



# PARLIAMENT OF INDIA RAJYA SABHA

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**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

**TWO HUNDRED TWENTY-NINTH REPORT**

**ON**

**THE ARCHITECTS (AMENDMENT) BILL, 2010**

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**(PRESENTED TO HON'BLE CHAIRMAN, RAJYA SABHA ON 24<sup>th</sup> JANUARY, 2011)  
(FORWARDED TO HON'BLE SPEAKER, LOK SABHA ON 24<sup>th</sup> JANUARY, 2011)**

**(PRESENTED TO THE RAJYA SABHA ON 25<sup>th</sup> FEBRUARY, 2011)  
(LAID ON THE TABLE OF LOK SABHA ON 25<sup>th</sup> FEBRUARY, 2011)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI**

**FEBRUARY 2011/, PHALGUN, 1932 (SAKA)**

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## CONTENTS

	PAGES
1. COMPOSITION OF THE COMMITTEE .....	(i)
2. PREFACE.....	(ii)
3. REPORT.....	
4. *OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE - AT A GLANCE	
5. *MINUTES .....	

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\* will be appended at the printing stage.

**COMPOSITION OF THE COMMITTEE ON HRD  
(2010-11)**

**RAJYA SABHA**

1. Shri Oscar Fernandes — *Chairman*
2. Shrimati Mohsina Kidwai
3. Dr. K. Keshava Rao
4. Shri Prakash Javadekar
5. Shri M. Rama Jois
6. Shri Pramod Kureel
7. Shri N.K. Singh
8. Shrimati Kanimozhi
9. Dr. Janardhan Waghmare
10. Shri N. Balaganga

**LOK SABHA**

11. Shri Kirti Azad
12. Shri P.K. Biju
13. Shri Jeetendra Singh Bundela
14. Shri Angadi Suresh Chanabasappa
15. Shrimati J. Helen Davidson
16. Shri P.C. Gaddigoudar
17. Shri Rahul Gandhi
18. Shri Deepender Singh Hooda
19. Shri Prataprao Ganpatrao Jadhao
20. Shri Suresh Kalmadi
21. Shri P. Kumar
22. Shri Prasanta Kumar Majumdar
23. Capt. Jai Narain Prasad Nishad
24. Shri Sheesh Ram Ola
25. Shri Tapas Paul
26. Shri Brijbhushan Sharan Singh
27. Shri Ashok Tanwar
28. Shri Joseph Toppo
29. Dr. Vinay Kumar Pandey 'Vinnu'
30. Shri P. Viswanathan
31. Shri Madhu Goud Yaskhi

**SECRETARIAT**

Smt. Vandana Garg, Additional Secretary  
Shri N.S. Walia, Director  
Shri Arun Sharma, Joint Director  
Shri Sanjay Singh, Assistant Director  
Smt. Himanshi Arya, Committee Officer  
Smt. Harshita Shankar, Committee Officer

(i)

## PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorized by the Committee, present this Two Hundred and Twenty-ninth Report of the Committee on the Architects (Amendment) Bill, 2010\*.

2. The Architects (Amendment) Bill, 2010 was introduced in the Rajya Sabha on 31 August, 2010. In pursuance of Rule 270 relating to Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha referred\*\* the Bill to the Committee on 13 September, 2010 for examination and report within two months.

3. The Committee considered the Bill in four sittings held on 9,18 November and 21 December, 2010 and 17 January, 2011.

4. The Committee heard the Secretary, Department of Higher Education on 9 November, representatives of the Council of Architecture on 18 November and the All India Council Technical Education on 21 December, 2010 on various provisions of the Bill.

5. The Committee, while drafting the Report, relied on the following:-

- (i) Background Note on the Bill and Note on clauses of the Bill received from the Department of Higher Education;
- (ii) Presentation made and clarifications given by the Secretary, Department of Higher Education;
- (iii) Feedback received from the Department on the questionnaire and the issues raised by the Members during the course of the oral evidence of the Secretary;
- (iv) Oral evidence of the Council of Architecture and replies of the Council to the questionnaire; and
- (v) Oral evidence of the All India Council for Technical Education and feedback received from them on the questionnaire.

7. The Committee considered the Draft Report on the Bill and adopted the same in its meeting held on 17 January, 2011.

8. For facility of reference, observations and recommendations of the Committee have been printed in bold letters at the end of the Report.

NEW DELHI;  
JANUARY 17, 2011  
*PAUSA 12, 1932 (Saka)*

OSCAR FERNANDES  
Chairman,  
Department-related Parliamentary  
Standing Committee on Human Resource Development.

(ii)

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\*Published in Gazette of India Extraordinary Part II Section 2 dated the 31<sup>st</sup> August, 2010

\*\* Rajya Sabha Parliamentary Bulletin Part II No. 47658 dated the 13<sup>th</sup> September, 2010

## REPORT

### **I Introduction**

1.1 The Architects (Amendment) Bill, 2010 was introduced in the Rajya Sabha on 31 August, 2010 and referred to the Department-related Parliamentary Standing Committee on Human Resource Development on 13 September, 2010 for examination and report thereon.

1.2 The Architects (Amendment) Bill, 2010 seeks to amend the Architects Act, 1972 which was enacted to provide for the registration of Architects and for matters connected therewith. Exercise of certain administrative and financial functions by the Council of Architecture beyond those stipulated in the Architects Act, 1972 and non-adherence to the advice of the Central Government in certain cases have been cited as the main factors responsible for the proposed legislation in its Statement of Objects and Reasons. The Bill, accordingly, proposes to omit the words “or until his successor has been duly elected or nominated, whichever is later” in sub-section (1) of Section 6 so that the office bearers do not continue to remain in the Council beyond the stipulated period of three years on the ground that the successor has not been duly elected or nominated. It further proposes to insert new sections 10A and 10B conferring 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 willfully or without sufficient cause failed to comply with any direction issued by the Central Government.

## **II Background of the Bill**

2.1 Background Note submitted by the Department of Higher Education dwelt upon the developments necessitating the three but very significant modifications in the Act. The Committee was given to understand that after the year 2000, certain disturbing trends started being noticed in the functioning of the Council of Architecture. Encroachments upon the functions of AICTE and upon the areas of other bodies/authorities, exceeding of its powers and belittling the roles of Central Government and State Governments, complaint by the Indian Institute of Architects (IIA) and increasing number of court cases have been quoted in support thereof.

2.2 The Committee had the opportunity to interact with the Secretary, Department of Higher Education on the Bill on 9 November, 2010. In this meeting, besides the representatives of the Department, experts, both former and presently associated with the Council and also representatives of the Indian Institute of Architecture and Jamia Milia Islamia University were present. Interaction with these witnesses enabled the Committee to make an assessment about the ground realities behind the proposed legislation.

2.3 The Committee was informed that over the years, very visible gaps in the principal Act leading to degradation of its objectives were being noticed. Accordingly, provision regarding issuing of directions by the Central Government was being proposed. In the event of such directions not being complied with, enabling provision for supersession of the Council was being

incorporated. Fixed term of three years for the members of the Council, not only to check their continuance indefinitely but also to ensure transparency was the other amendment proposed to be brought in. The Committee was given to understand that the proposed amendments were in line with similar provisions enshrined in Acts governing similar statutory bodies like UGC and AICTE.

2.4 Certain very pertinent queries touching upon the circumstances/development leading to the proposed legislation were raised by the Members. Consultation with the Council; Architects Act, 1972, vis-à-vis AICTE Act, 1987; MoU between COA and AICTE; efficacy of the proposed amendments; their adverse impact on the autonomy of a professional body; level of coordination between engineering and architectural framework in advanced economies like Germany, England, China; role and responsibility of the Council and Central Government and Report of the Expert Group were the main issues raised by the Members. Attention of the Secretary was also drawn to the futility of this exercise in the light of the proposed Umbrella Legislation relating to higher education whereunder all the professional councils were proposed to be subsumed.

2.5 In response, while emphasizing the hands-off approach of the Department in all the proposed legislations on higher education, the Secretary drew the attention of the Committee to the fact that inherent drawbacks being noticed in the functioning of the Council necessitated somewhat different handling of the present Legislation. Broadly outlining the history of the Architects Act since 1972, attention of the Committee was drawn to the signing of MoU between COA and AICTE on the initiative of the then Chairman of AICTE and working of both the Councils in a co-ordinated manner. The Committee was given to understand that the MoU



had to be called off in 2003 primarily due to COA going beyond its mandate. It was also indicated that majority of the professionals were not happy with the functioning of the Council. Also there was a need for bringing in comprehensive changes in the principal Act which had been there for more than thirty years. The Committee was given to understand that substantive amendments required to be made in the Act would be taken care of under the proposed legislation relating to the over-arching National Commission for Higher Education. The proposed amendments before the Committee were meant for streamlining the day-to-day functioning of the Council, with no increase of element of bureaucratization.

2.6 On a specific query about the problems being faced in the holding of elections, representative of the Indian Institute of Architects apprised the Committee that under section 3 (a) of the Act, elections were conducted in 2007 for electing five architects as members of the Council by IIA and the names of the elected members were sent to the Council for notifying the same in the Official Gazette. However, the procedure of election by IIA was challenged in the Chennai High Court which ruled in favour of IIA, upheld by the Division Bench subsequently. Ruling of the High Court could not be effected due to COA filing SLP before the Supreme Court. Not only this, nominations made to the Council by eleven State Governments remained unaccepted by the Council. It was impressed upon the Committee that names of all members elected/nominated to the Council needed to be notified without any further delay.

2.7 The Committee was also given to understand that due to the Council's undue interference in architectural education beyond its mandate, autonomy of educational institutions/Universities was being encroached upon. Mandatory condition of qualifying National Aptitude Test of Architecture

for admission, training of teachers by National Institute of Advanced Studies in Architecture (NIASA), non-auditing of accounts relating to funds generated by COA were some of the uncalled for activities undertaken by it. It was finally impressed upon the Committee that the proposed amendments would lead to streamlining of the functioning of COA by having a higher authority taking corrective measures, whenever required.

2.8 With a view to have an objective assessment of the circumstances/alleged deviations by COA compelling the Government to bring in the amendments to the Act, the Committee held extensive deliberations with the representatives of the Council on 18 November, 2010. Drawing the attention of the Committee to the composition of the Council, its President dwelt upon the functioning of the Council since its inception. The Committee was informed that like other professional bodies, the Council had been regulating both the architecture profession and education from 1972. Situation changed with the coming into force of AICTE Act in 1987. With the incorporation of the word 'architecture' under the definition of the term 'technical education' in the AICTE Act, both the Councils were entrusted the same task of regulating architectural education. In order to remove any over-lapping in the functioning of the Councils, an MoU was signed by both of them. Broadly speaking, it provided that COA would continue regulating architectural education, i.e., visiting institutions periodically, specifying entry-level qualifications, duration, qualification/standards of teachers/staff, infrastructure and equipment, carrying out inspections conducted by experts appointed by Council, forwarding the inspection reports as cleared by the Executive Committee to AICTE. AICTE was assigned the responsibility of issuing the final letter of approval or continuation to institutions. Till 2002, both the Councils

continued to function smoothly as per the MoU. However, thereafter, MoU was unilaterally withdrawn by AICTE. Attorney General was then approached by COA for his advice in the matter. His opinion was that even though AICTE Act was a later Act, Architects Act was a special Act dealing with architectural education as well as regulation of profession. Committee's attention was also drawn to complications arising due to both the Councils handling the same subject and a number of cases filed by different entities in various High Courts and the Supreme Court. It was also emphasized that there was no change in the functioning of COA even after the termination of MoU with AICTE.

2.9 Another pertinent issue raised by the President of COA pertained to conduct of elections. It was pointed out that the responsibility of conducting elections did not lie with COA but with the Returning Officer appointed by the Central Government. The Committee was given to understand that six months prior to the term of members elected in 2004 getting over in 2007, Central Government was duly apprised by COA about the anticipated vacancies. However, no Returning Officer was appointed by it. It was only on a representation made to the then Minister of HRD by some Architect Groups, COA was approached by the Ministry in this regard. It was also pointed out that no case relating to elections had been filed by COA so far and they were only respondents in a few cases. Clarification regarding continuance of the present President of COA was also given to the Committee.

2.10 It was emphasized that the proposed amendments to the Act were going to directly impact the independent functioning of the Council, with increasing bureaucratic intervention. Another anomaly pointed out was that against the total valid membership of 9,000 in IIA, there were 50,000

registered architects in the country, who were not having any say in matters relating to architectural education. Not only this, no consultations had been undertaken with both COA and 170 Schools of Architecture in the country before bringing in the present legislation. Attention of the COA was then drawn by the Committee to nominations made by eleven States/UTs not being accepted by it. Response of the Council was that nominations were not received from majority of States and if received were having some technical shortcomings.

2.11 On being asked about the basis for increasing the retirement age of Registrar of the Council, the Committee was informed that the decision for increasing the age-limit of all the employees was taken by the whole Council. Justification given was that as per the rules approved by the Central Government, service conditions of employees were to be fixed by the Executive Committee of COA. Specific reference to section 12 (c) laying down previous sanction of the Central Government as a mandatory condition for fixing the conditions of service of COA employees elicited no response from the President of the COA.

2.12 With regard to the proposed amendments in the Act regarding the term of the members, it was suggested that some grace period for the changeover needed to be provided. The two other proposed amendments regarding power of the Central Government to give directions and the supersession of the Council were not found acceptable. It was pointed out that the Council being a perpetual body can continue to function with State/Central Government nominees even in the absence of elected members. Finally, it was emphasized that there was an urgent need for making comprehensive changes in the Architects Act which had been in operation for about forty years.

2.13 While interacting with the Department as well as COA, the Committee was given to understand that the functioning of All India Council for Technical Education, particularly in its dealings with COA has proved to be the major factor responsible for bringing in the proposed legislation. The Committee, therefore, felt that it would be appropriate to have an idea about their assessment about the background leading to the present development. The Committee had the opportunity to interact with the Chairman of AICTE on 21 December, 2010.

2.14 The Chairman of AICTE drew the attention of the Committee towards three significant aspects justifying the proposed amendments to the Architects Act, 1972. Firstly, AICTE Act came into force in 1987, while Architects Act was enacted in 1972. Thus, in view of Parliament consciously vesting architecture as a discipline of technical education, COA could not possibly control architectural education. Secondly, both UGC and AICTE Acts empowered the Central Government to give directions to the respective Councils so as to ensure prevention of disparities and also to harmonise and coordinate the standards of education in the respective fields at the national level. Lastly, power to supersede COA was required to be given to the Central Government as given in the case of AICTE for functioning as mandated. Committee's attention was also drawn to element of over-lapping in the functioning of both the Councils. It was also mentioned that bringing of architectural education under technical education was called for due to inherent similarities. It was impressed upon the Committee that AICTE was the proper authority for grant of approvals to institutions as well as for coordinated development and planning of architectural education. Role of COA should be restricted to registration of architects only.

2.15 On a specific query about the background for termination of MoU between the two Councils, the Committee was informed that constant difference of opinion in their functioning was responsible for this development. However, Committee's pointed query about there being court cases and directives given about the mandate given to either Council for governing architectural education, Chairman of AICTE pleaded ignorance. The Committee was also given to understand that AICTE was not a party to any court case on this issue. It was also categorically mentioned that AICTE had twice approached COA for having the details of court cases but no response had been received so far. Committee's repeated attempts drawing attention to various court cases elicited no affirmation from the Chairman of AICTE.

2.16 Lastly, Committee made an attempt to understand the justification for AICTE being considered the appropriate body to handle architectural education. In response, Committee's attention was drawn to initiatives like e-governance for bringing complete transparency in the approval process taken by AICTE thereby making it better equipped for monitoring setting up of technical institutions and regulating their functioning.

2.17 It was pointed out by the Committee that architectural education cannot be equated with technical education, it being a very different complex stream and accordingly being managed by architects. Response of the Chairman of AICTE was that an exclusive Board i.e., Architecture Board consistent of eminent Architects was assigned architectural education.

2.18 Since some of the specific issues raised by the Committee could not be addressed properly by the Chairman, AICTE, a detailed questionnaire was forwarded to AICTE for written response. Response of AICTE was forwarded to the Committee on 7 January, 2011. A perusal of this feedback

indicates that some of the pertinent issues raised by the Committee have elicited very vague and evasive replies.

2.19 On the issue of over-lapping in the functioning of COA and AICTE, contention of AICTE is that with the enactment of AICTE Act in 1987, technical education involving architecture and town planning must rest with AICTE only, thus eliminating overlapping, if any. However, attention of the Committee has also been drawn to the fact that the matter is presently pending before the Supreme Court on an appeal filed by AICTE in the light of Bombay and Delhi High Court Judgements.

2.20 Specific query about honouring of terms and conditions of MoU by both the Councils from 1991 onwards has elicited a very vague response from AICTE. It has been mentioned that it seems that despite the signing of MoU, COA continued to exercise its powers in respect of architectural education to the exclusion of AICTE. Similarly, it has been pointed out that the information about AICTE ever approaching the Central Government on violation of MoU by COA or not, is not available with AICTE.

2.21 AICTE has also not been forthcoming on the reasons necessitating the termination of MoU by it in November, 2003. It has been simply mentioned that COA was not honouring the terms of MoU and was exercising its power regarding architectural education to the exclusion of AICTE.

2.22 Regarding the court cases, mention has been made only about Writ Petition No.5942/2004 decided by the Bombay High Court on which SLP has been filed by AICTE before the Supreme Court, WP No.2669/2005 decided by Delhi High court and two Writ Petitions, i.e. W.P.No.11774/2003 and W.P.No.14245/2004 decided by Andhra Pradesh High Court, particulars of which are being verified by AICTE.

2.23 Finally, it has been reiterated that proposed amendment empowering the Central Government to issue directions to COA on the pattern of UGC and AICTE Act is required not only to prevent disparity but also to harmonise and co-ordinate standards of architectural education. Similarly, proposed power to supersede COA has also been justified for meeting extreme situations in the context of its improper functioning.

2.24 In order to comprehend the very apparent complications, problem areas and uncalled for controversies noticed in the implementation of the Architects Act, 1972 and visible lack of co-ordination between COA and the Department and also over-lapping in the functioning of COA and AICTE, the Committee sent a detailed Questionnaire to both the Department and COA. Feedback received by the Committee has proved to be of immense help in formulating its views on the amendments proposed in the Act.

**2.25 The Committee takes note of a large number of objections/reservations raised by the Department with regard to the functioning of COA which have necessitated the proposed legislation. Reservations have also been expressed by COA on the approach of the Department. Analysis of all the documents brought before it as well as its interaction with the Department and stakeholders makes it very clear to the Committee that situation is far from satisfactory. Indicators like the regulatory body feeling victimized and the nodal Department conveying a sense of helplessness cannot be considered an ideal position.**

2.26 The Committee finds that COA has categorically denied some of the deviations from its mandated tasks as pointed out by the Department. With regard to qualifications other than those notified by the Central Government being used by COA for registration of architects, response of COA is that no person has been registered by it on the basis of qualification other than



notified by the Central Government in the Schedule of Qualifications or notified under section 15 of the Act. Similarly, COA has not accepted the contention of the Department that recognition has been given by it for other degrees apart from the degree in architecture. It has been clarified that only recommendations are made by COA for according recognition to an architectural qualification granted by Indian/Foreign authority to the Central Government under sections 14 and 15 of the Act.

2.27 To the contention of the Department about COA approving courses like B.Arch. (Interior Design), B.Arch. (Landscape Architecture), B.Arch.(Town Planning), B.Arch.(Building Engineering Management) for which other undergraduate courses are available, COA has pointed out that permission to run specialized B.Arch (Interior Design), B.Arch.(Construction Technology) etc. have been given jointly by COA and AICTE since 2001 when working under MoU. It has also been clarified that such specialized B.Arch. courses are only horizontal specializations in architecture and not separate degree courses unrelated to architecture and have been introduced in keeping with the current requirements and international trends.

2.28 Another shortcoming pointed out by the Department is regarding approval for Masters Programme and Doctoral Programmes being given by COA, inspite of it not being professionally equipped therefor. Response of COA is that Masters/Doctoral Programmes in Architecture are also recognised qualifications for the purposes of the Architects Act being prescribed as essential qualifications for faculty members of Architectural Institutions. It has been clarified further that only minimum standards have been prescribed in respect of such courses and neither such courses are being run by COA nor admissions to such courses being made by it.

2.29 Reported encroachment upon the autonomy of educational institutions/universities has been categorically denied by COA. It has been pointed out that prescription of minimum standards of architectural education required for granting recognized qualifications by institutions under the Act cannot be considered interference with autonomy of any institution/university.

2.30 Accounts of the Council not being audited by CAG was another lapse brought to the notice of the Committee. However, it has been clarified that annual accounts of the Council are being audited by an auditor duly appointed by the Council as per section 13 of the Act. Annual Report and Accounts of the Council are being published in the Gazette of India and also sent to the Central Government.

**2.31 The Committee feels that with regard to the shortcomings on the part of COA as reported in the preceding paragraphs, clarifications given by COA seem to be more or less satisfactory and convincing. However, in respect of some other deviations pointed out by the Department, action taken by COA does not seem to be justified.**

2.32 Committee's attention has been drawn to freezing of admission of institutions by COA on receipt of adverse inspection report and even before the same being put before its Executive Committee. Response of COA is that while under sections 21 and 45 of the Act, it has the power to prescribe the minimum standards of architectural education, it is undertaking inspections of institutions to oversee the maintenance of their standards and accordingly, sanctioning their intake. COA has taken the stand that some institutions have been placed under the 'No Admission' category or their intake frozen in the past so as to ensure maintenance of standards of architecture education.

2.33 Introduction of National Aptitude Test for Architecture (NATA) and making it compulsory for all institutions including IITs, NITs and Central Universities is another instance of COA exceeding its mandate cited by the Department. COA has pointed out that Regulation 4(3) of the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983 provides that the institutions may subject the candidates to aptitude tests. Further, introduction of NATA at national level as a single window admission test was done in the light of Supreme Court directive in P.A.Inamdar and others Vs.State of Maharashtra & others case. It has also been informed by COA that the issue whether NATA conducted by it can be mandatory or not and whether different admission authorities can conduct their own aptitude tests is sub-judice.

2.34 Reservations have been expressed by the Department on the establishment of the National Institute of Advanced Studies in Architecture (NIASA) by the Council. Clarification given by COA is that the Institute has no separate entity and is functioning as an academic unit of the Council. Training Programmes for teachers/professional Architects are being conducted by the Institute on voluntary basis.

2.35 Another serious deviation reported by the Department relates to issuing of guidelines by the Council and then enforcing these as Regulations without following the procedure prescribed under section 45 of the Act. Clarification given by COA is that under section 21 of the Act, it can prescribe minimum standards of architectural education. Accordingly, guidelines on various aspects of architectural education have been issued to give effect to the provisions of the Act and Regulations made thereunder. Various guidelines/standards prescribed by COA from time to time were consolidated in 2008 as additional and supplementary standards to the

Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983. These consolidated guidelines were never enforced as regulations.

2.36 Objections have also been raised on raising the retirement age of Registrar and other employees from 60 to 65 years by COA without the previous sanction of the Central Government. It has been clarified by COA that retirement age of all employees was revised by the Executive Committee, it being competent to prescribe service conditions under the Council of Architecture Regulations, 1982 which were duly approved by the Central Government before the same was implemented. Also, the revision of the retirement age was approved by the Executive Committee and also approved and subsequently ratified by the full Council where the nominee of the Central Government was also present.

**2.37 The Committee is not convinced by the arguments put forth by COA for taking pro-active action beyond its mandate against the architecture institutions. Equally disturbing is issuance of guidelines when only regulations can be notified by it, that too with the approval of the Central Government. The kind of justification given by COA for increasing the age of retirement of its employees is far from satisfactory as it is in direct contravention of specific provision, i.e. section 12 (c) of the Act. Similarly, establishment of NIASA can also be not considered an advisable action.**

2.38 The Committee is constrained to observe that generally when amendments in legislation are proposed to be made, specially after a long gap, the main objective is to carry out modifications in line with the changing requirements as also international trends. Problem areas faced in the implementation of such Acts are also targetted to be

**removed in such an exercise. However, in the present case, analysis of the elaborate feedback received both from the Department and COA has compelled the Committee to conclude that sheer lack of coordination between COA and the Department and also between COA and AICTE aggravated by the somewhat biased and self-centered handling of the ground realities by both the authorities has led to a very disturbing situation. The Committee can only express its sense of dismay.**

2.39 Committee's concern has been further increased after the analysis of another set of development taking place over the years. The Committee notes with grave concern that from the year 2000 onwards, conflict was there between the Council and AICTE, yet no effective steps could be taken for addressing the problem areas. The Committee observes that the AICTE was established in 1987 under the AICTE Act, 1987 whereas the Council of Architecture was already functioning since 1972 under the Architects Act, 1972. The AICTE being a regulatory body for technical education in the country and due to architectural education being included under technical education, AICTE came to play some role in architectural education as well.

2.40 The Committee has been informed that on this issue being raised by COA with the then Minister of HRD, it was mutually agreed upon that both the statutory bodies should enter into an MoU to jointly regulate the architectural education. Accordingly, COA and AICTE entered into an MoU in 1991 under which AICTE was to receive all proposals for granting recognition from institutions and forward them to COA which in turn would examine the proposals and send its expert committees to institutions to verify the maintenance of standards as prescribed by COA. Based on the recommendations of COA, AICTE was to issue appropriate approval. Both

the Councils were honouring all their commitments and there was no violation of MoU on either part. The last such MoU signed was on 5 July, 2001 for three years. However, on a review of this MoU by the Executive Committee of AICTE at its meeting held on 24 November, 2003, the same was terminated with immediate effect in accordance with Clause 8 of MoU. This fact was duly conveyed by AICTE to COA on 27 November, 2003. Thereafter, legal opinion of Additional Solicitor General of India and Attorney General of India with regard to status of COA vis-a-vis AICTE was sought by COA.

2.41 The Committee takes note of the following opinion given by the Attorney General of India on 24 December, 2003, endorsing the similar opinion given by the Additional Solicitor General of India:-

- Between the provisions of Central Acts, i.e. Architects Act, 1972 and AICTE Act, 1987, Architects Act shall govern the standards of architectural education and matters connected therewith.
- AICTE cannot take any decision which is contrary to or which marks a departure from the provisions of the Architects Act with regard to grant of recognition to an institution, in carrying out inspections, extension of approval, increase/reduction in intake etc.
- Architects Act, 1972 which is a Special Act will hold the field and will be fully operative notwithstanding the later provisions of AICTE Act, 1987 which are inconsistent with or make a departure from the 1972 Act.

2.42 The Committee has been informed by the Department that the opinion of the Attorney General was taken by COA on their own without making any reference to the Central Government. AICTE as well as Central Government were not heard in the matter. The Committee also finds that efforts were made by the Department in August, 2005 for having another

MoU broadly based on the earlier MoU of 2001 between COA and AICTE. However, COA did not find it feasible to enter into any MoU with AICTE. Since then, both the Councils have been functioning independently.

2.43 Committee's attention has also been drawn to a very large number of court cases going on in different courts of the country. On a specific query in this regard, COA has informed that presently around 72 court cases are pending in which either the Council is petitioner or one of the respondents. These cases relate to different matters pertaining to functioning and mandate of COA. In quite a few cases, Central Government is also a party. The Committee also observes that the cases between AICTE and COA have been clubbed by the Supreme Court with the direction that proceedings in different High Courts in the concerned cases, if not already disposed of, shall remain stayed till the disposal of Civil Appeal No.364 of 2005 and SLP (c) No.3964 of 2008. While Civil Appeal No.364 of 2005 is on the issue whether AICTE or COA will regulate the architectural education-challenging Bombay High Court Order, SLP (C) No.3964 of 2008 relates to conduct of NATA by COA.

2.44 The Committee also notes that as per the details furnished by the Department, the legal expenses of the Council incurred due to litigation from the period 1 April, 2007 to 18 September, 2008 are to the tune of Rs. 1,14,03,923/-. The Committee feels that this amount might have increased manifold from 2008 onwards. The very fact that a statutory body created by an Act of Parliament is involved in such a large number of court cases involving huge expenditure is a sad commentary on the state of affairs and is a cause of serious concern for the Committee.

2.45 The Committee notes that an Expert Group under the Chairmanship of Charles Correa was set up by the Government in November, 2008 which

submitted its report in January, 2009. The Expert Group made the following recommendations:-

- Government should invoke the powers given for the first two years under section 43 of the Act to issue order or advisory to the Council for taking remedial action to ensure that the rules and procedures laid down in the Act are being followed by the Council. It was, accordingly, suggested that proviso under section 43(1) of the Act be deleted.
- A Provision for setting up a Commission of Inquiry to look into allegations against the office-bearers and violations of the provisions of the Act and Rules/ Regulations framed thereunder be incorporated in the Architects Act, 1972 on the lines of the Indian Medical Council Act, 1956 and the Dentists Act, 1942.
- An autonomous Board of Architectural Education consisting of representatives from the Schools of Architecture, architectural profession, AICTE and the Council of Architecture be set up. All decisions taken by Board should be final, not reversible by the AICTE or Council of Architecture.

2.46 On being asked about the reasons for non-incorporation of recommendations of the Expert Group in the proposed Bill, the Committee was informed by the Department that power to remove difficulties as enshrined in section 43 gives more powers to the Central Government than the proposed power to issue directions. Unlike section 43, the present amendment does not include issue of directions which can vary the provisions of the Act by clarifying it. With regard to the recommendation for setting up a Board of Architectural Education, the Committee was given to understand that a decision has been taken to have an over-arching authority, i.e., National Commission for Higher Education and Research which will ultimately redefine the role of all Councils including COA. No response has been received with regard to having a provision for setting up of a Commission of Inquiry in the Act.



2.47 On a specific query about the assessment of COA on the aforesaid recommendations of the Expert Group, COA, while showing its reservations about the recommendations relating to power to remove difficulties and setting up a Board, has found merit in the provision for setting up a Commission of Inquiry.

**2.48 The Committee is not very happy about the response of the Department to the specific recommendations made by the Expert Group. The Committee would like to point out that a plain reading of section 43 clearly indicates that the Central Government has been given the power, with a view to removing any difficulty, to make provisions, not inconsistent with the provisions of the Act. The question of varying the provisions of the Act therefore, does not arise. Secondly, the Committee fails to understand the rationale for bringing in such amendments on one hand and not accepting the recommendation of the Expert Group for setting up a Board of Architectural Education, on the plea that a decision to have an over-arching body of higher education has already been taken. The Committee expresses its serious concern on this somewhat contradictory approach of the Department.**

2.49 The Committee was informed by the Department that the provision of issue of directions is available in section 20 of the UGC Act, section 20 of AICTE Act and in the new amendment introducing section 3 (c) of the Indian Medical Council Act, 1956 and section 30 (A) of the Chartered Accountant Act, 1949. Provision for supersession of the Council is available in section 21 of AICTE Act and section 3 (A) of IMC Act, 1956. On a comparative analysis of Acts governing professional bodies, the Committee feels that proposed amendments in the Architects Act, 1972 cannot be considered similar. While UGC Act,

**1956 (section 20), AICTE Act, 1987 (section 20), NCTE Act, 1993 (section 9) do have the power to give directions but they are restricted to only questions of policy. The Committee would like to draw the attention of the Department to section 20 of UGC Act, 1956:**

".....the Commission shall be guided by such directions on questions of policy relating to national purposes as may be given by the Central Government."

**2.50 The Committee observes that power to supersede a statutory body has been provided to the Central Government in respect of AICTE and NCTE and recently in the case of MCI. The Committee would like to point out that period of supersession in respect of these bodies is only one year, unlike two years proposed in respect of COA.**

**III** Committee's observations/recommendations on various clauses of the Bill are given in the succeeding paragraphs:-

**Clause 2: Section 6 : Terms of Office and casual vacancies**

3.1 Clause 2 of the Bill seeks to drop the words "or until his successor has been duly elected or nominated, whichever is later" from sub-section (1) of the section. It further seeks to insert sub-section (6) in the section as indicated below:

"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."

Section 6 of the Act which relates to terms of office and casual vacancies in the Council of Architecture provides that an elected or nominated member of the Council shall hold office for a term of three years or until his successor has been duly elected or nominated, whichever is later.

3.2 The Committee notes that the Central Government constitutes the

Council of Architecture under sub-section (1) of section 3 of the Act. Sub-section (3) of the section enumerates the composition of the Council which inter-alia includes five architects possessing recognized qualifications elected by the Indian Institute of Architects from among its members (a) two persons nominated by the All India Council for Technical Education; (b) five persons elected from among themselves by heads of architectural institutions in India imparting full time instruction for recognized qualifications; (c) the Chief Architects in the Ministries of Central Government to which the Government business relating to defence and railways has been allotted and the head of the Architectural Organization in the Central Public Works Department, ex-officio; (d) one person nominated by the Central Government; (e) an architect from each State nominated by the government of that State; (f) two persons nominated by the Institution of Engineers (India) from among its members and one person nominated by the Institutions of Surveyors of India from among its members. Section 4 provides that the President and the Vice-President of the Council are to be elected by the members of the Council from among themselves. The elected President and the Vice President hold office for a term of three years or till they cease to be member of the Council, whichever is earlier.

3.3. From the information made available by COA as well as the Department about the composition of the present Council along with the tenure of each member, the Committee could gather that the present Council has five members elected by Indian Institute of Architects, their membership effective from 14 June, 2004 and four members elected by Heads of Architectural Institutions in India, their membership effective from 9 August, 2004 with one vacancy in this category. Under the nominated category, there are members representing Ministry of Defence and CPWD

and a nominee of the Central Government. Ministry of Railways has remained unrepresented since 30 June, 1987. 21 State Governments were also being represented in the Council along with two nominees from the Institution of Engineers (India) and one nominee from the Institution of Surveyors of India. The Committee also noted that two nominees from the AICTE had not been accepted by the Council as per the legal advice. The Committee was also given to understand that there were no valid nominations in the Council from eleven State Governments.

3.4 On a specific query about eleven States/UTs remaining unrepresented, the Committee was informed by COA that nominations from States of Gujarat, Uttarakhand, NCT of Delhi, Kerala, Himachal Pradesh, J & K, UT of Daman & Diu, UT of Dadra and Nagar Haveli have not been received. With regard to nominations received from Tamil Nadu and Bihar, clarifications have been sought from the State Governments by COA.

**3.5 The Committee also notes that the matter of nomination of two persons by AICTE is at present sub-judice before Delhi High Court for the last three years. Basis of this court case is nomination made by AICTE under section 3(3) (b) not being accepted by COA. The Committee is surprised to note that a very technical objection relating to status of AICTE as a statutory body not being updated in this section has been raised by COA. What is more surprising, is that this fact drew the attention of COA after a gap of about twenty years. AICTE became a statutory body under AICTE Act, 1987. Prior to that, it was a body established by a Government Resolution dated 30 November, 1945. The Committee is constrained to observe that the rightful course of action was initiated neither by the AICTE nor by the Department. This technical amendment continues to be missing from proposed legislation**

**also. The Committee, therefore, recommends that necessary amendments may be carried out in this regard.**

3.6 The Committee notes that as per the provisions of section 6(1) of the Act, an elected or nominated member is to hold office for a term of three years and according to the provisions of section 4(2), an elected President or Vice-President of the Council shall also hold office for a term of three years. The Department has proposed the amendment in section 6 because the elected members and office bearers of the Council have been continuing to occupy the position since 2004, taking advantage of the words “ until his successor has been duly elected or nominated which ever is later” in section 6. The Department’s argument in favour of the proposed amendment is that the amendment will ensure that the elected or nominated members and the office bearers of the Council do not continue beyond three years and that before the expiry of three years, the nomination and election procedure is completed and the new Council is in office.

3.7 Committee's attempt to understand the factors responsible for elections for members under Section 3 (a) and 3(c) and for President and Vice-President under section 4 (1) being unduly delayed revealed very disturbing facts.

3.8 President of the Council during his deposition before the Committee denied vehemently that elected members have been continuing as members beyond their three year term deliberately. It was contended that the existing members elected as per the provisions of section 3(3) (a) and 3(3) (c) of the Act, were made to continue upon completion of three year term in accordance with section 6(1) of the Act as their successors have not been elected. As for the elections of the members and also for the posts of President and Vice-President of the Council, it was stated that the procedure

for election was to be initiated by the Returning Officer appointed by the Central Government. It was the duty of the Returning Officer to conduct elections and the Council was not directly connected with the conduct of elections. Committee's attention was also drawn to repeated requests made by COA from 2006 onwards to the Department for conducting elections expeditiously. Last such request was made by the Council on 22 March, 2010. Reference was also made about issue of conduct of election of members under section 3 (3) (a) by the Indian Institute of Architects being sub-judice. Objections were also raised on the amendments carried out in the Council of Architecture Rules, 1973 by the Department in June, 2009 taking over all the powers to conduct elections.

3.9 Details furnished by the Department have revealed an entirely different position. Committee was informed that elections under section 3 (3) (a) were duly held by the Secretary, Indian Institute of Architects as per Rules 3 and 4 of the Council of Architecture Rules, 1973. The procedure followed was identical to the one followed since the very inception of the COA. However, one person from Tamil Nadu Chapter of IIA filed a Writ Petition before the Single Judge Bench in the Madras High Court where it was said that the Returning Officer for this election should also be appointed by the Central Government. Single Bench Judge ruled in their favour. COA also had taken up the same position. However, Division Bench of the Madras High Court set aside the judgement. Thereafter, an SLP was filed by the Tamil Nadu Chapter of IIA in the Supreme Court. Another SLP was filed by COA challenging the judgement of the Division Bench of Madras High Court. Central Government has taken the position that the elections have been conducted in accordance with Rules 3 and 4 of the Council of Architecture Rules, 1973 and is filing affidavit in this regard. Committee

was further informed that so far as election under section 3 (3) (c) of the Act is concerned, the two Returning Officers appointed by the Department were told by the COA that the action of the Returning Officers to find out the names of the voters was not acceptable and such elections would not be acceptable. Committee also took note of the fact that a writ petition has been filed against the amendments carried out in the Council of Architecture Rules, 1973 on 1 July, 2009 by a member of COA in Delhi High Court and Parliamentary Committee on Subordinate legislation has also been approached in this regard.

**3.10 The Committee notes that a total number of ten elected members are required to be there in the Council in terms of section 3(3) (a) and 3 (3) (c) of the Act and that rest of the members of the Council are nominated members. It is factually correct to say that elections for elected members were last held in 2004. Further, both the Department and the Council have been taking conflicting stands for the conduct of elections holding the other party responsible.**

**3.11 The Committee would like to point out that there are very specific provisions regarding conduct of elections under Rules 3 and 6 of the Council of Architecture Rules 1973. Rule 3.1 dealing with 'Representatives of the Indian Institute of Architects' says that**

**“ the President shall, not later than sixty days before the date of occurrence of vacancy by the expiry of the term of office of a member, send intimation thereof to Central Government who shall, not later than forty five days before the date of occurrence of the vacancy, forward a notice by registered post to the Secretary of the Indian Institute of Architects requesting him to hold an election by a date not later than the date specified in the notice.”**

**Similar provisions are there in case of vacancies under section 4 (1) and (2) of the Act. From the above, it is clear that both the President of the Council and the Central Government are jointly responsible for conducting the elections. Further, so far as elections under section 3(3)(c) are concerned, Rule 6 stipulates that :-**

**“The Returning Officer shall call upon the head of architectural institutions in India to elect such number of members as are referred to in clause (c) of sub-section (3) of section 3 and in the case of first election, five members shall be elected.”**

**It is also very clear from the Rules that the Returning Officer is to be appointed by the Central Government.**

**3.12 The Committee further takes note of the fact that these rules were amended by the Central Government in 2009. The amended rules provided for conduct of elections by the Central Government where the President fails to inform the Central Government regarding occurrence of a vacancy or if the Central Government is of the opinion that the vacancy has occurred. The amended rules further provided for filling up of the vacancies under section 3(3) (c) of the Act by the Central Government by notifying the vacancies in the Official Gazette and requesting the Returning Officer to hold elections by the date specified in the notice. The Committee fails to understand as to why inspite of having all the powers the Central Government failed to conduct the elections for the ten elected members, and notify the same.**

**3.13 It is ironical that inspite of the clear provisions under the Act and Rules, the well-established procedure for conduct of elections could not be adhered to, due to a number of undesirable and somewhat pre-meditated developments by all the concerned authorities. Every small**



issue related to elections being dragged to Courts on technical grounds depicts a very disturbing state of affairs. Feeling of helplessness on the part of the Department inspite of having all the authority for conducting elections under the Act and the Rules framed by it indicates a very unsatisfactory level of handling the uncalled for developments by the Department. The Committee finds it very surprising that nobody took the initiative to take the benefit of section 5 (2) whereunder in case of any dispute regarding election arising, the matter has to be referred by the Council to a Tribunal appointed by the Central Government and decision of the Tribunal shall be final. Had this provision been enforced, need for approaching the Courts would not have arisen.

3.14 The Committee also strongly feels that instead of there being an element of co-ordination and positive approach, under current of one-manupship has been very dominant in the recent years in their dealing with each other, both by COA and the Department. The Committee finds it difficult to agree to the Department's contention that the present Council did not allow the Returning Officer to conduct elections as it feels that under the Rules, the Returning Officer is endowed with sufficient powers so much so that it is the Returning Officer who decides as to whether a person is or is not entitled to vote or to stand for election.

3.15 The Committee would like to place on record that it agrees with the basic intent of the legislation that there should be timely elections/nominations in the Council. The Committee would rather appreciate if a free and fair process of election or nomination of the Members of the Council is ensured. However, it apprehends whether the proposed amendment in section 6(1) only would achieve this.

**Further, the Committee feels that it may lead to a vacuum in the Council of Architecture if elections/nominations are not held due to some reasons as with the proposed amendment, the present incumbent would be required to go out immediately after the expiry of three years whereas the Council of Architecture is supposed to be a permanent body. Secondly this would be inconsistent with the proposed sub-section (6) which provides that unless the names and addresses of the elected/nominated members of the Council are notified by the Central Government, a person would not become a member of the Council. The Committee feels that the proposed changes in sub-section (1) and new proposed sub-section (6) are needed to be made consistent and there should be clear provision obligatory on the Central Government to notify the names within the stipulated time frame of 15 days.**

3.16 The Committee would also like to point out that there is one more provision in the Architects Act which may still allow the President and Vice-President of the Council to continue in the office beyond the period of three years which has been overlooked by the Department. Section 4(2) (b) relating to 'President and Vice-President of Council' of the Act provides that :

4 (2) (b) “the President or the Vice President shall, notwithstanding the expiry of this term of three years, continue to hold office until his successor enters upon office.”

The Committee is of the view that along with section 6, the above provision also needs to be suitably amended to make the provisions consistent and also to ensure the continuity in the Office of the President and Vice-President of COA.

#### **IV Clause 3: Section 10 A: Directions by Central Government**

4.1 Clause 3 of the Bill seeks to insert new section 10 A in the Act providing for issuing of Directions by the Central Government to the Council of Architecture in public interest. The section further stipulates that such directions may include requiring the Council

(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

(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.

4.2 According to the Department, the main objective of the proposed amendment is to issue directions to the Council of Architecture to make amendment in regulations, if any required, within such period as may be specified in the directions. It was clarified by the Department that for other works, the power to issue directions is limited to giving priority for the work to be undertaken by the Council and that it is not meant for interfering in day to day functioning of the Council. The Department stated that safeguards are there in the provision itself as the Central Government is required to give reasons for such directions and communicate the same to the Council.

4.3 On being enquired from the Department if the directions to make or amend regulations in the proposed provisions are contrary to section 45 of the Act which empower the Council to make regulation with the prior

approval of the Central Government, the Department replied that the provision is not contrary to section 45. It was clarified that the Central Government while amending or modifying the regulations made under section 45 would follow the prescribed procedure in the section.

**4.4 The Committee notes that the Council of Architecture had serious reservations on the proposed amendments. According to the Council, it has no objection in receiving any directions from the Central Government on any policy matter. The purpose of directions given by Central Government can prove beneficial only if they are policy matters but if directions are intended to interfere in day to day functioning of a statutory body, then such directions could prove counter productive. The Council strongly contended that the proposed power to be given to the Central Government to direct a statutory body to make or amend its Regulations or to make, amend or revoke any regulation framed by that statutory body can only be considered an extra-ordinary, arbitrary, unguided and uncontrolled executive power adversely impacting the autonomy and day to day functioning of the Council. Similarly, the power to issue direction to give priority of work is also likely to go against the autonomy of a statutory body.**

**4.5 The Committee finds substance in the contention of the Council. The Committee also takes note of the fact that in other statutory bodies like UGC, MCI, Dental Council, Indian Nursing Council, Central Government has been vested with the power to issue direction only on policy issues or to resolve disputes in election. The Committee would also like to point out that the proposed provision under section 10A is in contravention of regulation making power given to the Council under section 45. Not only this, these Regulations are to**

**be made by the Council only in consultation with Central Government and to be laid in Parliament thereby ensuring their scrutiny by Parliament. The Committee is of the opinion that the proposed provision under section 10 A is uncalled for and liable to raise complication in future in view of section 45. The Committee, therefore, recommends that this provision may be suitably revised so as to give powers to the Central Government to give directions only on policy matters.**

**V Clause 3: Section 10 B: Power to supersede Council**

5.1 Proposed section 10B gives the power to the Central Government to supersede the Council of Architecture for a 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 its by or under Architects Act, 1972 or has exceeded or abused its powers or has willfully or without sufficient cause failed to comply with any direction issued by the Central Government.

5.2 This amendment was discussed in depth by the Committee. The Committee drew the attention of the Department towards a number of basic drawbacks inherent in the power to supersede a statutory body. It was pointed out that grounds cited for superseding the COA being very sweeping, general and vague in nature, every possibility was there when invoking of such powers may not be justified or liable to be misused. Secondly, superseding of a professional body having State representatives and experts nominated/elected by professional institutions and Ministries, cannot be considered a democratic move, that too for a period extending to two years. Lastly, replacement of such a body by person or persons as directed by the Central Government was also not found acceptable.

5.3 On these apprehensions being taken up with the Department, attention of the Committee was drawn to similar provisions provided for other statutory bodies like AICTE and MCI. It was also emphasized that the Central Government was well aware that such notification of supersession would not only be subject to judicial review but reasonable time would be given to COA to show cause as to why it should not be superseded.

**5.4 The Committee is not inclined to accept the justification given by the Department. The fact that similar provision already exists in respect of other similar professional bodies also does not seem to be a well-placed argument. It is a well known fact that inspite of Councils like NCTE and AICTE having a similar provision, such a provision has not acted as a deterrent to misuse of powers by these bodies.**

**5.5 The Committee is of the firm opinion that with the proposed powers to be given under section 10 A and 10 B, situation is not likely to improve so far as COA is concerned. Against the backdrop of such a large number of court cases going on at present, existing very apparent element of confrontation is undoubtedly going to aggravate further. The Committee strongly feels that instead of such an amendment, provision relating to power to refer to a Commission of Inquiry on the failure of COA to comply with the provisions of the Act can be incorporated in the Act. This recommendation has already been made by the Expert Group set up by the Government. The Committee fails to understand the reservation of the Department in accepting such a recommendation made by the Expert Group.**

**5.6 The Committee would like to point out that with the proposed amendments relating to term of three years for the members of the Council, with no chance of further extension, functioning of COA is**

**definitely going to be streamlined. The Committee also observes that the role of the Central Government is well crafted in the Architects Act, 1972. Right from constitution of COA (section 3.1), it is reflected in appointment of Tribunal (Section 5 (2), fixation of pay and allowances and other conditions of service of employees [section 12 (1) (5)], investment of funds [section 13 (2)], recognition of qualification granted by authorities in India (section 14), recognition of architectural qualifications granted by authorities in foreign countries (section 15), power to amend Schedule (section (16), withdrawal of recognition (section 20), renewal of fees (section 27), restoration of Register (section 32), information to be furnished by the Council (section 40), power to remove difficulties (section 43), power to make rules (section 44) and approval to make regulations to be framed by the Council (Section 45). Contention of the Department that in the absence of power to issue directions to the Council, the aforesaid manifold functions and powers assigned to the Central Government could not be carried out as the advisories given to the Council were not acceded to by the COA is simply not acceptable to the Committee. The Committee can only conclude that inspite of well-enshrined and well-established powers and functions of both the Council and the Department in the Act as well as the regulations and rules made thereunder, somewhere in the atmosphere of confrontation, the spirit behind the Act of 1972, i.e., propagation of professional education in the field of architecture was simply side-lined by all concerned.**

**5.7 The Committee has also taken note of the fact that there is an urgent need for bringing in comprehensive amendments in the Architects Act, 1972 in line with the advancements made specially**

during the recent years. Both the Council and the Department are in favour of such a move. Not only this, the Committee is also aware of the fact that a legislation for having an over-arching Commission for Higher Education and Research whereunder all the statutory bodies like Council of Architecture are likely to be subsumed is going to be brought very soon by the Government. Lastly, there are a number of issues like role of Council *vis-a-vis* AICTE, conduct of elections to the Council, various actions taken by COA which are at present sub-judice. In such a scenario, the Committee is constrained to observe that the proposed legislation which can only be considered a short-term measure is not an advisable move on the part of the Department.

5.8 The Committee observes that architecture education and profession being very specialized, there is a need for giving protection to architects from legal and professional liabilities. Secondly, in view of increasing number of foreign architects practising in the country, a mechanism can be evolved for having mutual exchange of Indian architects with foreign architects. Lastly, a healthy atmosphere of co-ordination between architecture education and profession is required to be built up. The Committee would appreciate if all these aspects are taken care of whenever a new comprehensive legislation is brought forward.

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## **OBSERVATIONS/RECOMMENDATIONS-AT A GLANCE**

### **II Background of the Bill**

The Committee takes note of a large number of objections/reservations raised by the Department with regard to the functioning of COA which have necessitated the proposed legislation. Reservations have also been expressed by COA on the approach of the Department. Analysis of all the documents brought before it as well as its interaction with the Department and stakeholders makes it very clear to the Committee that situation is far from satisfactory. Indicators like the regulatory body feeling victimized and the nodal Department conveying a sense of helplessness cannot be considered an ideal position.

(Para 2.25)

The Committee feels that with regard to the shortcomings on the part of COA as reported in the preceding paragraphs, clarifications given by COA seem to be more or less satisfactory and convincing. However, in respect of some other deviations pointed out by the Department, action taken by COA does not seem to be justified.

(Para 2.31)

The Committee is not convinced by the arguments put forth by COA for taking pro-active action beyond its mandate against the architecture institutions. Equally disturbing is issuance of guidelines when only regulations can be notified by it, that too with the approval of the Central Government. The kind of justification given by COA for increasing the age of retirement of its employees is far from satisfactory

**as it is in direct contravention of specific provision, i.e. section 12 (c) of the Act. Similarly, establishment of NIASA can also be not considered an advisable action. (Para 2.37)**

**The Committee is constrained to observe that generally when amendments in legislation are proposed to be made, specially after a long gap, the main objective is to carry out modifications in line with the changing requirements as also international trends. Problem areas faced in the implementation of such Acts are also targetted to be removed in such an exercise. However, in the present case, analysis of the elaborate feedback received both from the Department and COA has compelled the Committee to conclude that sheer lack of coordination between COA and the Department and also between COA and AICTE aggravated by the somewhat biased and self-centered handling of the ground realities by both the authorities has led to a very disturbing situation. The Committee can only express its sense of dismay. (Para 2.38)**

**The Committee is not very happy about the response of the Department to the specific recommendations made by the Expert Group. The Committee would like to point out that a plain reading of section 43 clearly indicates that the Central Government has been given the power, with a view to removing any difficulty, to make provisions, not inconsistent with the provisions of the Act. The question of varying the provisions of the Act therefore, does not arise. Secondly, the Committee fails to understand the rationale for bringing in such amendments on one hand and not accepting the recommendation of the**

**Expert Group for setting up a Board of Architectural Education, on the plea that a decision to have an over-arching body of higher education has already been taken. The Committee expresses its serious concern on this somewhat contradictory approach of the Department. (Para 2.48)**

**The Committee was informed by the Department that the provision of issue of directions is available in section 20 of the UGC Act, section 20 of AICTE Act and in the new amendment introducing section 3 (c) of the Indian Medical Council Act, 1956 and section 30 (A) of the Chartered Accountant Act, 1949. Provision for supersession of the Council is available in section 21 of AICTE Act and section 3 (A) of IMC Act, 1956. On a comparative analysis of Acts governing professional bodies, the Committee feels that proposed amendments in the Architects Act, 1972 cannot be considered similar. While UGC Act, 1956 (section 20), AICTE Act, 1987 (section 20), NCTE Act, 1993 (section 9) do have the power to give directions but they are restricted to only questions of policy. The Committee would like to draw the attention of the Department to section 20 of UGC Act, 1956:**

**".....the Commission shall be guided by such directions on questions of policy relating to national purposes as may be given by the Central Government."**

**(Para 2.49)**

**The Committee observes that power to supersede a statutory body has been provided to the Central Government in respect of AICTE and NCTE and recently in the case of MCI. The Committee would like to point out that period of supersession in respect of these bodies is only one year, unlike two years proposed in respect of COA. (Para 2.50)**

### **III Clause 2: Section 6 : Terms of Office and casual vacancies**

**The Committee also notes that the matter of nomination of two persons by AICTE is at present sub-judice before Delhi High Court for the last three years. Basis of this court case is nomination made by AICTE under section 3(3) (b) not being accepted by COA. The Committee is surprised to note that a very technical objection relating to status of AICTE as a statutory body not being updated in this section has been raised by COA. What is more surprising, is that this fact drew the attention of COA after a gap of about twenty years. AICTE became a statutory body under AICTE Act, 1987. Prior to that, it was a body established by a Government Resolution dated 30 November, 1945. The Committee is constrained to observe that the rightful course of action was initiated neither by the AICTE nor by the Department. This technical amendment continues to be missing from proposed legislation also. The Committee, therefore, recommends that necessary amendments may be carried out in this regard. (Para 3.5)**

**The Committee notes that a total number of ten elected members are required to be there in the Council in terms of section 3(3) (a) and 3 (3) (c) of the Act and that rest of the members of the Council are nominated members. It is factually correct to say that elections for elected members were last held in 2004. Further, both the Department and the Council have been taking conflicting stands for the conduct of elections holding the other party responsible. (Para 3.10)**

**The Committee would like to point out that there are very specific provisions regarding conduct of elections under Rules 3**

**and 6 of the Council of Architecture Rules 1973. Rule 3.1 dealing with 'Representatives of the Indian Institute of Architects' says that**

**“ the President shall, not later than sixty days before the date of occurrence of vacancy by the expiry of the term of office of a member, send intimation thereof to Central Government who shall, not later than forty five days before the date of occurrence of the vacancy, forward a notice by registered post to the Secretary of the Indian Institute of Architects requesting him to hold an election by a date not later than the date specified in the notice.”**

**Similar provisions are there in case of vacancies under section 4 (1) and (2) of the Act. From the above, it is clear that both the President of the Council and the Central Government are jointly responsible for conducting the elections. Further, so far as elections under section 3(3)(c) are concerned, Rule 6 stipulates that :-**

**“The Returning Officer shall call upon the head of architectural institutions in India to elect such number of members as are referred to in clause (c) of sub-section (3) of section 3 and in the case of first election, five members shall be elected.”**

**It is also very clear from the Rules that the Returning Officer is to be appointed by the Central Government. (Para 3.11)**

**The Committee further takes note of the fact that these rules were amended by the Central Government in 2009. The amended rules provided for conduct of elections by the Central Government where the President fails to inform the Central Government regarding occurrence of a vacancy or if the Central Government is of the opinion that the vacancy has occurred. The amended rules further provided for filling**

**up of the vacancies under section 3(3) (c) of the Act by the Central Government by notifying the vacancies in the Official Gazette and requesting the Returning Officer to hold elections by the date specified in the notice. The Committee fails to understand as to why inspite of having all the powers the Central Government failed to conduct the elections for the ten elected members, and notify the same. (Para 3.12)**

**It is ironical that inspite of the clear provisions under the Act and Rules, the well-established procedure for conduct of elections could not be adhered to, due to a number of undesirable and somewhat pre-meditated developments by all the concerned authorities. Every small issue related to elections being dragged to Courts on technical grounds depicts a very disturbing state of affairs. Feeling of helplessness on the part of the Department inspite of having all the authority for conducting elections under the Act and the Rules framed by it indicates a very unsatisfactory level of handling the uncalled for developments by the Department. The Committee finds it very surprising that nobody took the initiative to take the benefit of section 5 (2) whereunder in case of any dispute regarding election arising, the matter has to be referred by the Council to a Tribunal appointed by the Central Government and decision of the Tribunal shall be final. Had this provision been enforced, need for approaching the Courts would not have arisen. (Para 3.13)**

**The Committee also strongly feels that instead of there being an element of co-ordination and positive approach, under current of one-manupship has been very dominant in the recent years in their dealing with each other, both by COA and the Department. The Committee**

**finds it difficult to agree to the Department's contention that the present Council did not allow the Returning Officer to conduct elections as it feels that under the Rules, the Returning Officer is endowed with sufficient powers so much so that it is the Returning Officer who decides as to whether a person is or is not entitled to vote or to stand for election.** (Para 3.14)

**The Committee would like to place on record that it agrees with the basic intent of the legislation that there should be timely elections/nominations in the Council. The Committee would rather appreciate if a free and fair process of election or nomination of the Members of the Council is ensured. However, it apprehends whether the proposed amendment in section 6(1) only would achieve this. Further, the Committee feels that it may lead to a vacuum in the Council of Architecture if elections/nominations are not held due to some reasons as with the proposed amendment, the present incumbent would be required to go out immediately after the expiry of three years whereas the Council of Architecture is supposed to be a permanent body. Secondly this would be inconsistent with the proposed sub-section (6) which provides that unless the names and addresses of the elected/nominated members of the Council are notified by the Central Government, a person would not become a member of the Council. The Committee feels that the proposed changes in sub-section (1) and new proposed sub-section (6) are needed to be made consistent and there should be clear provision obligatory on the Central Government to notify the names within the stipulated time frame of 15 days.**

(Para 3.15)

#### **IV Clause 3: Section 10 A: Directions by Central Government**

**The Committee notes that the Council of Architecture had serious reservations on the proposed amendments. According to the Council, it has no objection in receiving any directions from the Central Government on any policy matter. The purpose of directions given by Central Government can prove beneficial only if they are policy matters but if directions are intended to interfere in day to day functioning of a statutory body, then such directions could prove counter productive. The Council strongly contended that the proposed power to be given to the Central Government to direct a statutory body to make or amend its Regulations or to make, amend or revoke any regulation framed by that statutory body can only be considered an extra-ordinary, arbitrary, unguided and uncontrolled executive power adversely impacting the autonomy and day to day functioning of the Council. Similarly, the power to issue direction to give priority of work is also likely to go against the autonomy of a statutory body. (Para 4.1)**

**The Committee finds substance in the contention of the Council. The Committee also takes note of the fact that in other statutory bodies like UGC, MCI, Dental Council, Indian Nursing Council, Central Government has been vested with the power to issue direction only on policy issues or to resolve disputes in election. The Committee would also like to point out that the proposed provision under section 10A is in contravention of regulation making power given to the Council under section 45. Not only this, these Regulations are to be made by the Council only in consultation with Central Government and to be laid in**



**Parliament thereby ensuring their scrutiny by Parliament. The Committee is of the opinion that the proposed provision under section 10 A is uncalled for and liable to raise complication in future in view of section 45. The Committee, therefore, recommends that this provision may be suitably revised so as to give powers to the Central Government to give directions only on policy matters. (Para 4.2)**

**V Clause 3: Section 10 B: Power to supersede Council**

**The Committee is not inclined to accept the justification given by the Department. The fact that similar provision already exists in respect of other similar professional bodies also does not seem to be a well-placed argument. It is a well known fact that inspite of Councils like NCTE and AICTE having a similar provision, such a provision has not acted as a deterrent to misuse of powers by these bodies. (Para 5.4)**

**The Committee is of the firm opinion that with the proposed powers to be given under section 10 A and 10 B, situation is not likely to improve so far as COA is concerned. Against the backdrop of such a large number of court cases going on at present, existing very apparent element of confrontation is undoubtedly going to aggravate further. The Committee strongly feels that instead of such an amendment, provision relating to power to refer to a Commission of Inquiry on the failure of COA to comply with the provisions of the Act can be incorporated in the Act. This recommendation has already been made by the Expert Group set up by the Government. The Committee fails to understand the reservation of the Department in accepting such a recommendation made by the Expert Group. (Para 5.5)**

**The Committee would like to point out that with the proposed amendments relating to term of three years for the members of the Council, with no chance of further extension, functioning of COA is definitely going to be streamlined. The Committee also observes that the role of the Central Government is well crafted in the Architects Act, 1972. Right from constitution of COA (section 3.1), it is reflected in appointment of Tribunal (Section 5 (2), fixation of pay and allowances and other conditions of service of employees [section 12 (1) (5)], investment of funds [section 13 (2)], recognition of qualification granted by authorities in India (section 14), recognition of architectural qualifications granted by authorities in foreign countries (section 15), power to amend Schedule (section (16), withdrawal of recognition (section 20), renewal of fees (section 27), restoration of Register (section 32), information to be furnished by the Council (section 40), power to remove difficulties (section 43), power to make rules (section 44) and approval to make regulations to be framed by the Council (Section 45). Contention of the Department that in the absence of power to issue directions to the Council, the aforesaid manifold functions and powers assigned to the Central Government could not be carried out as the advisories given to the Council were not acceded to by the COA is simply not acceptable to the Committee. The Committee can only conclude that inspite of well-enshrined and well-established powers and functions of both the Council and the Department in the Act as well as the regulations and rules made thereunder, somewhere in the atmosphere of confrontation, the spirit behind the Act of 1972, i.e.,**

**propagation of professional education in the field of architecture was simply side-lined by all concerned. (Para 5.6)**

**The Committee has also taken note of the fact that there is an urgent need for bringing in comprehensive amendments in the Architects Act, 1972 in line with the advancements made specially during the recent years. Both the Council and the Department are in favour of such a move. Not only this, the Committee is also aware of the fact that a legislation for having an over-arching Commission for Higher Education and Research whereunder all the statutory bodies like Council of Architecture are likely to be subsumed is going to be brought very soon by the Government. Lastly, there are a number of issues like role of Council *vis-a-vis* AICTE, conduct of elections to the Council, various actions taken by COA which are at present sub-judice. In such a scenario, the Committee is constrained to observe that the proposed legislation which can only be considered a short-term measure is not an advisable move on the part of the Department. (Para 5.7)**

**The Committee observes that architecture education and profession being very specialized, there is a need for giving protection to architects from legal and professional liabilities. Secondly, in view of increasing number of foreign architects practising in the country, a mechanism can be evolved for having mutual exchange of Indian architects with foreign architects. Lastly, a healthy atmosphere of co-ordination between architecture education and profession is required to be built up. The Committee would appreciate if all these aspects are taken care of whenever a new comprehensive legislation is brought forward. (Para 5.8)**

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# MINUTES

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**VII  
SEVENTH-MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Tuesday, the 9<sup>th</sup> November, 2010 in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

**RAJYA SABHA**

1. Shri Oscar Fernandes - Chairman
2. Shri Prakash Javadekar
3. Shri M. Rama Jois
4. Shri Pramod Kureel
5. Shri N. K. Singh
6. Shrimati Kanimozhi
7. Dr. Janardhan Waghmare
8. Shri N. Balaganga

**LOK SABHA**

9. Shri Kirti Azad
10. Shri P.K.Biju
11. Shri Jeetendrasingh Bundela
12. Shrimati J. Helen Davidson
13. Shri Rahul Gandhi
14. Shri Deepender Singh Hooda
15. Shri P.Kumar
16. Shri Prasanta Kumar Majumdar
17. Capt. Jai Narain Prasad Nishad
18. Shri P. Vishwanathan

## **LIST OF WITNESSES**

### **DEPARTMENT OF HIGHER EDUCATION**

1. Smt. Vibha Puri Das, Secretary Higher Education;
2. Sh. N.K. Sinha, Additional Secretary, Ministry of HRD;
3. Sh. N.K. Nampoothiry, Additional Secretary, Legislative Deptt.;
4. Sh. Amit Khare, Joint Secretary, Deptt. Of Higher Education;
5. Prof. E.F.N. Ribeiro, Chairman School of Planning & Architecture, Bhopal;
6. Dr. Shovan K. Saha, Director, School of Planning & Architecture, Vijayawada;
7. Ar. J.R. Bhalla, Former President of Council of Architecture;
8. Ar. K. Rajagopalan, Eminent Architect and Member of Council of Architect;
9. Ar. Vijay Garg, Jt. Hony, Secretary, Indian Institute of Architecture;
10. Prof. S. M. Akhtar, Dean, Faculty of Architecture, Jamia Milia Islamia University;
11. Prof. N.S. Gopalkrishnan, MHRD IPR Chair, CUSAT, Cochin;
12. Dr. Harvinder Singh, Director, Ministry of HRD;
13. Sh. G.R. Raghavender, Director, Deptt. Of Higher Education;
14. Sh. B.K. Bhadri, Assistant Educational Advisor, MHRD; and
15. Sh. K.K. Mishra, Consultant, MHRD.

### **SECRETARIAT**

Smt. Vandana Garg, Additional Secretary  
Shri J. Sundriyal, Director  
Shri Arun Sharma, Joint Director  
Shri Sanjay Singh, Assistant Director  
Smt. Himanshi Arya, Committee Officer  
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee which was convened to hear the views of the Secretary, Department of Higher Education on the the Architects (Amendment) Bill, 2010. \*\* \*\* \*

3.      \*\*    \*\*    \*\*

4.      Thereafter, the Committee heard the views of the Secretary, Department of Higher Education alongwith other experts/academicians from the field of architecture on the Architects (Amendment) Bill, 2010. The Chairman and members sought clarifications to which the Secretary replied to. The Committee decided to send and questionnaire to the Department of Higher Education for detailed response.

5.      A verbatim record of the proceedings was kept.

6.      The Committee then adjourned at 5.45 p.m.

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\*\* Relates to other matter

## **VIII EIGHTH-MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Thursday, the 18<sup>th</sup> November, 2010 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

### **MEMBERS PRESENT**

#### **RAJYA SABHA**

1. Shri Oscar Fernandes - Chairman
2. Dr. K. Keshava Rao
3. Shri Prakash Javadekar
4. Shri M. Rama Jois
5. Shri Pramod Kureel
6. Shri N. Balaganga

#### **LOK SABHA**

7. Shri P.K.Biju
8. Shri Suresh Chanabasappa Angadi
9. Shri Deepender Singh Hooda
10. Shri Joseph Toppo
11. Dr. Vinay Kumar Pandey 'Vinnu'

### **LIST OF WITNESSES**

#### **REPRESENTATIVES OF THE COUNCIL OF ARCHITECTURE**

1. Prof. Vijay Shrikrishna Sohoni, President, Council of Architecture
2. Prof. Uday Chandrakant Gadkari, Member, Council of Architecture
3. Prof. Inderjit Singh Bakshi, Member, Council of Architecture
4. Shri Prakash Deshmukh, Member, Council of Architecture
5. Mr. Bharat Thakordas Sheth, Member, Council of Architecture



## SECRETARIAT

Smt. Vandana Garg, Additional Secretary  
Shri Arun Sharma, Joint Director  
Shri Sanjay Singh, Assistant Director  
Smt. Himanshi Arya, Committee Officer  
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the members to the meeting of the Committee convened for hearing the views of the representatives of the Council of Architecture on various provisions of the Architects (Amendment) Bill, 2010.

\*\* \*\* \*\*

3. \*\* \*\*

4. The Committee, then, heard the views of the representatives of the Council of Architecture on the various provisions of the Architects (Amendment) Bill, 2010, problem areas in the functioning of the Council and the comprehensive changes required in the Architects Act, 1972 and other allied issues. The Chairman and members raised certain queries which the President of the Council replied to. The Committee decided to send a questionnaire to the Council for their detailed replies within three days.

(The witnesses then withdrew)

5. \*\* \*\*

6. A verbatim record of the proceedings was kept.

7. The Committee then adjourned at 4.45 p.m. to meet again on Thursday, the 25<sup>th</sup> November, 2010.

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\*\* Relates to other matters

**XI**  
**ELEVENTH-MEETING**

The Committee on Human Resource Development met at 3.30 p.m. on Tuesday, the 21<sup>st</sup> December, 2010 in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

**RAJYA SABHA**

1. Shri Oscar Fernandes - Chairman
2. Shrimati Mohsina Kidwai
3. Dr. K. Keshava Rao
4. Shri Prakash Javadekar
5. Shri M. Rama Jois
6. Shri Pramod Kureel
7. Shri N.K. Singh
8. Shrimati Kanimozhi

**LOK SABHA**

9. Shrimati J. Helen Davidson
10. Shri Deepender Singh Hooda
11. Shri P. Kumar
12. Shri Sheesh Ram Ola
13. Shri Joseph Toppo
14. Shri Madhu Goud Yaskhi

**I. LIST OF WITNESSES ON THE ARCHITECTS (AMENDMENT)  
BILL, 2010**

**REPRESENTATIVES OF ALL INDIA COUNCIL FOR TECHNICAL  
EDUCATION**

- (i) Professor S.S. Mantha, Chairman, AICTE
- (ii) Dr. (Col.) M.K. Hada, Member-Secretary, AICTE

**II. LIST OF WITNESSES ON THE PROHIBITION OF UNFAIR PRACTICES IN TECHNICAL EDUCATIONAL INSTITUTIONS, MEDICAL EDUCATIONAL INSTITUTIONS AND UNIVERSITIES BILL, 2010**

**A. REPRESENTATIVES OF EDUCATION PROMOTION SOCIETY FOR INDIA**

- (i) Dr. H. Chaturvedi, President
- (ii) Mr. Manohar Chellani, Secretary General
- (iii) Dr. K. Ramanarayan, Vice-Chancellor, Manipal University
- (iv) Mr. Sekar Vishwanthan, Member
- (v) Dr. R.P. Singh, Member
- (vi) Mr. M.N. Raju, Member
- (vii) Mr. N.V. Hegde, Member
- (viii) Mr. Taranjit Singh, Member
- (ix) Mr. Binod Dash, Member
- (x) Mr. Prashant Bhalia, Member
- (xi) Mr. P. Palanivel, PRO

**B. REPRESENTATIVES OF INDIAN COUNCIL OF UNIVERSITIES**

- (i) Brig. (Dr) S.S. Pabla, President
- (ii) Dr. D.S. Chauhan, Secretary General
- (iii) Dr. Rajneesh Arora, Vice Chancellor, Punjab Technical University, Punjab
- (iv) Mr. Ashok Kumar Mittal, Chancellor, Lovely Professional University
- (v) Mr. Naresh Kaushik, Advocate SC (Advisor to the Council)

**SECRETARIAT**

Smt. Vandana Garg, Additional Secretary  
Sh. N.S. Walia, Director  
Shri Arun Sharma, Joint Director  
Shri Sanjay Singh, Assistant Director  
Smt. Himanshi Arya, Committee Officer  
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the members to the meeting of the Committee convened to hear the Chairman, AICTE on the Architects (Amendment) Bill, 2010 \*\* \*\* \*

3. The Committee, then, heard the views of the Chairman, AICTE on the Architects (Amendment) Bill, 2010 with special reference to encroachment by the Council of Architecture upon the functions of other statutory bodies including that of the AICTE, problem areas encountered by AICTE with the Council and overall assessment of the functions of the Council. The Chairman and members raised certain queries which were replied to by the Chairman, AICTE. The Committee decided to send a questionnaire to the Council for its written replies.

(The witnesses then withdrew)

4. \*\* \*\* \*

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.35 p.m.

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\*\* Relates to other matters

## **XII TWELVETH-MEETING**

The Committee on Human Resource Development met at 11 a.m. on Monday, the 17<sup>th</sup> January, 2011 in Committee Room. 'A', Ground Floor, Parliament House Annexe, New Delhi.

### **MEMBERS PRESENT RAJYA SABHA**

1. Shri Oscar Fernandes - Chairman
2. Shrimati Mohsina Kidwai
3. Dr. K. Keshava Rao
4. Shri Prakash Javadekar

### **LOK SABHA**

5. Shri P.K Biju
6. Shri Jeetendrasingh Bundela
7. Shri Suresh Chanabasappa Angadi
8. Shrimati J. Helen Davidson
9. Shri Deepender Singh Hooda
10. Shri P.C Gaddigoudar
11. Shri Prataprao Ganpatrao Jadhav
12. Shri P. Kumar
13. Shri Prasanta Kumar Majumdar
14. Capt. Jai Narain Prasad Nishad
15. Shri Ashok Tanwar
16. Shri Sheesh Ram Ola
17. Shri Joseph Toppo
18. Shri Vinay Kumar Pandey 'Vinnu'
19. Shri P.Vishwanathan
20. Shri Madhu Goud Yaskhi

## SECRETARIAT

Smt. Vandana Garg, Additional Secretary  
Shri N.S. Walia, Director  
Shri Arun Sharma, Joint Director  
Shri Sanjay Singh, Assistant Director  
Smt. Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the members to the meeting of the Committee convened for consideration and adoption of \*\* \*\*

\*\* the Report on the Architects (Amendment) Bill, 2010. The Chairman, then, informed the members that another Bill, namely the 'Protection of Women from Sexual Harassment at Work Place Bill, 2010' has been referred to the Committee for examination and report within two months.

3. \*\* \*\* \*\*

4. The Committee, then, considered and adopted draft 229<sup>th</sup>, \*\*

\*\* Reports pertaining to the Architects (Amendment) Bill, 2010 and the \*\* \*\* \*\*. Keeping in view the extension of time till 31<sup>st</sup> January, 2011 given by the Hon'ble Chairman, Rajya Sabha for presentation of the Report on the Architects (Amendment) Bill, 2010, the Committee authorized the Chairman to present the Report to the Hon'ble Chairman, Rajya Sabha.

5. \*\* \*\* \*\*

6. The Committee then adjourned at 12.05 p.m.

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\*\* Relates to other matters