

MINUTES OF THE 65TH MEETING OF COUNCIL OF ARCHITECTURE, HELD ON MONDAY, 25TH JANUARY, 2016, AT 11.00 A.M. IN CONFERENCE HALL, HOTEL ROYAL RETREAT, VILLAGE HAWALA, BADI HAWALA ROAD, UDAIPUR, RAJASTHAN.

PRESENT

Shri Uday C. Gadkari : President (In Chair)
Shri K. Udaya : Vice-President

MEMBERS:

1. Shri Prakash S. Deshmukh
2. Shri Alok Ranjan
3. Smt. Mala Mohan
4. Shri Jatinder K. Saigal
5. Shri Amitava Roy
6. Shri J. Manoharan
7. Shri Pushkar Kanvinde
8. Shri A. R. Ramanathan
9. Shri Inderjit S. Bakshi
10. Shri D.V. Solomon
11. Shri Milind Kollegal
12. Smt. Kamala Devi
13. Smt. Sujata Anand
14. Shri Durlav C. Saikia
15. Shri Jitendra Singh
16. Shri Kapil Setia
17. Shri Arvind K. Ahirwar
18. Shri P.D. Dhanjibhai
19. Shri Vijay Garg
20. Shri Ashish K. Rege
21. Shri Mitesh J Kolala
22. Smt. Sunita Monga
23. Shri N. K. Negi
24. Shri V. K. Pant
25. Shri C.V. Dileep Kumar
26. Shri Amogh K. Gupta
27. Shri B.S. Thangkhiew
28. Shri George Lalzuia
29. Shri V.N. Mehta
30. Shri B.R. Nayak
31. Shri R. Radhakrishnan
32. Shri Arvind Bhargava
33. Ms. Ranees Vedmuthu
34. Smt. N.Kavita D. Rao
35. Shri Sanjiban Datta
36. Smt. Vandana Sehgal
37. Shri A.D. Shirode
38. Shri H.K. Mittal

IN ATTENDANCE:

Shri R. K. Oberoi : Registrar-Secretary
Shri Deepak Kumar : Administrative Officer

The following members were granted leave of absence

1. Shri Kiran S. Mahajani
2. Shri R. K. Thathu
3. Shri Sadiqu Ali D.A.
4. Smt. Geeta Khulbe
5. Shri S. P. Goyal
6. Shri Habeeb Khan
7. Shri Rajesh Pradhan
8. Shri G. K. Bysack

The following Members did not attend the meeting and no intimation was received from them till the convening of the meeting:

1. Smt. Sapna
2. Shri Dawa Tsering
3. Shri Rajiv Chadda
4. Shri B.K. Sharma
5. Shri Sukrit Chatterjee

The President extended a very warm welcome to the members attending the meeting with a special mention of members attending the meeting for the first time. The President also exchanged New Year greetings to all Council members. Thereafter, as customary, the President requested the members for introducing themselves.

Thereafter the regular agenda of the meeting was taken up.

ITEM NO.1 CONFIRMATION OF THE MINUTES OF THE 64TH MEETING OF THE COUNCIL OF ARCHITECTURE HELD ON 27TH AUGUST, 2015.

The Minutes of the 64th Meeting of the Council held on 27th August, 2015 at New Delhi, as circulated to all members on 14th September, 2015, and annexed with the Agenda were confirmed and signed. The comments of some members on the Minutes were rejected being their personal views.

ITEM NO.2 TO TAKE NOTE OF THE ACTION TAKEN REPORT ON THE MINUTES OF THE LAST MEETING OF THE COUNCIL HELD ON 27TH AUGUST, 2015.

The Council noted the action taken report as placed at Appendix-B of the Agenda.

ITEM NO.3 APPROVAL OF RESTORATION OF NAMES TO THE REGISTER OF ARCHITECTS MAINTAINED BY THE COUNCIL OF ARCHITECTURE UNDER THE ARCHITECTS ACT, 1972.

The Council approved the action taken by its Registrar for restoring names of 936 defaulting Architects' whose names were restored to the Register of Architects upon receipt of requisite fees during the period 01.08.2015 to 31.12.2015.

ITEM NO.4 REMOVAL OF NAMES FROM THE REGISTER OF ARCHITECTS DUE TO REQUEST OR DEATH.

The Council noted with grief the passing away of architects as listed in the agenda. The members expressed their deep condolences to the families of deceased Architects and observed one minutes silence. The Council decided to remove their names from the Register of Architects as required under the provisions of the Architects Act. In this regard, the Council passed the following Resolution:

Resolution No.467

Resolved that:

The names of the following Architects be removed from the Register of Architects upon their death as provided under Section 29 (1) (b) of the Architects Act, 1972:

1. Shri V. K. Girhotra (CA/99/24858), Delhi;
2. Shri A. R. Thacker (CA/99/14183), Mumbai;

3. Shri A.S. Upasant (CA/77/14183), Mumbai;
4. Shri S. N. Verma (CA/87/10527), Jaipur;
5. Shri S. G. Upare (CA/85/9015), Sangli;
6. Shri M. G. Suthar (CA/80/5582), Ahmedabad;
7. Shri U. D. Anbiye (CA/80/5998), Mumbai;
8. Shri H.S. Chadha (CA/77/3818), Delhi;
9. Shri D.J.Hirani (CA/88/3792), Noida;
10. Shri M.T. Dhenge (CA/76/3165), Nagpur;
11. Shri N. J. Sagar (CA/76/2682), Mumbai;
12. Shri M. Hussain (CA/76/2428), Hyderabad;
13. Shri S. N. Mangal (CA/75/1717), Agra;
14. Shri G. L. Raheja (CA/75/1497), Mumbai;
15. Shri V. P. Sanon(CA/75/1338), Kolkata;
16. Shri I. D. Kapoor (CA/75/594), Mumbai;
17. Shri H.K. Gawankar (CA/82/7316), Mumbai;
18. Shri Kabir Ray (CA/79/4991), Kolkata;
19. Shri P.S. Phadnis (CA/76/3114), Mumbai;
20. Shri C. K. Gumaste (CA/75/125), Mumbai;
21. Shri S. R. Ghorpade (CA/75/1149), Thane; and
22. Shri S. A. Khare (CA/96/19848), Thane;

Further, the Council removed the name of the following Architects upon their request as provided under Section 29 (1) (a) of the Architects Act, 1972 and accordingly passed the following resolution :

Resolution No.468

Resolved that :

The names of following Architect be removed from the Register of Architects at their requests as provided under Section 29 (1) (a) of the Architects Act, 1972 :

1. Shri S.U. Nimbhorkar (CA/2005/25739), Noida;
2. Shri Subhash Kapoor (CA/76/2782), New Delhi;
3. Shri S. V. Singh (CA/2006/39063), Lucknow;
4. Ms. Anita K. Thakor (CA/87/10523), Ahmedabad;
5. Shri A. R. Joshi (CA/97/19326), Sangli;
6. Smt. Sudha Goel (CA/80/5685), New Delhi;
7. Shri Kamaljeet Singh (CA/79/5221), New Delhi;
8. Ms. Devleen Dutta (CA/2013/60638), New Delhi;
9. Shri J. R. Patel (CA/75/904), Vadodara;
10. Shri A. R. Biswas (CA/75/1297), Allahabad;
11. Shri S.V. Ponkshe (CA/77/3404), Kalyan ;
12. Shri D. V. Kulkarni (CA/82/6806), Mumbai
13. Shri D. K. Chawre (CA/83/7882), Pune;
14. Shri J. M. Nagrecha (CA/86/9764), Mumbai;
15. Ms. Nidhi Sood (CA/98/23216), Faridabad;
16. Ms. Aarthy T. (CA/2013/58545), Madurai;
17. Ms. A. K. Sinha (CA/2013)61052), Thane;
18. Shri Parthapratim Ghosh (CA/75/149), New Delhi;

19. Shri V. P. Kulkarni (CA/75/441), Nagpur;
20. Shri R. N. Pote (CA/86/9843), Mumbai;
21. Shri A. R. Joshi (CA/85/9090), Mumbai;
22. Shri V. K. Garg (CA/85/8974), Meerut;
23. Shri Gurinder Singh (CA/2015/67366), Kharar ;
24. Ms. S. K. Wakhloo (CA/91/13647), New Delhi;
25. Ms. Jyoti Narula (CA/92/14930), Lucknow;
26. Shri V. R. Bhagtani (CA/99/25223), Raipur;
27. Shri S. Ghosh (CA/75/1452), Kolkata;
28. Ms. K. Mariamma (CA/79/4913), Thiruvananthapuram;
29. Shri A. G. Brahme (CA/86/10359), Pune;
30. Shri M. B. Dave (CA/99/24580), USA;
31. Ms. A. Srivastava (CA/2013/62213), Delhi;
32. Shri A. M. Kini (CA/98/22521), Mumbai;
33. Shri G.W. Athavale (CA/76/2778), Pune; and
34. Shri Rajeev Bajpeyi (CA/99/24565), USA

ITEM NO.5 TO GRANT OPPORTUNITY OF HEARING TO ARCHITECT(S) FOUND GUILTY OF PROFESSIONAL MISCONDUCT UPON REPORT BY DISCIPLINARY COMMITTEE BEFORE PASSING ORDER(S).

D) CA/DC/308 – SHRI JIBU JOHN, ARCHITECT, KERALA

The representative of the Complainant Shri Rajesh T.N. and the Respondent Architect Shri Jibu John along with his advocate appeared before Bar of the Council.

The Council observed that the complaint against the Respondent Architect is that he submitted drawings/ plans for 14.95 meters for a hotel building which was approved by the planning authority for construction. However, during construction one additional floor was constructed. The Respondent Architect also admitted that he had prepared sketch plan for additional floor and gave the same to client to get approval from fire fighting department and other local bodies.

The Council first enquired certain information from the Complainant and asked the following questions:

1. Whether the complainants still pursuing their complaint or not?

Ans : Yes the government still pursuing this complaint.

2. Whether the Govt. has accepted the revised plan?

Ans : Though Panchayat has accepted the Plan but action has been taken against the Panchayat officers.

3. What is wrong in your view on the part of the architect?

Ans : Architect has submitted wrong plan.

4. Whether any notice given to Architect or owner during construction?

Ans : No. The notice was given only after construction.

Thereafter, the Council asked the Respondent Architect if he had anything to say. He stated that he prepared the plans as per building bye-laws only. However, the owner constructed extra floor which was later on regularized by the municipal authorities. Further, the owner stated to him that he would purchase the adjoining land; therefore, setbacks and fire accessibility issues will be taken care.

The Council deliberated in detail in the matter and noted that the Respondent Architect should have advised/ communicated his client not to construct the additional floor as the same would change the character of building from a general building to high rise building and should not have prepared plan for additional floor.

The Council thus found the Respondent Architect Shri Jibu John, guilty of professional misconduct under Regulation 2 (1) (iii) and (x) of the Architects (Professional Conduct) Regulations, 1989.

The Council upon detailed deliberations and application of its mind Ordered, in terms of provisions of Section 30 (2) of the Architects Act, 1972, to **Reprimand** the Respondent Architect with further directions to ensure that such act is not repeated.

The Respondent Architect was again invited before the Bar of the Council and informed of the Order passed by the Council and was also asked if he had anything to say on the Order. The Respondent Architect accepted the order passed by the Council.

The Registrar-Secretary was directed to inform the decision of the Council to the complainant and Respondent Architect.

II) CA/DC/310 - SHRI VIVEK KHANNA, ARCHITECT, NEW DELHI

The Complainant informed her inability to appear before the Bar of the Council on 25.01.2016. However, she submitted a written statement dated 16.01.2016.

The Respondent Architect Shri Vivek Khanna appeared before the Bar of the Council along with his Advocate. He stated that he was engaged by the client to measure the building which was constructed by the client. She wanted the building to be regularized. The overall area was covered extra and beyond the condonable limit of MCD. I gave her original drawings. There was no agreement with the client. The Council Members asked him whether the drawings/ plans were made for regularization or for calculation of tax? The Respondent Architect replied that it was for regularization of extra construction.

The Council after detailed deliberations decided to seek certain documents from the Complaint and the Respondent Architects and postponed the hearing to next meeting:

1. Copy of work order/ appointment letter given by the client to Architect.
2. Copy of communication made by the client to Architect for carrying her work.
3. Copy of communication by Architect informing the reasons for not doing the client's work and returning original drawings/ plans as given by client.
4. Any other communication between Architect and the client.

The Registrar-Secretary was asked to seek the above information/ documents from the Complainant and the Respondent Architects, respectively.

ITEM NO.6 TO TAKE NOTE OF THE FURTHER PROGRESS BY MHRD, GOVT. OF INDIA, REGARDING AMENDMENTS TO THE ARCHITECTS ACT.

The President informed the members that the Council submitted a detailed proposal for amendments in the Architects Act, 1972 to the Ministry of HRD in November 2013.

The Ministry thereafter constituted a Committee comprising of nominees of COA, MHRD, UGC, AICTE, ITPI, SPA and Senior Architects under the Chairmanship of Ar. J.R. Bhalla, former President, COA. The Committee also submitted its report/ recommendations for amendments in the Act to the Ministry.

The President stated that there has been no further progress in the matter and in spite of several communications to the Ministry the response is still awaited. The members requested the Ministry of HRD to accept the proposal of the Council and take further action for amendments in the Architects Act to strengthen the provisions of the Act.

ITEM NO.7 TO TAKE NOTE OF COUNCIL OF ARCHITECTURE (MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION) REGULATIONS, 2015.

The President informed the members that in terms of Resolution No.462 passed by the Council at its last meeting, he finalised the Draft Minimum Standards of Architectural Education Regulations, 2015. The Final version was also circulated to all Council members. After incorporating the views/ suggestions of Council Members the Regulations have been sent to Ministry of HRD for approval in terms provisions of Section 45 of the Architects Act, 1972.

In view of few typographical errors being pointed out by some members in document, the President asked them to send their views/ comments within 10 days and thereafter the same would be corrected/ revised and sent again to the Ministry.

ITEM NO.8 TO TAKE NOTE OF RE-CONSTITUTION OF THE DISCIPLINARY COMMITTEE BY THE CENTRAL GOVERNMENT.

The President informed the members that consequent upon of cessation of membership of Mrs. Sipra Mitra and Shri Rajiv Mishra as members of the Council, the full membership of Disciplinary Committee remained vacant for a long time. The Ministry has vide notification dated 02.11.2015 reconstituted the Disciplinary Committee.

However, again Shri R. K. Kaushal, nominee CPWD has been replaced by Shri R. K. Thathu and again the Disciplinary Committee has to be re-constituted. The Council has again requested the MHRD to further re-constitute the Disciplinary Committee.

ITEM NO.9 TO TAKE NOTE OF THE CPWD CIRCULAR NO. DG/P&WA /79 DATED 16.12.2015 REGARDING CONDITIONS OF ENGAGEMENT AND SCALE OF CHARGES PRESCRIBED BY THE COUNCIL.

The President informed the members that the CPWD has recently vide its circular dated 16/12/2015 has advised its officers not to follow the Conditions of Engagement and Scale of Charges prescribed by the Council since the same are neither approved by the Parliament under the Architects Act, 1972 nor by the Central Government and therefore not to use conditions of engagement and scale of charges for granting work to consultant architects or for justification of quotations.

The Conditions of Engagement and Scale of Charges were prescribed under the provisions of the Architects Act, 1972 and Regulations framed thereunder. The Architects (Professional Conduct) Regulations, 1989, approved by the Central Government specifically direct an architect observe the conditions of engagement and scale of charges laid down by the Council.

The Council has taken the matter with the CPWD and also sought interference of the Hon'ble Prime Minister of India against this type of action of CPWD in the matter. The PMO has referred the matter to the Secretary, MOUD for further action and the response of the MOUD is awaited.

ITEM NO.10 TO TAKE NOTE OF THE VIEWS/ COMMENTS SUBMITTED BY THE COUNCIL TO BUREAU OF INDIAN STANDARDS ON NATIONAL BUILDING CODE – PART 2- ADMINISTRATION.

The members noted the information as detailed in the agenda.

ITEM NO.11 TO TAKE NOTE OF THE PROPOSAL FOR AMENDMENTS IN THE BUREAU OF INDIAN STANDARDS ACT, 1986.

The members noted the information as detailed in the agenda.

ITEM NO.12 TO TAKE NOTE OF PROCESS OF REGULARISATION OF STUDENTS/ CANDIDATES ADMITTED BY IIA/ DIFFERENT INSTITUTIONS:

(I) Candidates possessing Associate Membership of IIA :

The members noted the information as detailed in the agenda.

(II) Students illegally admitted by the Architectural Institutions :

The members noted the information as detailed in the agenda.

ITEM NO.13 TO CONSIDER THE COMPLAINTS RECEIVED FOR ALLEGED PROFESSIONAL MISCONDUCT AGAINST ARCHITECTS FROM THE ARCHITECTS, GENERAL PUBLIC/ GOVT. AGENCIES.

The Council perused the various complaints received against Architects as detailed in the Agenda together with the Statement of Defence, whoever filed, and Preliminary Reports, wherever received from the Council Members to whom the respective matters were referred, as annexed to the Agenda, and upon application of their mind, passed the following Resolution:

Resolution No.:469

Resolved that:

- 1) CA/DC/404 – with regard to complaint filed by Shri R. K. Singh, Architect, Delhi, against Shri A. Patwal, Architect, New Delhi the Council opined that there exists a prima facie case against the Respondent Architect. The matter be referred to the Disciplinary Committee of the Council for detailed investigation as provided under Council of Architecture Rules, 1973. Accordingly, the Petitioner and Respondent Architect be informed of the decision of the Council of Architecture.
- 2) CA/DC/406, CA/DC/407 & CA/DC/408 – The Council noted that these matters were already decided at the last meeting of Council of Architecture.
- 3) CA/DC/400 – With regard to complaint filed by Shri Vilas V. Avachat, Joint Secretary, IIA, Mumbai against Shri D. T. Vinod Kumar, Architect the Council opined that there does not exist any prima facie case of professional misconduct as alleged and therefore the complaint be dismissed. Accordingly, the complainant and the respondent architect be informed the decision of the Council of Architecture.
- 4) CA/DC/402 – With regard to complaint filed by Shri Vilas V. Avachat, Joint Secretary, IIA, Mumbai against Shri D. T. Vinod Kumar, Architect the Council opined that there does not exist any prima facie case of professional misconduct as alleged and therefore the complaint be dismissed. Accordingly, the complainant and the respondent architect be informed the decision of the Council of Architecture.

- 5) CA/DC/421 – With regard to complaint filed by Shri Ajay Vinayak, New Delhi, against Shri Gagan Grover, New Delhi, Architect the Council decided that the matter be referred to Shri Amogh Kumar Gupta, Member CoA for further examination and submitting a Preliminary report in the matter.

ITEM NO.14 TO TAKE NOTE OF PUBLICATION OF HANDBOOK OF PROFESSIONAL DOCUMENTS AND DIRECTORY ARCHITECTS 2015.

The members noted the information as detailed in the agenda.

ITEM NO.15 ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.

- (I) TO CONSIDER THE REVISED LOGO DESIGNS RECEIVED FROM THE THREE FINALIST OF LOGO DESIGN COMPETITION CONDUCTED BY THE COUNCIL.**

The President informed the members that the Council organized the Logo Design Competition and in the Final Logo Jury held on 25.08.2015 entries of three persons namely, Shri Praveen Prabhakar Mali, Shri R. S. M. Arjun, and Shri Ajinkya Manohar were selected and they were asked to submit further revised version of their logo design within a month so that a final entry can be selected.

All the three participants have submitted their design along with their thought/ justification and view points behind the logos.

The members watched the presentations of all the three finalists and after detailed deliberations were of the view that these logos need further development and cannot be accepted in the present form. The logo to be accepted should reflect Architecture profession and simple so that common man can understand and relate the same to Architects.

- (II) TO CONSIDER FOR VIDEO RECORDING OF COUNCIL MEETINGS AND PLACING THE SAME ON COA WEBSITE.**

The members deliberated in detail in the matter and decided that there is no need for video recording of meetings of the Council and putting the proceedings in public domain. The Council is a democratic body and very transparent in its functioning. Further, information about Council is also available in its Directory, Handbook and Website. The Council also supplies information under RTI Act. The Minutes of the last 4-5 meetings of the Council be placed on its website so that architects and general public is aware of its decisions/ deliberations.

- (III) TO TAKE NOTE OF THE GAZETTE NOTIFICATION DATED 11TH JANUARY, 2016, REGARDING NOTIFICATION OF VACANCIES IN OFFICES OF THE PRESIDENT AND THE VICE-PRESIDENT AND 5 VACANCIES OF MEMBERS OF THE EXECUTIVE COMMITTEE.**

The members noted the information as detailed in the agenda.

(IV) TO CONSIDER THE ISSUE OF REGISTRATION AS AN ARCHITECT ON THE BASIS OF M. ARCH./ PG DEGREE AWARDED BY FOREIGN UNIVERSITIES.

The President CoA informed the member that some candidates who possess B.Sc./B.E. qualification are acquiring Masters Degree in Architecture of Foreign Universities in order to seek registration as an Architect in India from the Council of Architecture. The Central Government under Section 15 of the Act has notified certain foreign qualifications including Postgraduate qualifications for the purposes of registration under the Architects Act, 1972.

The Council deliberated in detail in the matter and decided that only such candidates be granted registration as an Architect who have underdone the basic qualification in Architecture i.e. a 5 year fulltime Degree Course. Any candidate with a Post Graduate Degree without having undergone his/her basic qualification in Architecture be not registered. Allowing candidates having B.A./ B. Sc. /B.E. /B. Tech. Degree and M. Arch. Degree to seek registration as an Architect is against the Minimum Standards Prescribed by the Council of Architecture and will seriously deteriorate the Architectural Education and Profession since such persons do not undergo their education and training as per the norms of CoA.

(V) TO CONSIDER THE REPORT OF THE SUB-COMMITTEE CONSTITUTED BY THE EXECUTIVE COMMITTEE TO EXAMINE THE ISSUE OF GRANT OF AWARD/ PRIZES TO ARCHITECTS BY SUPPLIERS AND MATERIAL MANUFACTURERS AND OTHER ORGANISATIONS.

The President informed the members that the Executive Committee at its 139th Meeting held on 12.12.2014 constituted a Sub-Committee comprising of Ar. K. Udaya, Vice-President, COA, as Convenor and Ar. Divya Kush, Ar. Alok Ranjan and Ar. Mala Mohan as members, to examine a complaint received from Ar. Sudhir Vohra, New Delhi, regarding award of prizes/ monetary benefits to Architects by suppliers/ material manufacturers and other organizations.

The Sub-Committee after having 3-4 meetings and deliberation in the matter submitted its report. The committee has suggested certain amendments in Architects (Professional Conduct) Regulations, 1989.

The Council members deliberated in detail in the matter and were of the view that Architects should be permitted to receive awards from sponsors in recognition of their contribution to be profession of architecture. The members therefore suggested that the report / recommendations of the committee may be relooked into by a different committee.

(VI) TO CONSIDER THE COMPLAINT FOR ALLEGED PROFESSIONAL MISCONDUCT RECEIVED FROM AR. SURESH SAKARIYA, SURAT AGAINST AR. MITESH J. KALOLA, GANDHINAGAR.

CA/DC/413 - With regard to complaint filed by Shri H. M. Kadam, Architect, Surat against Shri Mitesh J. Kalola, Architect, the Council opined that there does not exist any prima facie case of professional misconduct as alleged and therefore the complaint be dismissed. Accordingly, the complainant and the respondent architect be informed the decision of the Council of Architecture.

The meeting ended at 7.30 p.m. with a vote of thanks to the Chair.
