlement of the poor people should be incorporated in the Bill. It is not the job of Minister of Urban Development alone. But, the entire Government will have to consider all these things.

SHRI N. K. SINGH: I support the basic intent and the purpose of this Bill. I would like to just bring to the Hon'ble Minister's notice one or two basic facts about the issues of pressure of population particularly in Delhi. Would the Hon'ble Minister like to consider, while devising a new Master Plan for Delhi, the entire range of issues which relate to FSI which results in a more optimum utilization of space and having the concomitant infrastructure in terms of cost of electricity, water, drainage, sewerage and road. While I support this particular Bill, would the Minister like to use this opportunity for a more generic review of antiquated rules, regulations and laws?

PROF. S.P. SINGH BAGHEL: I will support this Bill with some suggestions. If the Government provides civic amenities to villages, people would not like to go to cities. If the exodus from the villages is not stopped, the cities may witness population blast. Delhi nowadays has become a city of jam. There is a great problem of parking. Who shall be responsible for the encroachment made after the enforcement of the Master Plan. The departmental proceeding should be initiated against those found responsible therefore. There should be focus on good-quality education. Such amenities in Delhi should be provided so that people of Delhi should not feel ashamed to be called a Delhite.

DR. E.M. SUDARSANA NATCHIAPPAN: I support this Bill. This Master Plan is to be implemented in a very specific manner taking into consideration the development of Delhi as one of the world's top metropolitan cities. We Indians are having an attraction for capital cities. Therefore, every day plenty of people are coming to Delhi and wherever places are available they are occupying it. The Hon'ble Minister has taken a clear stand that within three years everything will be settled. We have to see that Yamuna again lives. It is a perennial river. It is a prestige for us to revive the Yamuna to the original position.

SHRIMATI VASANTHI STANLEY: Whenever big occasions take place in Delhi, the workers are brought from outside Delhi. Then, they tend to stay back here and this promotes unauthorized colonization. So, instead of letting the workers live in unauthorized colonies, another project should be developed. Whenever we go abroad, we compare ourselves with the other Parliamentarians over there. There, they are given more facilities than us. Whenever there is rain, it is literally raining inside the flats of the MPs. But, there is no improvement. When you are beautifying the entire Delhi, why not the houses of Members of Parliament?

SHRI KISHORE KUMAR MOHANTY: Why are there separate rules for the States. You must provide similar amenities to the States as well. Had you brought a comprehensive Bill, we could have supported it in a more proper manner. Delhi is meant for all the people of India. How much revenue does a farm house pay to the Government. They earn every year crores of rupees thereby but there is no rule for them. You are granting permission for the farm houses in Delhi while Government has no time to grant room to general people. Had you granted similar amenities to general people, this Delhi could have become a good city long ago. Keep the national capital in a good condition but stop the bad policies being made and the corruption prevailing in the construction work.

SHRI SYED AZEEZ PASHA: Much is talked about the unauthorized colonies. A holistic approach towards this problem

should be taken. When I tell the miserable condition of the people of Batla House locality to the people of other cities, they are really shocked. There are no basic amenities. Some basic facilities should be made available to this colony. With regard to Dwarka sub city, I am sorry to say that despite allotment, possession of apartments is not given to the owners. The Government should consider that after the construction of flats is completed, immediately the flats should be handed over to the beneficiaries.

SHRI RAM KRIPAL YADAV: The more the population of Delhi is rising, the more problem thereof is growing. A substantial amount of the country is being spent in Delhi itself. The trend of more urbanisation does not appear to be correct. The Government has in view of urbanisation, implemented a number of major schemes. Arrangements should be made to confine the rural population within villages. Nowadays there is a scarcity of hands in villages. The Government should play its major role as to how to check the urban population and to keep the rural population within villages. The present Bill being introduced is on the basis of the population ten years ago.

The government should bring this bill in view of present situations. You should keep in mind future requirements. Otherwise problem will remain the same. Delhi is still lacking in infrastructure. You should take care of this. I support the bill.

SHRI RAVI SHANKAR PRASAD : Delhi has become a mess because of court intervention and lack of action on the part Government of Delhi. Even DDA plan is under challenge before Supreme court. *Urban village, village abadi, Lal dora* and mixed land use and *jhuggi-jhopadi* are issues on which some clarity is needed. Judges are making monitoring committees. Take initiative in your hands. There are old industrial plots in Delhi, but due to the growing pollution, industries have been shifted. But these cannot be divided a notice is required for this. Therefore, I would like that a proper, holistic view be taken. Yamuna is the heritage of India. Yamuna and Delhi have been integral. The kind of pathetic image we see of

Yamuna in Delhi makes us cry. Being the Urban Development Minister, can you take some specific measures in a time-bound manner so that we can restore the glory of Yamuna.

Hon'ble Minister, replying to the debate, said: The urbanization of Delhi is a challenge. Economic activity is the magnet which is drawing these people away from the villages. And this developmental process has preceded infrastructure. The huge urbanization which is taking place has led to such high density. We have areas classified in Delhi as agricultural lands. Now everybody knows that there is no such agriculture in Delhi and land is being used for some other purposes. We have a Master Plan which was there prior to 2007. It did not take into consideration these realities. 2007 Master Plan provides that every five years there will be a revision. A mention was made about FAR and FSI. When we have limited area in Delhi and the density is so high. We have to look at higher FAR and FSI. It depends whether that area has the carrying capacity. If not, we would have to build the infrastructure to enable high rise. Now the effort is that in the new Master Plan we look at a realistic Master Plan, a Master Plan which looks at the future and is just not making corrections of the past. We have our traditional areas of Delhi like *Karol Bagh, Ghaffar Market*. These should be re-developed. Complex issues are there. We have various definitions like '*lal dora*', '*abadi areas*' and '*extended lal dora*'. So, all these have to be looked at afresh. I have sought the approval of the House that we make a mid-term revision. I have set up an Apex Committee because at the end, it is the Ministry of Urban Development, which is accountable to this House. MCD and DDA is involved. So, I am dividing the city into various parts. Each part of the city will have an officer specially designated for the revision of the Master Plan so that people can also approach him.

A mention was made as to why should we not prevent urbanization. How do we prevent people from moving from villages? It is the aspirations of the people, which is drawing them to these urban areas, looking for better opportunities. but there is a pressure in villages on land. Previously, in 3 or 4 acres of land, ten people could

survive. Now, with increase in families, twenty people cannot survive on that piece of land. This is the challenge. With increasing education facilities, once they get educated, they don't want to stay in the villages. The Government will not be able to fund many of our projects which are required for urban infrastructure. It does not have the resources. We will have to look at the PPP model.

It is right that the workers, who came for various mega projects never went back. That is why Jhuggi emerged. Jhuggi and Jhopries are also coming because there is not enough housing for the Economically Weaker Section. I have directed the DDA to make a plan for one lakh EWS houses. It will be affordable housing. I cannot give you a specific price. But it will be affordable. You should have no doubt about that. I have also taken note of the issues relating to North Avenue, South Avenue, state of roads and Dwarka Housing Societies. I do hope that Delhi in the next three year will see a realistic, clear, user-friendly and visionary Master Plan coming up.

On Yamuna Action Plan, I know that there are great sentiments attached to it. It is not just an issue of river. Under the Yamuna Action Plan, the Ministry of Environment and Forests is working on this. The Delhi Government has the Yamuna River Front Development. It is being implemented by the Delhi Government. Work has commenced.

The motion for consideration of the Bill, was adopted.

Clauses etc. were adopted.

The Bill was passed

The Life Insurance Corporation (Amendment) Bill, 2011

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA) moving the motion for consideration of the Bill, said: The basic objective of the LIC (amendment) Bill, 2011 is to bring the LIC Act, 1956 in consonance with the Insurance Act, 1938. The LIC (Amendment) Bill, 2009 was introduced in the 15th Lok Sabha and it was referred to the

Standing Committee on Finance. The Government have accepted almost all the major recommendations of the Committee. Presently, LIC is dependent on the financial support from the Government of India for expanding its operations. The funds so reserved will be used only for meeting the expenses towards expansion of insurance business, strengthen solvency margin and also help in fulfilling social sector objectives. The existing policyholders will not be affected. These amendments would give flexibility to LIC to take care of the professional training needs of the agents and of their welfare, which is in line with the spirit of the recommendations of the Standing Committee. Based on the Report of the Standing Committee, the Government introduced official amendments to the LIC (Amendment) Bill, 2009 in the Lok Sabha. The Lok Sabha considered and passed the LIC (Amendment) Bill, 2009 with official amendments. I commend the Bill to the august House for consideration and passing.

SHRI PRAKASH JAVADEKAR: I want to clarify the proposal with a different manner. Government have abolished the sovereign guarantee to LIC policy holders by making provision. This is my first reservation. Now network expansion of LIC will be decided by IRDA. This is not fair. You are trying to end the professional autonomy of LIC. Regulator have to arbitrate in case of dispute. Service conditions of LIC agents should not be controlled by the IRDA. As you are aware that 95 percent distributable surplus of net profit belong to policy holders. You have reduced it by 5 percent by bringing it to the level of 90 percent. What government will do with this 5 percent? So, the LIC will create one new account and we will put the money into it.

You are taking away the financial freedom and autonomy of the LIC by adding this provision. What would be about the right of the policy holders? It would impact competitiveness of LIC adversely. You have not given any rationale for reducing the existing system. You intend to bring FDI and to give benefit to the private companies. If Government intervenes in such investment, it would be a deception

with the country. Therefore, I demand not to tinker with LIC. Give it Navratna status immediately.

SHRI PRAVEEN RASHTRAPAL : I rise to support the Bill. The Government has accepted suggestions given by the Finance Committee and by the Standing Committee. It is found that the more successful work is being done by LIC only and the 21 private players are not able to reach the rural population. LIC gives employment and profit to the Government. The second provision is to provide sovereign guarantee to the policies of the LIC.

SHRI TAPAN KUMAR SEN : Companies like the LIC and other public sector financial institutions are the basic foundations which made the Indian economy resilient and combat the crisis that has come upon the whole world. Do not tinker with the companies which are functioning well. There is a provision that through the Executive power that equity structure could be changed. That is the danger. That is the anomaly. The second issue is that of sovereign guarantee.

The country's social sector is being funded by the LIC even when the country is in deep crisis. Do not go in for disinvesting the public sector insurance companies. Do not create an enabling situation of opening the floodgates for privatization. LIC's capacity to serve the nation depends on its customer base. It is there to perform its role. I humbly request you to accept that amendment and please do not tinker. Please defend the country's capacity to be resilient to crises.

SHRI NARESH CHANDRA AGARAWAL: I rise to oppose the amendments to the Bill. Price is rising daily. There is a fall in industrial growth. It has never been answered as to what extent it would harm the country if it further declines. You have allowed 21 private companies in insurance sector in the name of liberalization. I would like to know as to how much money these companies have invested in this sector in the beginning? If capital, employees, agents and faith reduced, what did you do to keep that faith?

With the commission system people have lost their faith in it. Public money should not be invested in the share market. In the name of autonomy corporation should not be left uncontrolled. Every sector which have invested money in market are running in loss and they are being compensated by the Government. The Budget deficit is increasing day-by-day. The Reserve Bank of India is also in a fix. If economy of the country is played, our party will oppose strongly. Our aim is to eradicate poverty. Money of poor should be invested in the interest of the poor. I oppose the Bill.

SHRI PYARIMOHAN MOHAPATRA: I stand to oppose this Bill. This Government has always been saying that when foreign players are coming, there should be a level playing field, Indian industries should not be given any extra facilities. But practically you are not doing so. If you want that whatever is being done in case of foreign insurance companies or other private insurance companies, should apply to LIC, then, make LIC completely independent. I would like a clarification regarding Clause 6, Amendment of Section 37, the Proviso. Whether it is part of the Bill passed by the Lok Sabha or not. There is no question of going to the IRDA and be equal to private players. If you are following a principle, let LIC get a level-playing field. If you are amending don't take any amendment which does not give a level-playing field to the LIC.

SHRI SUKHENDU SEKHAR ROY: I rise to support this Bill. For the LIC, it is the need of the hour to enhance its minimum paid-up capital up to Rs. 100 crores or more to be at par with private operators in our insurance sector as per the norms formulated by the IRDA. This Bill aims at empowering the LIC to make regulations in respect of terms and conditions of the agents and other employees. People of our country have shown the trust and confidence in the public authorities of our

country and LIC has been rendering a commendable job in the insurance sector. Different sections of our country, who are involved, directly or indirectly with the LIC are happy with this development. The Government should not go for any such disinvestment which will be detrimental to the interests of the policy holders or which will shake the confidence of the policy holders. LIC should operate more and more in the rural areas and a day would come when the rural people will be the major stockholders in the LIC. My submission to the Hon'ble Minister is that he should see to it that the activities of the LIC are not concentrated in cities and towns only, but it should grow more and more in the rural areas too.

SHRI VEER PAL SINGH YADAV: I rise to support this Bill. The LIC is always ahead in comparison to other public enterprises. It has done well so let it be control-free. It should be made compulsory that the private sector companies, which are earning profit, spend a definite amount of profit money in the field of education and health for poor people.

SHRI R.C. SINGH: I rise to oppose this Bill. The capital of LIC is being increasing from five crores to hundred crores of rupees. Every year premium is increasing. LIC stands for our social security. Its surplus should not be decreased. Earlier LIC used to perform on its own but now it is supposed to take permission from IRDA. I request that this clause should be deleted. The power to recruit employees must be kept in its own hand.

SHRI VIKRAM VERMA: The policy of Government is not clear. It seems that there is an agenda hidden behind. In lieu of "90 per cent or", "not less than 90 per cent..." should be written. It is said that there would be a separate account. It means you are going to establish a separate fund. But

the power would not be vested with the LIC rather with the Government. Intention of Government is not clear. LIC has won people's faith, but you are trying to play with its credibility. Let the private companies come but you must judge their performance.

You want to control the LIC, on which people repose trust. You have given money to real estate. It has formed land bank. As new land bank is being formed with the money of LIC and finance companies. In this way some companies increase the rates of real estate. Why do you want to invest money of LIC in it. The Central Government has no right to use its capital. This money does not belong to the Central Government. You may increase the fund but its right should be vested in LIC. With the increase in the voting percentage, interference will increase. Some provisions should be removed.

DR. BHARATKUMAR RAUT: I rise here to oppose the amendment Bill. The Government wants to take more and more control of the LIC. They want to reduce the valuation surplus to its policy holders from the existing 95 per cent. The Government wants to spend the five per cent that is left as per its own will. You want to reduce the share of LIC in the market. You want to reduce the profit margin and dividend to the policy holders. They will start looking at the private insurance companies. The share of LIC in the market is reducing. Somebody is interested in promoting private players. You are attacking the basic autonomy of the PSU. Why does the Government want to intervene and decide where to invest? The Government want to oblige certain industries. Many LIC agents also take agency of private insurance providers in fake name. In the process the LIC is suffering. Many LIC employees are doing the same thing. The amendments regarding surplus allocation and your right to spend that five per cent extra should be taken back.

SHRI Y.S. CHOWDARY: I really do not understand this move. Increasing the paid-up capital from Rs. 5 crore to Rs. 100 crores has no relevance. Too much of interference by the regulatory

agencies is making a lot of sectors inefficient. There is not accountability of the regulatory agencies. Reducing policy holders' dividend is nothing but making the undertaking more inefficient and not attractive. In the liberalization environment, more empowerment is required. It should be left to the LIC to run on their own, based on market forces. It is placing all the conditions. I propose that some of the amendments have to be changed. I suggest that this Bill may be withdrawn.

DR. BHALCHANDRA MUNGEKAR: The Bill in its present form before the Rajya Sabha is substantially improved. I must appreciate the contribution made by the Life Insurance Corporation to the overall economic development. It has the substantial contribution right from the development of economy to the task of maintaining transparency. I think all the amendments are acceptable. The entire task has to be given to the Life Insurance Corporation itself. The Government should try to maintain the autonomy of the LIC so far as its management is concerned. Decentralisation is extremely important for us. Another important objective, which this decentralisation will seek to achieve, is financial inclusion. Clause 5 is making provision for enhancing the welfare of the policy holders. It will be the prerogative of the Government to use the surpluses of all public sector undertakings judiciously for inclusive growth. This objective is also welcome. It is absolutely necessary to fulfil all the four objectives provided in clause 6. While raising the Foreign Direct Investment from 26 per cent to 49 per cent, we should take maximum care. This is my apprehension. A point was made about investment in real estate sector. Nothing should happen which will jack up the prices of real estate artificially which would deprive common people of housing.

SHRI V.P. SINGH BADNORE: LIC had to face a lot of competition. Why is it that in the rural areas LIC is doing very well and not in the urban areas? Let me ask the Minister: where is he making the investment? It may be housing programmes etc. They get 5 per cent or 6 per cent from these institutions, then what are the policy holders going to get. The inflation rate is rising so their amount get reduced. What I want to suggest to the Minister is restructuring of

these financial institutions. I want to know how much amount is outstanding from these RECs.

Then there is a question also on service tax. Who is going to pay this service tax? It should be the agent who has to pay this. If it is put onto the policy-holder, he loses money on that as well. Keeping in view the portfolio investment, the LIC is not doing that well. If it has to stand in the competition, they have to give more to get that business.

Hon'ble Minister, replying to the debate, said: The LIC was set up in 1956 to ensure security to the policy-holders in the matters of their life insurance protection, to spread insurance much more widely, in particular, to the rural areas. As regards distribution of valuation surplus, I would like to reiterate, that the objective of the amendment is to bring the LIC Act, 1956 in conformity with the Insurance Act, 1938 which is applicable to all other insurance companies in the country. There are 23 other insurance companies in the private sector. They are having 90:10 ratio. Only the LIC is having 95:5 ratio.

The amendment also proposes creation of a reserve fund with the LIC. The funds so reserved will be used only for meeting the expenses towards expansion of the insurance business like ensuring solvency margin, fulfilling the corporate responsibilities, business expansion etc. This amendment will take effect prospectively. This amendment will not have any adverse effect on the existing policyholders of the LIC. The LIC's policies will continue to enjoy the Government guarantee. Further a proviso has been added advising the LIC to make efforts to maximise the returns on the funds to ensure increased bonus to the policyholders while having least investment risk. This proviso has been added in the spirit of the recommendation of the Standing Committee.

The Government will still hold control over the LIC with regard to the method of recruitment of agents of the Corporation and terms and conditions of the agents. The LIC is being given flexibility. The IRDA will issue guidelines and under those guidelines the LIC

will frame rules. There are three categories of funds with the LIC. They are: Life Fund, Pension and Group Scheme Fund and ULIP Fund. There is an investment pattern defined for each category. I would like to say that I have clarified all the points, and we have accepted almost all the recommendations of the Standing Committee. With these words, I request that this Bill be passed.

The motion for consideration of the Bill, was adopted.

Clauses etc. were adopted.

The Bill was passed.

The Architects (Amendment) Bill, 2010

THE MINSTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL), moving the motion for consideration of the Bill, said: Architecture is perhaps one of the important professions in this country and with the possibility of huge investments in the infrastructure sector, we will be needing a lot of quality professional institutions in the field of architecture in the years to come. The Council of Architecture has been functioning, in the recent past, in a somewhat haphazard manner and the Central Government has received a large number of complaints about the Council. The Institute of Architects, which is a very distinguished and eminent body has been complaining bitterly about the functioning of the Council Of Architecture. One of the amendments that we have brought in this amendment Bill is to ensure that once you are elected for a term of office, then the term shall end either at the end of your term or two month after the end of your term whichever is earlier, so that there is no ambiguity and that this self-perpetuation should not take place. To ensure that the Council of Architecture continues to act consistently with the policy framework or the policy directions

given from time to time, which is in every other statute, we have incorporated a similar provision in this amendment.

We have set up a mechanism through which, in the event there is a dispute between the Council of Architecture and the Central Government in any way and the Central Government feels that the provisions of the Act are not being complied with, then we have introduced a Clause 10B. We can appoint, by notification, a Commission of Enquiry which shall consist of the Chairman and two Members. And, it is only on the recommendations of the Commission of Enquiry that any action can take place. There was a provision in the original Act of 1972 by which there would be a technical nominee in the Council of Architecture. Since there is no amendment to the Act, the Council of Architecture refused to accept the nominee of the AICTE. Therefore, we have made a provision in terms of which the nominee of the All India Council of Architecture, if nominated, will be accepted by the Council of Architecture. The Standing Committee indicated to us that we should look at this issue in a futuristic manner because architecture is going to become a very, very important profession in the years to come because our new towns and our new cities are yet to be built with the enormous investments. We will need a lot of very good architects. If you want to live in a clean and beautiful India, we must make sure that architects get quality education in institutions.

SHRI PIYUSH GOYAL: I am extremely surprised to note from the Hon'ble Minister that he had based this amendment Bill on the recommendations of the Standing Committee and a lot of the provisions have come in from the expert views of the Standing Committee because most of the recommendations of the Standing Committee have been completely ignored by the Government, while proposing the

new Amendment Bill. Instead of bringing reforms in our administrative procedures, in the systems of Government, instead of debureaucratising the system of Government, instead of making the business liberal in the country, this Government is trying to centralize all powers within bureaucratic hands and that is the primary object of many provisions of this Bill. So, the autonomy of an independent body, set up by an Act of Parliament is being sought to be taken away by this Bill.

The Hon'ble Minister spoke about the Group of Experts. I found that the Group of Experts did not give an opportunity to the Council of Architecture, against whom this report was made, to even present their views before the Group of Experts. The first thing that the Hon'ble Minister has sought to do in this Bill is to restrict the term of office bearers to three years, whatever is their stipulated term, and they will not continue in office until the new members are elected. The regulations that prevail today are the ones which say that the Government shall appoint the Returning Officer to conduct the elections. This Government chooses not to appoint the Returning Officers from 2007 and now makes the allegation that they were continuing in office and therefore, we are amending the Act. The second clause that they want to amend is the power to supersede. But, the power to supersede, to be followed up by a Commission of Inquiry, which will have two members of the Central Government is, once again, the same thing. So, if the Government makes up its mind to supersede the body and appoints two people on that body, they can take any decision and come to a conclusion that this body needs to be superseded.

There are rules and regulations therefore, I don't see any reason that the power of supersession needs to be taken by the Government, and, if at all there has to be a power of supersession, the Commission should have members, maybe, sitting or retired judges of

the High Court to conduct impartial inquiry into the working of the Council rather than have bureaucrats appointed by the Government as members and Chairperson of that Council. I would urge the hon. Minister to amend Section 6 of Principal Act to say, 'within 15 days from the declaration of the result.' Why should it wait for the Central Government to receive a letter from the Returning Officer? Chairman of the Commission should be a sitting or a retired judge of High Court because otherwise that Commission will have completely one-sided views. The power to make regulation is with the Council of architecture. How the Central Government can amend a set of regulations which they did not have the power to formulate in the original instance.

AICTE was formulated to control and regulate technical education in India. Everything related to the architects has to be handled by the Architects Act. Why does this Government want the AICTE to control such a specialized profession as architects? There are problems they face in getting even a small approval from the AICTE and you want to add even architects there. The architects need to be given due justice. The Government is talking about internationalizing architecture. We, in India, allow foreign architects to practice here subject to certain qualifications from listed entities. But no other country in the world recognizes architectural education in India and allows Indian architects to practice in that country. So, where is liberalization? This Government should believe in reciprocity and no rule should be made by which the Indian architects are at a disadvantage due to foreign architects.

SHRI SHANTARAM NAIK: There are three-four main objectives of the Bill. The powers presently exercised by the Council are to be there until a new Committee appointed. Secondly, the Bill seeks to give directions of a general nature and also directions to amend regulations. Then, there is the power to supersede council. India is famous for its architecture. But architects in modern times have a duty to advise the clients and those who propose to build good monuments about the quality of the products that are used. If any negligence is found on the part of architects, there should be necessary

provisions in the law to hold architects responsible for not giving proper advice to their clients. In modern times, architects have to be advised to use proper software for their designs. This is the modern technology. We must encourage our architects to use this technology. For valuers, who value property today, there is no law to regulate them. They demanding that proper legislation should be enacted to register valuers so that their profession can be regulated like architects, engineers, etc. Today no proper valuation of property is done and the poor people suffer. 'Green architecture' is a new subject. A green architect will essentially have knowledge about all aspects. *(speech unfinished)*

Discussion not concluded.

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