

## APPENDIX 2

Rajya Sabha Secretariat, New Delhi

Joint Committee on The Architect's Bill, 1968

### VERBATIM RECORD OF ORAL EVIDENCE GIVEN BEFORE THE COMMITTEE, Friday, 4th July, 1969

#### PRESENT

1. Shri Mudumala Henry Samuel – Chairman
- MEMBERS
- Rajya Sabha
2. Shri Rewati Kant Sinha
  3. Shri D. N. Mahida
  4. Shri M. M. Dharia
  5. Shrimati Vidyawati Chaturvedi
  6. Shri Baharul Islam
  7. Shri A. C. Gilbert
  8. Shri C. L. Varma
- Lok Sabha
9. Shri J. B. S. Bist
  10. Shri Anil K. Chanda
  11. Shri Kansari Halder
  12. Shri J. N. Hazarika
  13. Shri Hem Barua
  14. Shri Dhireswar Kalita
  15. Kumari Kamla Kumari
  16. Shri Balraj Madhok
  17. Shri Piloo Mody
  18. Shri Chintamani Panigrahi
  19. Shri P. Antony Reddi
  20. Shri Erasmo de Sequeira
  21. Shrimati Jayaben Shah
  22. Shri Naval Kishore Sharma

23. Shri Prakash Vir Shastri
24. Shri P. Sivasankaran
25. Shri S. D. Somasundaram
26. Shri M. G. Uikey
27. Dr. V. K. R. V. Rao

#### REPRESENTATIVES OF THE MINISTRIES

Ministry of Education and Youth Services

Shri L. S. Chandra Kant, Joint Educational Adviser

Shri G. N. Vaswani, Deputy Educational Adviser

Ministry of Law

Shri P. L. Gupta, Additional Legislative Counsel

Shri R. N. Shinghal, Deputy Legislative Counsel

#### SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary,

Shri S. P. Ganguly, Deputy Secretary

Shri Kishan Singh, Under Secretary

#### WITNESS

Shri J. R. Bhalla, President, Indian Institute of Architects, New Delhi.

[The witness Shri J. R. Bhalla was called in.]

CHAIRMAN: Mr. Bhalla, it is very kind of you to come and give us the benefit of your views. I just want to tell you that whatever you may say before this Joint Committee of both Houses of Parliament, and whatever other members may say to you is expected to be confidential; it cannot be published anywhere and it cannot be spoken anywhere, because it is entirely the privilege of both the Houses to have the records of these Committee meetings treated as confidential until they are published.

We have received your memorandum on the subject but we are a little confused on some of the points arising out of your memorandum or arising out of many of your writings or utterances, and you will permit us to take cognisance of what you have said – you have written a number of letters in the newspapers also and we

have been following them – because you are the President of the Indian Institute of Architects. We would like to ask you for clarifications of the points which are a little confusing to us. The main point I would like to ask you is regarding this. You have said at some place in your memorandum that the Bill gives protection only to the title "architect" and it does not protect the practice of architecture and anybody can continue to practise architecture, can prepare designs for buildings and supervise them provided he does not call himself an architect. In the first place, do you think that it can be anybody who, though he does not call himself an 'architect', can prepare the designs for buildings and supervise them and practise the profession of architecture? Will he be acceptable to the people generally, or to the government or to the persons who want such things to be done? If they don't accept such a person, then this assurance has no validity. I like it to be so, to be as what you have said; but in practice it does seem to create a lot of complications. How can you ensure that what you have said here in this place, can find explicit expression in the Bill in order to bring about the materialisation of your hopes? Can you say?

WITNESS: Thank you, Mr. Chairman, for putting these questions to me. Before I answer your questions, Sir, first of all I would like to take this opportunity to thank the Government of India through you for having introduced this Bill in Parliament. Sir, we as a profession have been waiting for this Bill the last 23 years. It is a very long period in the life of any profession. We have been patiently waiting for this Bill and have watched the movement of the files, we were most grateful to the Minister when this Bill was introduced in Parliament in 1968. Sir, I would like to make few observations pertaining to the points that you just raised. To start with, I think the points you have raised, Sir, come out of the fears which my engineer friends have got as far as this Bill is concerned. I am conscious of the fact, Sir, that a large number of civil engineers got agitated when this Bill was introduced; they probably thought that with the adoption of this Bill and its becoming law they would not be able to earn their livelihood and that the contribution which they were making in the field of the building industry would certainly come to an end as far as civil engineers were concerned. I appreciate their fears, Sir, but there is no cause for fear in the Bill as it is. What we have been asking the Government of India or the nation as such is to give us protection for the title 'architect' only. We have not gone beyond this particular demand for protection of this title. We believe, Sir, that this title has been misused in India to the detriment of the profession and to the detriment of the

common man. Today, anybody, irrespective of what his qualifications are, even if he has no qualifications whatsoever, passes off as an architect. I am not referring to the term 'architect' when it is used in the larger sense, where some great person is referred to as the architect of the nation, or the architect of this or that. There we feel honoured that the word 'architect' is used in that context and in reference to great men. What I mean to say is that the word 'architect' in reference to architecture is generally misused and the public are not in a position to know whether a person, who is calling himself an architect, is fully qualified as such or not. So we approached the Government of India and submitted that there is need, to start with, to protect the title 'architect' at least. In my memorandum I have pointed out that Bills are normally of two kinds: the protection of the title 'architect' and the protection of the practice of architecture. Today, in many of the countries, it is the practice of architecture which is protected. And once the profession is protected, then of course your question that nobody else can design buildings unless he is an architect or that nobody else can practise architecture unless he is an architect registered under the Bill, is valid. Under the present Bill all that is called for is that unless a person has been registered as an architect under the provision of this Bill he shall not designate himself an architect.

Your other question is how would this provision be put inside the Bill. I do not think it is relevant at all; neither is it necessary because, to my mind, the way the provisions of this Bill have been worded, they are implicitly clear. All it says is that where the law demands that a particular work should be done by an architect, it shall be done only by an architect who has been registered under this Bill. This provision is not only here but it is in the U.K. and other countries, that the title of architect only has been protected. Everyone else, whether he is a civil engineer or any other person, even an individual owner, if he designs his building and submits plans, they are accepted so long as he does not designate himself as an architect. On the question of putting it in the Bill, whether they could continue to act or practise or design and supervise buildings, I do not think it would in any way whatsoever affect the livelihood of so many of the civil engineers who are very much agitated over the Bill. If you look at the Bills of the U.K. or any other country, since it protects the title only, there is no provision whatsoever implying that something should be mentioned in the Bill to the fact that civil engineers or others should continue to practise as long as they do not designate themselves as architects; I do not think there should be any fear on that account.

CHAIRMAN: You are satisfied with the Bill as such?

WITNESS: As I mentioned in my memorandum, I am not satisfied with the Bill for the reason that it does not protect the practice of architects. But we are not going to ask for something which we know we would not get now, as we are not large enough in numbers to be able to do all the work in the country. Realising the fact of the situation, we welcome this Bill as a first step. As I said in my memorandum, it may be that in another ten or twenty years we may come back again and say: please, we are now strong enough to undertake all the building work all over the country; we are in such large numbers that we should be given the protection of practice as architects. Till then I think we are happy with the Bill as it is. If it is accepted by Parliament and becomes law, I think it will be a step in the right direction. First, I would like to make it clear that architects as such are seeking no privileges. We do not want any privileges because after all an architect is known by the work he does physically. It is by the work that is built that architects are known. If today Chandigarh has made an impact, people know the worth of an architect. As far as we are concerned, it does not give us anything more, but the word which is precious to us, 'architect', should not be misused by every Tom, Dick or Harry. In this context, as I said earlier, I would welcome the Bill on behalf of our profession.

CHAIRMAN: Each Member may put questions at a time, not when the other Member is putting questions. A Member takes an opportunity once. He may put any number of questions.

SHRI ERASMO DE SEQUEIRA: May I seek a 'clarification'? Are we going to restrict the evidence to the principle of protection of the title or can we also talk about details?

CHAIRMAN: There is no limitation.

SHRI M. M. DHARIA: Will you please let me know what is the exact distinction between the functions of an architect and those of a civil engineer?

WITNESS: Mr. Chairman, the distinction between an architect and a civil engineer,

if I may put it very crudely, would be this. When you approach a civil engineer to do a particular piece of work, suppose you want to connect the bathroom attached to this Committee Room on to the sewer, which is outside the road, even if a tree is coming in between, the duty of the civil engineer will be to draw a straight line and connect it to the sewer irrespective of whether this is proper or whether it would destroy the environment or not. That is the civil engineer. He would do the work which he has been called upon to do and he will do it efficiently. When you ask an architect to do this work, he would look at the environment, he will see whether what he is proposing to do is the right way of doing it without spoiling the building or the building as a total picture in the overall environment. That is one way of looking at it. Secondly, architecture is a profession which is different from the profession of a civil engineer. A civil engineer is primarily concerned with objects which directly deal with civil engineering—it may be roads, bridges, it may be any heavy engineering work, but as far as the building is concerned it is the prime responsibility of an architect. I would like to make a statement here that the profession of engineering is a very respectable profession. It is a profession which has a specific role to play even in buildings, but it is a specific role. To give you an example since you have raised this question, take an ordinary movie which is being made. Movie-making involves many components. It involves the work of a recordist, music director, a person who makes the set, a scriptwriter, a storywriter; there are so many elements which go to make a movie. But there is a person who is called the director who coordinates the work of all the elements. This is the person who becomes the leader, who coordinates the work of many specialists, and that person as far as the building is concerned is the architect who would look at the problem as a whole, in totality.

SHRI M. M. DHARIA: Do you agree that along with architects the title and profession of engineers shall also have to be protected by such a Bill?

WITNESS: Mr. Chairman, I would certainly support a Bill for the protection of the title of engineers whenever it comes before the Parliament. There is no dispute about that as far as we are concerned. We would certainly support it because that profession like the profession of architects certainly needs protection. I think the nation or the Parliament owes it to them (engineers) to let this legislation come forward.

SHRI M. M. DHARIA: Do you agree that today in this country there are many

engineers who are also doing the job of architects, and in the world even engineers like Mr. Frank Lloyd and Mr. Mitchel are primarily engineers but they have proved to be the best architects of international repute? Under these circumstances if the present engineers who are also architects in the country might not have obtained their degrees as architects, how should they be protected?

WITNESS: I think in reply to the question by the Hon. Member all I would say is that a doctor knows enough about teeth and dentistry. Still he would not be allowed to practise as a dentist. If a person knows accounts, under our law he cannot designate himself as a chartered accountant unless he is registered as such. Frank Lloyd Wright was the greatest architect of the century but he proved his worth as an architect. In the practice of professions now, we have two distinct training institutions, one training architects and the other training engineers. Many years ago, if you go back three or four centuries, all we had was master-builders. These master-builders have done the finest buildings in the world. Take Rome. Most of the buildings then were designed and supervised by master-builders. At that time there was no distinction between architects and engineers. They all were called master-builders. But today in the present context, in the present world of specialisation, every profession has a specific role to play. An engineer, as I said in the earlier part of my evidence, has a very specific and definite role to play in the building. We as architects value this role. I would go to the extent of saying that without engineers a building would not be complete. I gave you earlier the example of a movie which would not be complete without the help of the recordist.

SHRI M. M. DHARIA: Do you agree that instead of calling this the Architect's Bill we can call it the Architect's Registration Bill as you have stated? There are many diplomas, e.g., the Government Diploma in Engineering, of the School of Architecture, Ahmedabad, or the Diploma of Architecture awarded by the Government of Maharashtra. That such architects should be included in the Schedule, do you agree?

WITNESS: As I said in my memorandum, the qualifications that have been included in the Bill introduced in Parliament were not referred to the Institute before they were put in the Bill. We were thus not aware of these qualifications. But I would request the Hon. Members of the Select Committee to kindly agree that as in most

countries, the membership of the professional body should be one of the qualifications for registration. I do not mean to say that membership of the Institute be the only qualification but it should be one of the qualifications, as ours is one such main professional body. If a particular architect does not want to become a member of the Institute of Architects, it is not a closed shop. We want him to earn his livelihood. If he is registered under the Act, he is certainly welcome. But a person who has been accepted by the profession as a competent architect should also be registered. I am glad that the Hon. Member brought in the question of the Diploma in Architecture. As I said earlier I did not notice this omission then. We in the profession, and the Institute, want that Government Diploma in architecture qualifications, including another one—which has not been mentioned in the Bill, the diploma issued by the Kala Bhavan Institute of Baroda, which has since become a University—should also be included in the Bill. Many people holding these diplomas are now occupying positions of importance all over the country. The profession's attitude is we do not want to keep away anybody from getting registered or from being benefited by this particular Bill; we want them to get registered provided they have the requisite qualifications. As such, I would certainly plead that the membership of the Indian Institute of Architects and the Government Diploma and the Kala Bhavan Diploma be also included as qualifications for registration.

*& govt agreed.*

SHRI J. N. HAZARIKA: My question is to supplement Mr. Dharia's question. I want you to be more specific, because we have been told that there are certain positions in the Government departments designated with the word 'Architect', e.g., Town Planning Architect in Madhya Pradesh. But that does not necessarily mean architectural qualification. In such a case, what protection should be given to them? In Maharashtra there are Town Planners and there are Town Planning Architects in M.P. Suppose they do not have the qualification required under this Act, in what way should they be protected?

WITNESS: Town Planners should then be designated as Town Planners and not as Architects. Town Planning is a specialised course which is open to architects and engineers. This is a post-graduate qualification which an architect, after his undergraduate course can take up, or which an engineer can. This would require a training of two years. But if the post is that of a Town Planner, then he should be designated as such. If the post is that of an Architect Planner then it should be designated as

such. However if it is Architect Planner, then the civil engineer would be debarred because the word 'architect' is used. That is why I suggest that a particular post be designated as Town Planner to the Government of Maharashtra or Madhya Pradesh as the case may be.

SHRI HEM BARUA: Here I think we have tried to protect not only the title but the profession also. You said, we are not going to protect the profession. If we are not going to do that, does it not affect the profession of architects also? When you propose to protect the architect, against whom do you propose to do that? At the same time, would it not affect the destiny of the civil engineer also?

WITNESS: I think I had answered that question that as far as this particular Bill is concerned, the only extent to which it goes is the protection of the title. The practice of architecture is not protected because, as I said earlier, anybody can continue to practise architecture and design buildings and supervise them provided he does not call himself as an architect. It is quite clear that this Bill does not purport to protect the profession of the architects.

SHRI HEM BARUA: What about clause 38(1): "After the expiry of one year from the date appointed under sub-section (2) of section 24, no person other than a registered architect shall practise the profession of an architect"?

WITNESS: What it says is that he shall not be designated as such and practise the profession of an architect.

SHRI HEM BARUA: What about clause 37? "If any person, not being a registered architect, takes or uses any title or description of an architect, or uses any name, style or title containing the word 'architect' he shall be punishable with fine which may extend to five hundred rupees?"

WITNESS: All it stipulates is not to use the title 'Architect', or call himself an architect.

SHRI HEM BARUA: Does it not protect the profession?

WITNESS: All it says is that one should not call himself an architect-engineer, or architect-draftsman. One should not use the word 'Architect' in designating himself. As long as he designates himself only as a planner, draftsman or engineer, this clause does not affect him at all.

SHRI J. N. HAZARIKA: Is there any objection if any architect registered under this Act designates himself as 'Architect (Registered)'? Others who are not registered can use the word 'Architect', simply 'Architect'?

WITNESS: How can we accept that? We have requested for this Bill for the protection of the public. What we are trying to accomplish is that the public should not be misled by the use of the word 'Architect'. Whether '(Registered)' is used after the word 'Architect' or not, nobody would know the difference. This is something which the profession would not accept.

SHRI HEM BARUA: Protection against whom?

WITNESS: Mr. Chairman, it is protection against the misuse of the word, thereby undermining the profession.

SHRI ERASMO DE SEQUEIRA: From your initial statement, I get the impression that you were at the moment in favour of the protection of the title only and not of the practice of the profession. Is this correct?

WITNESS: Although we would like to have protection of the practice as a whole but we are reconciled, as I said earlier keeping the situation in view, to start with, to the protection of the title only.

SHRI HEM BARUA: If this Bill is adopted in Parliament, would it not mean the protection of the profession?

WITNESS: It would be for the help of the public.

SHRI ERASMO DE SEQUEIRA: The scheme of the Bill is that a Council will be formed as stated in the Bill. It is this Council that will recognise the qualification that are

qualifying. One substantial difference between the qualifications mentioned in the Bill and the qualifications that you have mentioned is that the membership of the Indian Institute of Architects is not mentioned in the Bill. What do you say about it?

WITNESS: As I said, the membership of our Institute is open only to those people who have got the necessary qualifications. We enrol only such persons as members of our Institute who have requisite training from recognised institutes, who have gone through the course, passed the degree or diploma either here or abroad, a degree or diploma which is recognised.

SHRI ERASMO DE SEQUEIRA: Before enrolling him as a member your Institute goes into the qualifications of the person applying for membership. When such an Institute is already existing, what is the utility of having an additional Council in your opinion?

WITNESS: Mr. Chairman, this is a very good question. In many countries this right is conferred upon the professional body itself. In many of the countries the Institutes or the professional bodies themselves become registration bodies. We did not suggest this, because then we would have been accused of trying to get everything in our own hands. We want the Council to be set up through this Act, to ensure that the word 'Architect' is protected. However, I would certainly welcome your suggestion.

SHRI ERASMO DE SEQUEIRA: Assuming the Bill, as it is, goes through the Parliament, have you anything to say about the constitution of the Council?

WITNESS: As far as the constitution of the Council is concerned, I think it gives a fair representation to the architect, fair representation to the heads of institutions who are training architects. It gives the right to the Chief Architect of the various States to sit on that Council and, further on, it also gives right to the Government of India to have their nominees on the Council.

SHRI ERASMO DE SEQUEIRA: Would it not be better that each Chapter elects one representative?

WITNESS: According to the constitution of our Institute we have about three or

four Chapters. These Chapters are bound to grow. It would lie in the interest of the Institute itself, that in nominating five representatives it would be ensured that every region or chapter is fully represented. This is an internal matter of the profession.

SHRI ERASMO DE SEQUEIRA: According to this Bill the membership will be restricted to five architects of your profession.

WITNESS: We have to choose from amongst our members one representative from each Chapter. The membership should not become unwieldy. But we do want to suggest that for every 250 members there should be one more representative from the Institute.

SHRI ERASMO DE SEQUEIRA: As the Bill stands now, a situation could arise where a qualification is accepted by the Institute of Architects but it is rejected by the Council. Is such a position acceptable to the Institute?

WITNESS: Mr. Chairman, I think the Council set up under this Act and the Council of the Institute will have to work together. The interests are identical and I do not think any time a situation would arise where there is likely to be any conflict.

SHRI ERASMO DE SEQUEIRA: As the Bill stands now, I think you have asked for the membership of the Indian Institute of Architects to be included as qualification. What I am trying to find out is whether you are very emphatic about it.

WITNESS: It is important, Sir, for two reasons because we have listed a number of schools and institutions which train architects all over the world. We cannot list all the institutions and schools. Many new institutions will come up. When a new institution comes up we would evaluate its training, etc., and if we find that their product is competent to become our member then it will be easier for the Council set up under this Act to accept the membership of the Institute.

SHRI ERASMO DE SEQUEIRA: Under the Bill, at present those who have been practising architecture in the past have been given the option of registering themselves as architects. Since you are seeking merely the protection of the title

What a wise man.  
He was saying that IIA & Council will have similar interest.

not the profession, do you think that this provision will stand the test that somebody who had been practising in the past would have the option to designate himself as 'Architect'?

WITNESS: Mr. Chairman, I think this is a fundamental point which we have to accept. We as a profession have no right to debar a person to continue to earn his livelihood as an architect, which he has been doing for a number of years before the Bill comes into operation. He has been earning and we would want him to continue to earn his livelihood. We would take him and give him the benefit to continue the practice. In future only qualified architects would be able to register themselves.

SHRI J. N. HAZARIKA: Could you tell us the difference in the Acts in foreign countries? The provisions of this Bill may or may not be accepted by the State Governments and other local bodies. As you say, this Bill is to protect the architects, not the quality of the work as such. Therefore, ultimately, will not the object of this Bill be discriminatory against one set of architects? I should like to know whether ultimately, quality of work should not be the objective of this Bill?

WITNESS: Mr. Chairman, I think it is not the purpose of the Bill to lay down the quality and standards of works. If there is a medical bill, it does not say a good doctor or a bad doctor. Even the Chartered Accountants Act does not refer to 'good' chartered accountants and 'bad' chartered accountants. We in the profession of architects have no right to say "he is a good architect or a bad architect." **What we are primarily concerned with is whether he has had the proper training as architect, whether he is in a position to undertake the work of an architect. If he has the requisite qualifications he should have every right to be registered and I do not think the question of quality arises.**

DR. V. K. R. V. RAO: In the light of the evidence that you have been giving and the memorandum that you have submitted, would you, on behalf of the Institute, have any objection to the suggestion for the deletion of clause 2(a), which gives the definition of an 'Architect', and clause 35(2)?

WITNESS: In order to allay fears of any type, I would on behalf of the profession certainly be willing to delete the definition as given in clause 2(a) **and substitute it**

**with this definition that an architect is a person who is registered under this Act.**

Regarding clause 35(2), all it says is that if under any law it is required that a plan or certificate should be signed by an architect, the person signing it should be a person registered under this Act. But here again, on behalf of the profession, since it is giving rise to a lot of misgiving and mistrust, I am prepared to withdraw it.

Problem

DR. V. K. R. V. RAO: May I congratulate the Institute of Architects on the tremendously sweet spirit of reasonableness which they have shown, which has nothing to do with the massive strength of the Institution of Engineers? Now there has been a suggestion, in order to make this act of reconciliation and unending friendship between the two professions stable, that the title of this Bill should be changed to read 'The Architect's Registration Bill'. What is your view?

WITNESS: It is perfectly all right.

DR. V. K. R. V. RAO: I wish all things could be settled like this.

SHRI CHINTAMANI PANIGRAHI: Mr. Chairman, I want to ask for one more clarification from Mr. Bhalla. Would he mind if the words "principal means of livelihood" in clause 25 (1)(b) are deleted?

WITNESS: Our idea is that a person who has been earning his livelihood as an architect has a right to be registered under this Act. But if this is his hobby and he is earning his livelihood elsewhere and he wants to do it just for the sake of getting registered, without having done any work at all in this field, then I think he has no right to ask for it.

SHRI CHINTAMANI PANIGRAHI: Then the entire purpose of the Bill is defeated on that score only.

CHAIRMAN: The object of the Hon. Member's question is, suppose there is an engineer and he makes engineering his principal means of livelihood. And he is also an architect and he is registered as an architect, and he earns his livelihood as an architect also. There you cannot say which is his principal means of livelihood. Quantitatively speaking, he may be earning more as an engineer than as an architect;

or he may be earning more as an architect than as an engineer. So there would be a conflict which will result in the exclusion of certain persons doing a cognate or ancillary job. As a matter of fact, it would be worthwhile for an engineer to do engineering as well as architecture because it combines the two into one and he would be doing both the architect's job and supervision of the construction work. So the object of the Hon. Member's question is: Are you excluding some persons from this by the words "principal means of livelihood"?

WITNESS: I do not think the intention is to exclude anyone. What we had in mind was, suppose there is an engineer serving as an engineer in a government department and that he has designed a house for a friend or for someone else or during a long period of service, say for 5 or 10 years, he has done one or two buildings only. In such cases we do not think he has a right to come and say, "I have designed a building; I should be registered." I would leave it to the Council set up under the Bill to examine each case on its merits.

SHRI CHINTAMANI PANIGRAHI: Your object is to protect the title of architect and not the profession?

WITNESS: Yes.

SHRI CHINTAMANI PANIGRAHI: Clause 25(1)(b) says: "...does not hold such a qualification but, being a citizen of India, has been engaged in practice as an architect as his principal means of livelihood..." Supposing he has been practising as an architect.

WITNESS: This word 'practice' has been used here just to ascertain whether he could get registered or not. I do not think this is very important; I will leave it to the Council.

CHAIRMAN: Does it mean that an architect shall not do any other work?

WITNESS: No, Sir. I did not say that. What we have said is that it should be his principal means of livelihood. There are many architects who are directors of firms. This provision does not affect them.

CHAIRMAN: Mr. Panigrahi, there is a lot of difference between 'principal' means of livelihood and 'only' means of livelihood. If we make that difference between the two words, then, I think, the Bill becomes more reasonable.

SHRI CHINTAMANI PANIGRAHI: If we keep it as "principal means of livelihood" then the very object of the Bill is defeated because you are trying to restrict it.

CHAIRMAN: The word 'only' will restrict, not the word 'principal'.

SHRI CHINTAMANI PANIGRAHI: Then you would have to go to a court of law to decide what this "principal means of livelihood" means.

SHRI KANSARI HALDER: The profession of architects is now sought to be regulated. In India till now, the engineers and so many others have been doing this job. They are doing it as their hobby, as a means of supplementing their income. Supposing a man wants to become an 'architect' and if you are putting these words "principal means of livelihood," are you not restricting that man from becoming an architect in future? So long he has been doing it occasionally for supplementing his income.

WITNESS: I do not think that is our purpose, to restrict anybody on that account.

SHRI KANSARI HALDER: But by putting these words you are restricting him to become an architect in future. He cannot call himself an architect. He cannot practise as such by virtue of section 35(1), he cannot call himself so. Under that section only the recognised and registered architects would be able to do that.

WITNESS: I think this particular clause needs some clarification and I will try to clarify it. This clause came in at the instance of the Law Ministry. The representative of the Law Ministry said, "in order to ensure whether a particular person has been earning his livelihood through architecture or not, if this provision is put, would it be acceptable to your profession?" In reply I said "Yes."

He relented.

SHRI KANSARI HALDER: So, you have no objection if the word "and" in clause 25(1)(b) where it is specified, "...as an architect as his principal means of livelihood for a period of not less than five years prior to the date appointed under sub-section



(2) of section 24 and is a member of the Indian Institute of Architects," is removed.

WITNESS: This I have already clarified. Our thought was since a particular person is entitled to get registered, we want all such persons to come into one professional organisation. The purpose is to encourage all such persons to become members of the professional organisation and make the profession in this country. Unless the Institute is strong the profession cannot progress.

SHRI KANSARI HALDER: You look at sub-clause (3) of clause 24: "The Registration Tribunal shall examine every application received on or before the appointed day and if it is satisfied that the applicant is qualified for registration under section 25, shall direct the entry of the name of the applicant in the register." So, it applies to the registration at the initial stages. So, at a later stage this hampers the person in getting registered at the initial stages.

WITNESS: I would like to tell the Hon. Members that although the Indian Institute of Architects is 51 years old, it is only two years ago that we revised our constitution and bye-laws to throw open the Institute to all such persons who have been earning their livelihood as architects. We have invited them personally and through circulars requested them to please become our members even before this registration Bill comes into force. We want all eligible persons to join our Institute. We have thrown open our doors to all of them. However, you may be right in one respect: Why should this be an obligation for a particular person for the purpose of registration? Why should the profession take advantage of a provision in the Bill in making it strong? Well, if you look from that angle, as a representative of the Institute, I would say, we do not want any such advantage. I would even go to the extent of making it easier for civil engineers who are not our members by amending this provision that they are either members of the Institute of Architects or the Institution of Engineers (civil) initially. Would that satisfy the Hon. Member?

SHRI KANSARI HALDER: It is good. That is all right.

CHAIRMAN: In that case, can we amend clause 35(1). He has agreed for the deletion of clause 35(2).

SHRI KANSARI HALDER: We have to amend clause 25(b).

CHAIRMAN: "Any reference in any law for the time being in force to an architect shall be deemed to be a reference to an architect registered under this Act." Why should we not say, "...for the time being in force to a person shall be deemed to be a reference to an architect registered under this Act"?

WITNESS: Clause 35(1) as in the Bill is all right.

SHRI S. D. SOMASUNDARAM: I want to ask a question: In what way are the structural designers, the structural supervisors, fit to be called as such? In what way are they competent to be called as such? My objection is that they are not qualified or competent for supervising the structural design, for preparing a structural design.

WITNESS: Mr. Chairman, this is a basic question that the Hon. Member has asked. This calls for an understanding of the profession of architecture. I would not like to say anything more at this stage. Is the Hon. Member questioning the training of architects in our country? Do you think in their training they are not being acquainted with all things connected with structural design and structural supervision? I think this is underwriting and underrating our own training of architects.

SHRI S. D. SOMASUNDARAM: My question is whether these people are competent to be in that place.

WITNESS: We have to accept the fact that adequate training is being given to an architect and when he passes an examination he becomes an architect. We are not purporting to call ourselves structural engineers. Neither are we designating ourselves as civil engineers. We are not experts in civil engineering. Earlier I gave you one example, I now give you another example to make the same point. A tailor is responsible for garments. He has somebody else to sew the buttons on, another person to put the pockets on and somebody else to stitch the various parts which make the garment. The main cutter does not do everything. There is a person who coordinates to make the final garment. One person does not do all these things.

Good Example

**Everyone has a specific part to play.** If the person who stitches the buttons is not there, the garment is not complete. Similarly the case with other persons.

SHRI S. D. SOMASUNDARAM: Have you any objection to adding in the Bill the words "Consulting Engineers and Architects" instead of only architects?

WITNESS: We certainly object to this Bill becoming a joint Bill for architects and engineers. It is a Bill for architects only. We have come to the representatives of the nation to give us protection and recognition of our title since we carry grave responsibility for providing a better environment for man.

SHRI S. D. SOMASUNDARAM: Have you any objection to saying "Architect means a person qualified only to design a building and to carry out general supervision of such a building to ensure further construction according to architectural requirements and preparation and construction of any structural building should exclusively be done by civil engineers"?

WITNESS: At your suggestion and at the suggestion of the Hon. Minister to delete the definition of the word 'Architect' is being amended.

DR. V. K. R. V. RAO: I did not suggest it.

WITNESS: You posed a question. I have agreed to delete and revise the definition of the architect on behalf of the profession but I would not define it further because it would need to go into much detail; when the Bill for the registration of engineers is put forward the Bill would basically mention that stability would be the prime responsibility of the structural engineer.

SHRI S. D. SOMASUNDARAM: From you I understand that the structural stability of the building depends on the civil engineer.

WITNESS: It is not quite true. What I said was that the concept of an 'Architect' is demonstrated through design of the building and the structural engineer helps him in making his concept take shape.

SHRI S. D. SOMASUNDARAM: It is my opinion that the cost of the building would go up because of the architects.

WITNESS: I would not agree with the Hon. Member on this point. A good design does not necessarily make the building expensive. It is ultimately economical and is something that everyone looks for. No one would like to buy something in the market which is shabby. I am referring to quality which has a relative meaning. You buy a chappal for Rs. 2 and it is broken in two days; on the other hand a chappal of Rs. 5 may last a few months. The question of cost and economy should be interrelated. I do not think good architecture is any more expensive. If architecture gives the owner a better environment and ultimately makes him a better citizen, that is what we should be concerned with. I want to assure you again, this is no fight between the architects and engineers. I have the highest regard and respect for the engineering profession. Engineers have a specific role to play and so have we. We have come before the representatives of the nation to give us protection to enable us to discharge our professional responsibilities to the public.

SHRI S. D. SOMASUNDARAM: An undeveloped country like ours should not give more importance to the architectural needs than to the building. As an engineer I say that we spend more money for architecture than for the building.

WITNESS: Whether one is an underdeveloped country or developed country, aesthetics have no bar. Even khadi cloth looks as decent as, say, terelene cloth. It may be a low-cost building. How well one designs a building is all that matters. We architects in India are better respected outside India. I was honoured by being elected as the President of the Commonwealth Association of Architects and it was not because we are underdeveloped but because of the respect for our profession.

SHRI S. D. SOMASUNDARAM: Can you give a list of buildings designed by architects?

DR. V. K. R. V. RAO: We must have a seminar on it.

SHRI PILOO MODY: **The Member is entitled never to employ an architect. So far as economy is concerned, everyone is entitled to have his own theory of economics and decide what is economic.**

SHRI S. D. SOMASUNDARAM: It is my opinion and I have every right to express it.

SHRI HEM BARUA: The purpose of the questioner is to elicit information and to get enlightened. The information that Mr. Bhalla could give would enlighten us more. I do not understand Mr. Mody's interruption.

CHAIRMAN: Thank you, Mr. Bhalla.

WITNESS: I want to express my thanks to all the Hon. Members of the Committee for giving me a hearing and I do hope that you would give due consideration to our request. I also hope after waiting for 23 years the Bill would soon become a law of the country.

CHAIRMAN: We will try our best.

[The witness then withdrew.]