

MINUTES OF THE 67TH MEETING OF COUNCIL OF ARCHITECTURE, HELD ON SATURDAY, 11TH MARCH, 2017 AT 11.00 A.M. IN CASUARINA HALL, CONVENTION CENTRE, HABITAT WORLD, INDIA HABITAT CENTRE, LODHI ROAD, NEW DELHI - 110003.

PRESENT

Shri Biswaranjan Nayak : President (In Chair)
Shri Vijay Garg : Vice-President

MEMBERS:

1. Ms. Ranees Vedamuthu
2. Shri Alok Ranjan
3. Shri Amogh Kumar Gupta
4. Shri Amitava Roy
5. Shri Abhay Purohit
6. Smt. Mala Mohan
7. Shri Rajiv Mishra
8. Shri J. Manoharan
9. Shri Pushkar Kanvinde
10. Shri A. R. Ramanathan
11. Ms. Kamala Devi
12. Shri Dawa Tsering
13. Shri Durlav Chandra Saikia
14. Shri Shyam Kisore Singh
15. Shri Kapil Setia
16. Shri P. D. Dhanjibhai
17. Shri Chandan K. Parab
18. Shri Bimal Patel
19. Shri N. K. Negi
20. Shri V. K. Pant
21. Shri Gajanand Ram
22. Shri K. Udaya
23. Shri P. S. Rajeev
24. Shri Sadiqu Ali D.A.
25. Shri Habeeb Khan
26. Shri B.K. Sharma
27. Shri B.S. Thangkhiew
28. Shri George Lalzuia
29. Shri V.N. Metha
30. Shri R. Radhakrishnan
31. Smt. Sapna
32. Shri Arvind Bhargava
33. Smt. N.Kavita D. Rao
34. Smt. Geeta Khulbe
35. Smt. Vandana Sehgal
36. Shri Subir K. Basu
37. Shri A.D. Shirode
38. Shri H.K. Mittal

IN ATTENDANCE:

Shri R. K. Oberoi : Registrar-Secretary
Shri C. B. Mishra : Deputy Registrar
Shri Deepak Kumar : Administrative Officer

The following members were granted leave of absence:

1. Shri Prakash Deshmukh
2. Shri Jatinder K. Saigal
3. Shri Kiran Mahajani
4. Smt. Sunita Monga
5. Smt. Bimumol Tom
6. Shri Sanjiban Datta
7. Smt. Sujata Anand
8. Shri Arvind Kumr Ahirwar
9. Shri Rajesh Pradhan

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

1. Shri Sanjeev Kapur
2. Shri S. P. Goyal
3. Shri D. L. Vohra

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. He also briefed the members about the Agenda items of the meeting.

All Council members congratulated Shri Amogh Kumar Gupta for being appointed as Chairman of SPA, New Delhi, Smt. Kavita Daryani Rao for being appointed as Vice-Chancellor of Jawaharlal Nehru Art and Architecture, Telangana and Smt. Vandana Sehgal for being appointed as Principal/Dean of Govt. of College of Architecture, Lucknow and felt proud of their achievements.

The President informed the members that he has constituted some Committees, namely Committee for Acquisition of Land for Council in Five Zones under the Convenorship of Shri Habeeb Khan, Committee for preparing comprehensive proposal for Act Amendment under the Convenorship of Shri Bimal Patel and a Committee on Cadre Restructuring of Govt. Architects under the Convenorship of Ms. Sapna. He assured that within next 6 months there would be visible action on all issues with the active involvement, persuasion and assistance of members working in these Committees.

Further, President informed the members that there are reports in newspapers about change of nodal Ministry of Council of Architecture from Ministry of Human Resource Development to Ministry of Urban Development. However, no official communication has been received for the same by the Council.

The President further informed the members that the Council had earlier passed a resolution for allocation of Council to Ministry of Housing or Ministry of Urban Development or for creation of Ministry of Architecture in order to comprehensively deal with the issue relating to built environment and the same was submitted to the Hon'ble Prime Minister's Office for appropriate action.

Some members informed that their views/ dissents on decisions of some items in the Minutes have not been recorded. The President clarified that as a matter of convention and practice the Council records only the decisions taken by the Council either by majority or unanimously and individual views of members are not recorded in Minutes.

Thereafter the regular agenda of the meeting was taken up.

ITEM NO.1 CONFIRMATION OF THE MINUTES OF 66TH MEETING OF THE COUNCIL OF ARCHITECTURE HELD 25TH AUGUST, 2016.

The Minutes of the 66th Meeting of the Council of Architecture held on 25th August, 2016 at Dharamshala, Himachal Pradesh, as enclosed with Agenda were confirmed and signed by the President.

ITEM NO.2 TO TAKE NOTE OF THE ACTION TAKEN REPORT ON THE MINUTES OF THE LAST MEETING OF THE COUNCIL.

Action taken report as listed in the Agenda was noted by the Council members.

ITEM NO.3 APPROVAL FOR 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 the Registrar for restoring names of 780 Defaulter-Architects' whose names were restored to the Register of Architects on payment of requisite fees during the period 01.08.2016 to 31.01.2017.

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 following eminent architects:

1. Shri J. R. Bhalla, CA/75/ 1150, New Delhi;
2. Shri Varuneshwar Sen, CA/82/6869, Jaipur; and
3. Mrs. Rose Mary Sachdev, CA/75/1382.

The members expressed their deep condolences to the families of the deceased architects and observed one minute silence. The Council decided to remove their names from the Register of Architects as required under the provisions of the Architects Act. Accordingly, the Council passed the following Resolution:

Resolution No.478

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 J. R. Bhalla, CA/75/ 1150, New Delhi;
2. Shri Varuneshwar Sen, CA/82/6869, Jaipur; and
3. Mrs. Rose Mary Sachdev, CA/75/1382.

The President informed that he had requested Vice-President, COA, to express condolences on behalf of Council to the family members of Late Shri J.R. Bhalla, the founder President of the Council.

Further, the Council approved the removal of names of architects as per their request in terms of Section 29(1)(a) of the Architects Act, 1972 and accordingly passed the following resolution:

Resolution No.479

Resolved that :

The names of the following architects be removed from the Register of Architect at their request in terms of the provisions of Section 29 (1) (a) of the Architects Act, 1972 :

| Sl. No. | Name of the Architect | Place | Registration No. |
|---------|----------------------------|-----------|------------------|
| 1. | Ms. Neha Goel | USA | CA/2010/50957 |
| 2. | Mr. Pravin Kumar V.Tipnis | Nashik | CA/81/6127 |
| 3. | Mr. Pandurang V. Deshpande | Bhopal | CA/97/21429 |
| 4. | Ms. Snehlata V. Kulkarni | Mumbai | CA/75/1087 |
| 5. | Mr. Harbhajan Singh | New Delhi | CA/75/2061 |

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

i) CA/DC/355 : Shri Kishor Parkar, Architect;

The President informed the members that the Council at its last meeting after considering the report of Disciplinary Committee and copy of complaint and statement of defence of Respondent Architect decided that the Respondent Architect is guilty of professional misconduct as he submitted a report about leakage of toilet of top floor of the Complainant without proper care and caution and exercising due diligence as to the cause of leakage.

The Respondent Architect and the Complainant were asked to appear before the Council in terms of Section 30 of the Architects Act, 1972.

The Respondent Architect vide his letter dated 14.02.2017 informed the Council that he had nothing to add further to what was stated in his replies submitted to Council. No communication was received from the Complainant.

The Council deliberated in detail in the matter and noted that the Respondent Architect was appointed as Court Commissioner to visit the concerned flats and find out source of leakage and also to suggest measures to prevent leakage and prepare plan and estimate regarding proposed prevention of leakage.

The Respondent Architect visited the concerned flats and prepared a vague report about cause of leakage and submitted to the District Consumer Disputes Redressal Forum inter alia as under:

“Unless the duct pipe lines are not properly attended it shall be difficult to state the exact point/ location of leakages. Since the entire repairs and waterproofing had been carried out in flat no.9A the chances of leakages appears to be remote.”

The above conclusion/ observations of the Respondent Architect were countered by the Structural Engineers and Architects appointed later on to find out the cause of leakages. They observed that the Respondent Architect tried to favour the Flat 9A owner.

The Council, upon detailed deliberations in the matter unanimously passed the following Order in terms of Section 30 of the Architects Act, 1972:

Order :

- i) The Respondent Architect has failed to take proper care, caution and exercise due diligence while submitting his Report to the District Consumer Disputes Redressal Forum regarding leakage of toilet of top floor of the Complainant;
- ii) The Respondent Architect is found guilty of violation Regulation 2 (1) (iii) and (x) of the Architects (Professional Conduct) Regulations, 1989;
- iii) The Respondent Architects is **Reprimanded** and directed to not to repeat such conduct in future.

The Registrar-Secretary is directed to inform the decision of the Council to the Respondent Architect and the Complainant.

ii) CA/DC/411 : Shri Rajinder Kumar, Architect;

The President informed the members that in terms of the decision of the Council taken at its last meeting, the Respondent Architect Shri Rajinder Kumar, New Delhi, was asked to appear before the Bar of the Council to provide him opportunity of hearing on the finding of guilty of professional misconduct and passing of appropriate orders in terms of the provisions of the Section 30 of the Architects Act, 1972.

However, he filed a Writ Petition (C) No. 1787 of 2017 before Hon'ble Delhi High Court and the Hon'ble Court vide order dated 07.03.2017 issued notice to Council in the matter and stayed further proceedings in the complaint case no.CA/DC/411.

The Council, accordingly, in compliance with the order of the Hon'ble Delhi High Court decided to keep the matter in abeyance till the disposal of the case.

ITEM NO.6 TO CONSIDER THE LETTER NO.F.NO.4-65/2016-TS.VI DATED 19TH JANUARY, 2017 OF MHRD, GOVT. OF INDIA, REGARDING AMENDMENT IN ELIGIBILITY CRITERIA FOR ADMISSION TO B.ARCH. COURSE.

The President informed the members that Council vide letter no.CA/1/2016/Regulations dated 15th October, 2016, in terms of Resolution No.462 passed by the Council at its 64th Meeting held on 27.08.2015, requested the Central Government in the Ministry of HRD, Govt. of India, to accord its approval for amending the eligibility criteria prescribed in COA 1983 Regulations as under:

4.(1) "No candidate shall be eligible for admission to Architecture Course unless he/ she has passed the 10+2 scheme of examination or equivalent with 50% marks in aggregate and has also passed in each of Physics, Chemistry and Mathematics as subjects of examination."

The Ministry vide its letter no.4-65/2016-TS.VI dated 01.11.2016 sought certain clarifications from the Council. The requisite clarifications were submitted to the Ministry by the Council vide its letter dated 17.11.2016.

The Ministry conveyed its approval to the following eligibility criteria for admission to B.Arch. Course vide its letter no. F.NO.4-65/2016-TS.VI dated 19TH January, 2017:

“No candidate shall be admitted to architecture course unless she/ he has passed an examination at the end of the 10+2 scheme of examination with 50% marks in Physics, Chemistry and Mathematics and also 50% marks in aggregate of the 10+2 level examination”.

The members deliberated in detail in the matter and noted that the eligibility approved by the Ministry is different from what was recommended by the Council. The Council, therefore, decided that the Central Government be requested to reconsider the eligibility as it leaves out the candidates having Diploma in Architecture equivalent to 10+2. Further, the Council noted that it had recommended that candidates having 50% PCM subjects are eligible for admission to B.Arch. Course and not 50% in each of PCM subjects. Thus, the Council unanimously recommended that eligibility as recommended by it vide letter dated 15.10.2016 be approved by the Central Government.

ITEM NO.7 TO APPROVE THE COUNCIL OF ARCHITECTURE (MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION) REGULATIONS, 2017.

The President informed the members that the Minimum Standards of Architectural Education 2016 as approved by the Executive Committee were circulated to all the Council members on 13.12.2016 for approval. Some of the members have sent their view/ suggestions. The views and suggestions of each of the members were considered and suitability incorporated at the appropriate places.

Few Members suggested that there should be further discussions in the matter and more time should be given to finalise the Regulations.

The President informed the members that Central Government is advising time and again to adhere to the minimum standards regulations as approved by the Central Government i.e. 1983 Regulations. The Council after detailed discussions in the matter passed the following resolution:

Resolution No.480

Resolved that :

- i) Since, Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983 are the only approved document by

the Central Government, all the Institutions be intimated that the inspections shall be carried out on the basis of 1983 Regulations till the 2017 Regulations are approved by the Council and the Central Government.

ITEM NO.8 TO CONSIDER THE APPOINTMENT OF AUDITOR FOR AUDITING BOOKS OF ACCOUNTS OF COUNCIL OF ARCHITECTURE FOR F.Y. 2016-17.

The President informed the members that in terms of provisions of Section 13(4) of the Architects Act, 1972, the Council is required to appoint Auditor for auditing the annual accounts of the Council. The existing auditor was appointed by the Council upto financial year 2015-2016. Expression of Interests is invited from reputed Chartered Accountant Firms for selection of an Auditor for auditing the books of accounts of the Council.

ITEM NO.9 TO RATIFY ACADEMIC CALENDAR APPROVED BY EXECUTIVE COMMITTEE FOR INSPECTION/ APPROVAL OF ARCHITECTURAL INSTITUTIONS FOR ACADEMIC SESSION 2017-2018.

The President informed the members that in order to conduct inspection at various Architectural Institutions timely and smoothly, the Executive Committee has prescribed the Academic Calendar for the academic session 2017-2018.

The Council members perused the Academic Calendar and upon deliberations ratified the same.

ITEM NO.10 TO RATIFY THE CHARGES PRESCRIBED BY THE EXECUTIVE COMMITTEE FOR EXTENSION/ EVALUATION ETC. OF ARCHITECTURAL INSTITUTIONS IN THE COUNTRY.

The President informed the members that the Executive Committee at its 165th meeting held on 16.10.2016, decided to revise the inspection/ evaluation charges etc. to be charged from the Architectural Institutions from the academic session 2017-2018 onwards in order to meet the expenses incurred on travelling, stay, Honorarium etc. to be paid to Inspectors and other related administrative expenses.

These charges have been prescribed by the Executive Committee after detailed discussion and analysis of expenses incurred by the Council towards inspections/surprise inspections, conduct of scrutiny committee and executive committee meetings, reviews and administrative expenses

involved in the process and also after going through fee structure/pattern being followed by other statutory bodies.

The Council, therefore, approved revised charges as under:

- | | | |
|----|---|------------------|
| a. | Introduction of New course B.Arch./ M.Arch. | : Rs. 5.00 Lakhs |
| b. | Extension of Approval, per course | : Rs. 1.00 Lakh |
| c. | Additional intake per 40 seats | : Rs. 2.00 Lakhs |
| d. | Change in name / site of Institution | : Rs. 2.00 Lakhs |
| e. | Closure of Institution | : Rs. 5.00 Lakhs |
| f. | Review Charges | : Rs. 0.50 Lakhs |

The Council members decided that the above charges would be applicable for the academic year 2017-2018 and for the academic session 2018-2019 these charges may be reconsidered.

ITEM NO.11 TO TAKE NOTE OF INSPECTION STATUS OF INSTITUTIONS FOR THE ACADEMIC SESSION 2016-17.

The President informed the members that in terms of the provisions of the Architects Act, 1972, the Council is required to inspect architectural institutions in order to monitor the maintenance of minimum standards of architectural education prescribed by the Council from time to time and also to verify the viability of conduct of Architectural Course by the new institutions.

ITEM NO.12 TO TAKE NOTE OF NATA-2017.

The President informed the members that the National Aptitude Test in Architecture (NATA 2017) for admission to First year of 5-year Bachelor of Architecture Course will be conducted as a single day test i.e. pen and paper based test. This year the NATA Exam would be conducted on Sunday, 16th April, 2017.

The President further informed the members that the Executive Committee constituted three committees to monitor the work of NATA 2017 i.e. **NATA Core Committee**, **NATA Technical Committee** and **NATA Academic Committee**. Prof. Amitava Roy, Member, Executive Committee was appointed as NATA Coordinator.

With the permission of the Chair, Shri Amitava Roy, Coordinator NATA 2017 informed the members online registration of candidates for NATA 2017 Examination was done on website www.nata.nic.in. About 42098 students have applied for NATA 2017 examination. The last date for submission of application was 11th February, 2017. He also informed that

this time each student would be granted a rank in the NATA Test. The members appreciated the efforts being made for conduct of NATA 2017 Exam.

ITEM NO.13 TO CONSIDER THE REPORT OF FOREIGN QUALIFICATION COMMITTEE FOR RECOGNITION OF FOREIGN QUALIFICATIONS UNDER THE ARCHITECTS ACT, 1972.

The President informed the members that in terms of the provisions of the Architects Act, 1972, the Central Government after consultation with the Council can declare any foreign qualification as recognised qualification for the purposes of the Architects Act, 1972. Accordingly, the Central Government is forwarding the requests/ applications received from persons holding foreign qualifications to the Council from time to time.

The Council has constituted a Committee comprising of Shri Kiran Mahajani, as Convener along with Shri J. Manoharan, Shri Chandan Parab, and Rajiv Mishra as Members to examine such references. The Committee held its meeting on 17th December, 2016 and examined 14 requests/ references.

The members perused the report of the Committee and concurred with the recommendations with the Committee and resolved as under :

Resolution No: 481

Resolved that :

- i) The qualifications granted by following foreign authorities be considered for recognition under the Architects Act, 1972 by the Central Government equivalent to B.Arch. Degree of an Indian University :
 - 1) Master of Science in Architecture awarded by Politecnico Di Milan, Italy.
 - 2) 3 years Bachelors together with 3 years Masters Degree in Architecture (M.Arch.) awarded by Politecnico Di Milano, Italy.
 - 3) Accredited Bachelor of Architecture Degree Awarded by Southern California Institute of Architecture SCI-Arc (Los Angeles) USA.
 - 4) Bachelor of Technology in Architecture (B.Tech. Arch) awarded by Federal University of Technology, Akure, Nigeria.

The Council further resolved that the qualifications granted by following foreign authorities in architecture may not be recognized under the Architects Act, 1972 :

- 1) Bachelor of Architecture Degree awarded by New York Institute of Technology, New York, USA.
- 2) B.Sc. Hons in Architecture awarded by University of Bath, UK.
- 3) Master in Engineering Sciences: Architecture awarded by Vrije Universiteit Brussel, Belgium.
- 4) Master of Architecture (M.Arch.) Degree awarded by Monash University, Australia.
- 5) 3 years B.Arch. together with 2 years M.Arch. awarded by University of Technology, Sydney.

The Council noted that following applicants are already registered with Council and have applied for seeking equivalence of their foreign Master's Programme with that of an Indian Masters Degree in Architecture and therefore their cases were referred to PG Board for considering their equivalence with Master's Degree of an Indian University :

1. Mr. Abheet Devel - Master Diploma awarded by University of Applied Arts, Frankfurt, Germany.
2. Ms. Shajeena T. Venugopalan – PG Diploma in Architecture and M.A. in Landscape Architecture awarded by Leeds Metropolitan University, UK.
3. Mr. Deepak Sharma - M.Sc. Degree in Building Construction awarded by University of Florida, USA.

Further, as desired by the Committee the relevant information is being sought from the concerned candidates regarding the qualifications obtained by the following candidates:

1. Ms. Cherukari Indra Das Gupta – M.Sc. Degree in Urban Planning, Land and Housing awarded by Asian Institute of Technology, Thailand.
2. Ms. Swati S. Salagaocar – B.A. (Hons. in Arch.) awarded by Yale University USA and M.Arch. Degree awarded by Columbia University, USA.

ITEM NO.14 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.:482

Resolved that :

1. (CA/DC/421) With regard to complaint filed by Mr. Ajay Vinayak, New Delhi against Ar. Gagan Grover, New Delhi, the Council noted that complaint against the Respondent Architect is that he has invited people on social media i.e. facebook and whatsapp to invest in Project Ripple Residency proposed to be developed near Dwarka, Delhi. However, the Complainant has failed to prove that the Respondent Architect made an offer or advertisement for general public. The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
2. (CA/DC/423) With regard to complaint filed by Mr. Sharad M. Joshi, Mumbai against Ar. Girish Nerukar, Mumbai, the Council noted that is not a case of supplanting of one architect by another as both the architects were aware of appointment of each other and the client agreed to pay the fees of previous architect i.e. complainant. As the Client has failed to pay the fees it is a breach of contract. The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
3. (CA/DC/424) With regard to complaint filed by Mr. Ravi Kapahi, Ghaziabad against Ar. Masoom Singh Baghel, Ghaziabad, the Council noted that the Respondent Architect is not responding to the communications and complaint forwarded by the Council at his addresses available with the Council. The Council, therefore, decided to keep registration of the Respondent Architect in abeyance. A communication to this effect be sent to the Ghaziabad Development & Authority & other authorities and also placed on Council's website.
4. (CA/DC/425) With regard to complaint filed by Mr. Lallan Singh, Pune against Ar. Shirish Dasnurkar, Pune, the Council deferred the consideration of the matter as Shri Sanjiban Datta, member, could not submit his preliminary report in the matter and sought some more time.
5. (CA/DC/428) With regard to complaint filed by Ar. Kishor N Sabne, Thane against Ar. Sandip W. Tandel, Mumbai, the Council deferred the consideration of the matter as Shri Alok Ranjan, member, could not submit his preliminary report in the matter and sought some more time.

6. (CA/DC/429) With regard to complaint filed by Ar.D.T.Vinod Kumar, Secunderabad against Ar. Vilas V. Avachat, Mumbai and Ar. V.S. Kapse, Nagpur, the Council decided that a legal opinion be taken on the Council's advocate whether inspection report submitted by an inspector appointed by the Council for inspection of an institution can make him/ her liable for professional misconduct under Architects (Professional Conduct) Regulations, 1989. The matter be placed before Council along with opinion of Council's advocate.
7. (CA/DC/430) With regard to complaint filed by Shri Bishwambhar D. Sharma, Delhi against Ms. Anupama Kohli, Architect, New Delhi. The Council opined that there does not exist any professional misconduct against the Respondent Architect as alleged since the dispute is between society management and society members. The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
8. (CA/DC/432) With regard to complaint filed by Ar.D.T. Vinod Kumar, Secunderabad against Ar.Milind Kollegal, Hyderabad, the Council noted that the complaint relates to election of the Respondent Architect as a member of the Council and not a case of alleged professional misconduct. The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
9. (CA/DC/435) With regard to complaint filed by Shri Shaikh A. Karim, Mumbai against Ar. Hemant R. Ambre, Mumbai, the Council observed that there is no case against the Respondent Architect as he was not involved in the construction or demolition of site/project in question. The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
10. (CA/DC/436) With regard to complaint filed by Shri Naresh Gupta, Kalakruti Estate Pvt. Ltd., Mumbai against Mr. Aruni Patil, Mumbai, the Council noted that the Respondent is not an Architect and hence the complaint is not maintainable against him. Accordingly, the petitioner and the respondent shall be informed of the decision of the Council.
11. (CA/DC/437) With regard to complaint filed by Ar.D.T. Vinod Kumar, Secunderabad against Ar. Prakash Deshmukh, Pune, Ar. Paresh

Kapadia, Mumbai and Ar. Vilas V. Avachat, Mumbai, the Council noted that the matter is related to election of IIA. A case on same issue is already pending before Hon'ble Bombay High Court. The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

12.(CA/DC/438) With regard to complaint filed by Shri Sanjay Kumar Surve, Navi Mumbai against Shri Rajesh R.C. Deshmukh, Navi Mumbai, the Council deferred the consideration of the matter as Shri Gajanand Ram, member, could not submit his preliminary report in the matter and sought some more time.

13.(CA/DC/443) With regard to complaint filed by Dy.Chief Engineer (BP), MCGM, Mumbai against Ar. B.S. Joshi, Mumbai, the Council deferred the consideration of the matter as Shri P.S. Rajive, member, could not submit his preliminary report in the matter and sought some more time.

ITEM NO.15 TO FURTHER CONSIDER THE COMPLAINT RECEIVED AGAINST SHRI DILIP W.DESHMUKH, ARCHITECT FROM M/S. AAKRUTI CONCEPT PVT. LTD., MUMBAI (CA/DC/353).

The President informed the members that the Council received a complaint dated 28.11.2011 from Shri Ajay Bansal, M/s. Aakruti Concept Pvt. Ltd, Mumbai against Shri Dilip W. Deshmukh, Architect, Mumbai for alleged professional misconduct.

The complaint and the statement of defence of Respondent was considered by the Council at its 66th meeting held on 25.08.2016 and it was decided that *matter be kept pending till the outcome of the decision of Arbitration proceedings.*

The Respondent Architect has vide his letter dated 30.11.2016 submitted to the Council a copy of the Arbitral award.

The Council perused all the documents and noted that the complaint against the Respondent Architect is that he asked the Complainant to allot a flat admeasuring 1100 sq. ft. in the proposed building to be constructed by the Complainant in lieu of his agreed Fee of Rs.30/- Lakhs. The complainant failed to pay the professional fee of the Respondent Architect and terminated his services. No records have been found with complaint about payment of fees to Respondent Architect.

The Council accordingly opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint**

be dismissed. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

ITEM NO.16 TO CONSIDER THE SECOND COMPLAINT RECEIVED FROM SHRI VINEET GOEL, GURGAON, AGAINST SHRI I.P. PATHAK, ARCHITECT (CA/DC/445), NEW DELHI.

The President informed the members that Council has received a complaint dated 19.03.2016 from Shri Vineet Goel against Shri I. P. Pathak, Architect. The said complaint, statement of defence of respondent architect along with Preliminary Report Shri C.V. Dileep Kumar, Member was considered at the 66th meeting of the Council. The Council at its last meeting after considering the relevant documents dismissed the complaint.

The Complainant Shri Vineet Goyal again filed a complaint stating that in the earlier complaint photographs of site were not enclosed by him. The office of the Council referred the matter to its advocate for legal opinion whether a complainant can file second complaint on a matter already decided by the Council. The advocate opined as under :

I am of the view that a second complaint on same set of facts is not maintainable in law, applying the principles of double jeopardy. Further, I find that the entire complaint is based on the completion certificate issued by the Architect, which clearly mentions it be a part completion certificate, and has been rightly observed by CoA. This has been reiterated by the HSIUDC.

The Council upon deliberations in the matter decided that the second complaint on the same set of facts, though with additional enclosures, is not maintainable and hence dismissed. Accordingly, the Complainant be informed of the decision of the Council.

ITEM NO.17 TO CONSIDER MAKING RECOMMENDATIONS TO CENTRAL GOVERNMENT FOR FURTHER AMENDING THE COUNCIL OF ARCHITECTURE RULES, 1973, REGARDING CONSTITUTION OF DISCIPLINARY COMMITTEE.

The President informed the members that the Ministry of Human Resource Development, Government of India, vide G.S.R. No. 457(E) dated 25th June, 2009 further amended the Council of Architecture Rules, 1973 including Rule 35 which provides for procedure regarding complaints and enquiries related to professional misconduct of an architect.

The rules were amended in 2009 by the Central Government. The amended Rule 35 (1) (a) provides as under :

(a) *All complaints against architects shall be investigated and all enquiries relating to professional misconduct of architects shall be held by a **Committee to be constituted by the Central Government by notification in the Official Gazette.***

Further, the constitution of Disciplinary is provided under Rule 35 (1) (b) as under:

(b) The Committee referred to in clause (a) shall consist of three members, of whom one member shall be elected by the Council from amongst its members; one member from amongst themselves nominated under clause (b) and one member from amongst the members referred to in clause (d) of sub-section (3) of Section 3.

The President further informed that consequent upon amendment of the Council of Architecture Rules 1973, in the year 2009 the constitution of Disciplinary Committee every time has to be notified in the Gazette of India. The information of vacancy in membership of the Disciplinary Committee to Ministry and the process of appointing a member by gazette notification of constitution of Disciplinary Committee by the Ministry results in considerable delay in the functioning of the Committee and delay in examination of complaints received against Architects.

The members deliberated in detail in the matter and resolved as under :

Resolution No.483

Resolved that :

The Central Government be requested to consider the matter appropriately and further amend the Council of Architecture Rules, 1973 so that the procedural delays happening on account of constitution of Disciplinary Committee and notification of the same in gazette of India do not affect the working of the Disciplinary Committee.

ITEM NO.18 TO CONSIDER THE REPRESENTATION RECEIVED BY THE COUNCIL OF ARCHITECTURE FROM SHRI P.N. GAYAWAL AND SHRI MILIND CHITALE FOR RECONSIDERATION OF THE DECISION OF THE COUNCIL HOLDING THEM GUILTY OF PROFESSIONAL MISCONDUCT.

The President informed the members that the office of the Council is in receipt of representations from Shri P. N. Gayawal and Shri Milind Chitale, Architects regarding withdrawal of criminal complaints filed against them

and also re-reconsideration of the decision of the Council holding them guilty of professional misconduct.

The Council suspended these Architects from practice for a period of one year. However, the Hon'ble Bombay High Court has stayed the Orders of the Council.

Based on the representations and undertakings of these Architects, the criminal complaints filed against them have already been withdrawn as per the decision of the Executive Committee.

Further, both the Architects have requested the Council to reconsider the Order of the Council on the complaints of alleged professional misconduct against them.

The Council perused Complaint, Statement of Defence and order of the Council and decided that these Architects should first withdraw their case before Hon'ble High Court and then seek reconsideration of the decision of the Council.

The Registrar-Secretary is directed to inform the decision of the Council.

ITEM NO.19 TO TAKE NOTE OF THE LETTER DATED 05.01.2017 RECEIVED FROM THE DEPUTY SECRETARY, NATIONAL COUNCIL FOR EDUCATIONAL RESEARCH AND TRAINING REGARDING INTRODUCTION OF "ARCHITECTURE" SUBJECT AT 10+2 LEVEL.

The President informed the members that he vide letter dated 29.09.2016, requested the Secretary, Department of School Education & Literacy, for inclusion of Architecture as an elective subject at 10+2 level, by CBSE and other State Boards. The Council also submitted a Model syllabus.

The Ministry has forwarded the Council's proposal to National Council for Educational Research and Training (NCERT) for their comments. The NCERT vide their letter dated 06.01.2017 has recommended that overall the syllabus is very excellent and will be very information to the students for their higher studies.

The members perused the letter dated 06.01.2017 of NCERT and appreciated the initiative taken by the President for promotion of Architectural Education in the country. The members suggested that matter be pursued further with Ministry to ensure that "Architecture" subject is introduced as elected subject at 10+2 level.

ITEM NO.20 ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.

I. TO TAKE NOTE OF ORDER DATED 14.02.2017 OF HON'BLE SUPREME COURT OF INDIA, IN CIVIL APPEAL NO (S).3346-3348 OF 2005, COUNCIL OF ARCHITECTURE V/S. MANOHAR KRISHNAJI RANADE & ORS.

The Council members noted the contents of the Order dated 14.02.2017 of the Hon'ble Supreme Court of India along with the legal opinion of Council's advocate.

The members also noted that a letter dated 06.03.2017, has been to Chief Secretaries of all States/ UTs for implementation of the Orders of Hon'ble Supreme Court in their respective states. The members appreciated the efforts being made by the Council for enforcement of the provisions of the Architects Act, 1972 all over India.

II. TO TAKE NOTE OF THE LETTER NO.4-42/2016-TS.VI DATED 02.02.2017, RECEIVED FROM MHRD, GOVT. OF INDIA, REGARDING VACATION OF MEMBERSHIP OF SHRI MILIND KOLLEGAL.

The members perused the letter no.4-42/2016-TS.VI dated 02.02.2017, received from Ministry of HRD, Govt. of India, addressed to Shri Milind Kollegal, Hyderabad, informing vacation of his membership of Council of Architecture. The Council decided that the Central Government be requested to hold elections of vacant post(s) as early as possible.

III. TO CONSIDER THE LETTER NO.576 DATED 13.02.17, RECEIVED FROM HEAD OF BRANCH, CBI, MUMBAI, REGARDING PRELIMINARY ENQUIRY AGAINST SHRI V. S. SOHONI AND OTHERS.

The members perused the letter no.576 dated 13.02.2017 from the Head of Branch, CBI, Mumbai, regarding preliminary enquiry conducted against Shri V.S. Sohoni, the then President, COA and others enclosing therewith a note for further action in the matter by the Council of Architecture.

After detailed deliberations, the Council decided that the matter be referred to Central Government for their information and appropriate action as deemed fit.

IV. TO APPROVE AMENDMENTS IN COUNCIL OF ARCHITECTURE RECRUITMENT AND PROMOTION REGULATIONS AS RECOMMENDED BY THE EXECUTIVE COMMITTEE.

The President informed the members that the Executive Committee of the Council at its 167th Meeting held on 10th December, 2016 noted that the work load in the Council has increased considerably. The activities & functions of the Council, namely, registration of architects, renewal of architects, disciplinary cases against architects, court cases, public relations/ grievances, accounting and taxation, publication, conduct of aptitude test, increase in number of architectural institutions and their inspections, enrolment of students, architectural training & research centre, digitalization of working of Council, etc. are increasing exponentially day by day.

The Executive Committee, therefore, approved a proposal for amendments in the Council of Architecture Recruitment and Promotion Regulations, 1999.

The Council members perused the proposal for amendments in the Council of Architecture Recruitment and Promotion Regulations, 1999 and resolved as under :

Resolution No.484

Resolved that :

The proposal for amendments in the Council of Architecture Recruitment and Promotion Regulations, 1999 is approved and further action be taken as per provisions of the Architects Act, 1972 in the matter.

Further, as regards proposal for creation of posts for Council of Architecture Training & Research Centres to be started at five zones all over India, the Council decided that a draft project report covering all aspects including financial feasibility be circulated to all the members for approval so that further action can be taken in the matter.

V. TO CONSIDER THE COMPLAINT FOR ALLEGED PROFESSIONAL MISCONDUCT AGAINST ARCHITECTS.

1. **CA/DC/444** – The Council members perused the complaint sent by Shri Syed Sirajul Hassan, Architect along with statement of Shri Katakam Ashok, Architect and also perused the preliminary report of Mrs. Mala Mohan, Member. The Council noted that the case of the complainant is that the Respondent Architect supplanted his services by submission of drawings/ plans for a project for which the Complainant was Architect. Whereas the case of Respondent is that he was founder member of the Club and assisted the Club

by submitting changed master plan for approval of statutory authorities and did not charge any professional fee.

The Council members upon deliberations and application of their mind opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the **complaint be dismissed**. Accordingly, the petitioner and the respondent architect be informed about decision of the Council.

VI. TO RECOMMEND ENHANCEMENT OF FEES BEING CHARGED BY THE COUNCIL OF ARCHITECTURE FROM ARCHITECTS.

The President informed the members that Council is functioning out of the fees charged from Architects towards Registration Fee, Renewal Fee, Restoration Fee, Additional Qualification fees, fine, etc. as fixed by the Central Government from time to time in accordance with the Council of Architecture Rules, 1973.

The activities and functions of the Council are growing and it is further proposed to expand the activities of the Council by establishing five Research & Training Centres at five different zones in the country and facilitate services viz., research labs and other facilities to the faculty members, practicing architects and students of architecture.

Further, as per the directives of Ministry, the Council is working to automate its working on a web-based application for effective dissemination of information to architects, students, schools, government bodies, organizations & general public at large and adopt the digital technology in its working on the lines of Mission Digital India Mission of Hon'ble Prime Minister of India to serve the nation efficiently. For achieving this goal, the Council is required to incur expenses on acquiring latest technology & updated softwares along with provision for its continuous maintenance and upgradation.

The members noted that the fees was earlier revised in the year 2014 by the Central Government vide GSR No.173 dated 6th August, 2014, after an interval of 12 years.

The Council after detailed deliberations in the matter resolved as under :

Resolution No.483

Resolved that :

1) The Central Government is requested to approve following fees structure by further amending the Council of Architecture Rules, 1973:

- i) Registration Fee : Rs. 5,000/-
- ii) Renewal Fee : Rs. 1,000/- with an option of one-time payment Rs. 20,000/-
- iii) Restoration Fee : Rs. 10,000/-
- iv) Duplicate Certificate Fee: Rs.2,000/-
- v) Additional qualification entry fee : Rs. 500/-

The meeting ended at 06.40 p.m. with a vote of thanks to the Chair.
