

Bill No. LXIV of 2010

THE ARCHITECTS (AMENDMENT) BILL, 2010

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BILL

further to amend the Architects Act, 1972.

BE it enacted by the Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Architects (Amendment) Act, 2010.

Short title and
commence-
ment.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1972.

2. In the Architects Act, 1972 (hereinafter referred to as the principal Act), in section 6,—

Amendment of
section 6.

(a) in sub-section (1), the words "or until his successor has been duly elected or nominated, whichever is later" shall be omitted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

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"(6) The name and address of each member of the Council elected or nominated under the provisions of sub-section (3) of section 3 and sub-section (4) of this section shall be notified by the Central Government in the Official Gazette."

Insertion of new sections 10A and 10B.

3. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Directions by Central Government.

"10A. (1) The Central Government may, if it is satisfied that it is necessary so to do in the public interest, issue, for reasons to be recorded and communicated to the Council, such directions as it thinks fit.

(2) Without prejudice to the forgoing powers, such directions may include direction requiring the Council— 5

(a) to make or amend any regulation within such period as may be specified in the direction:

Provided that if the Council fails or neglects to comply with such direction within the period specified therein, the Central Government may make the regulations or amend or revoke the regulations made by the Council, as the case may be, either in the form specified in the order or with such modification thereof as the Central Government thinks fit; and 10

(b) to give priority to the work undertaken or to be undertaken by the Council in such manner as the Central Government may think fit to specify in this behalf. 15

Power to supersede Council.

10B. (1) If the Central Government is of the opinion that the Council is unable to perform, or has persistently made default in the performance of the duty imposed on it by or under this Act or has exceeded or abused its powers, or has wilfully or without sufficient cause, failed to comply with any direction issued by the Central Government under section 10A, the Central Government may, by notification in the Official Gazette, supersede the Council for such period not exceeding two years as may be specified in the notification: 20

Provided that before issuing a notification under this sub-section, the Central Government shall give reasonable time to the Council to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Council. 25

(2) Upon the publication of a notification under sub-section (1) superseding the Council,—

(a) all the members of the Council shall, notwithstanding that their term of office has not expired as from the date of supersession, vacate their offices as such members; 30

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Council shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct; 35

(c) all property vested in the Council shall, during the period of supersession, vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further period as it may consider necessary; 40

Provided that the total period of supersession under this section shall not exceed two years; or

(b) reconstitute the Council in the manner provided in section 3."

STATEMENT OF OBJECTS AND REASONS

The Architects Act, 1972 was enacted to provide for the registration of Architects and for matters connected therewith.

2. The existing provision contained in the sub-section (1) of section 6 of the Architects Act, 1972 provides that an elected or nominated member shall hold office for a term of three years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is later. The office bearers of the Council of Architecture have also been continuing beyond three years terms specified in the aforesaid Act by taking advantage of this lacuna in the Act. It is proposed to omit the words "or until his successor has been duly elected or nominated, whichever is later" in said sub-section (1) so that the office bearers of the Council of Architecture do not continue to hold the office beyond the period of three years on the ground that the successor has not been duly elected or nominated.

3. It has come to notice that the Council of Architecture constituted under the Architects Act, 1972 has exercised certain administrative and financial functions beyond those stipulated in the said Act and also did not adhere to the advice of the Central Government in certain cases. In view of this, it is proposed to confer power upon the Central Government to,—

(a) issue, in the public interest for reasons to be recorded in writing, directions to the Council as it thinks fit which, *inter alia*, include directing the Council of Architecture to make or amend regulations within the periods specified by the Central Government; and

(b) supersede the Council of Architecture for period not exceeding two years in case the Council is unable to perform, or has persistently made default in the performance of the duty imposed on it by or under the Architects Act, 1972, or has exceeded or abused its powers, or has wilfully or without sufficient cause failed to comply with any direction issued by the Central Government.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 25th August, 2010.

KAPIL SIBAL

ANNEXURE

EXTRACT FROM THE ARCHITECTS ACT, 1972

(20 OF 1972)

CHAPTER II

COUNCIL OF ARCHITECTURE

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6. (1) Subject to the provisions of this section, an elected or nominated member shall hold office for a term of three years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is later. Terms of office and casual vacancies.

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RAJYA SABHA

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BILL

further to amend the Architects Act, 1972.

(Shri Kapil Sibal, Minister of Human Resource Development)