

MINUTES OF THE 69TH MEETING OF THE COUNCIL OF ARCHITECTURE, HELD ON FRIDAY & SATURDAY, 13TH & 14TH APRIL, 2018 FROM 11.00 A.M., ONWARDS IN THE CASUARINA HALL, CONVENTION CENTRE, INDIA HABITAT CENTRE, LODHI ROAD, NEW DELHI – 110 003.

FIRST DAY (Friday, 13TH APRIL, 2018)

PRESENT

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

MEMBERS:

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|-------------------------------|--------------------------|
| 1. Ar. Raneer Vedamuthu | 21. Ar. N. K. Negi |
| 2. Ar. Alok Ranjan | 22. Ar. V. K. Pant |
| 3. Ar. Amogh Kumar Gupta | 23. Ar. Gajanand Ram |
| 4. Ar. Amitava Roy | 24. Ar. K. Udaya |
| 5. Ar. Abhay Purohit | 25. Ar. Sadiqu Ali D.A. |
| 6. Ar. Prakash S. Deshmukh | 26. Ar. Habeeb Khan |
| 7. Ar. Jatinder Kumar Saigal | 27. Ar. B.K. Sharma |
| 8. Ar. Pushkar Kanvinde | 28. Ar. B.S. Thangkhiew |
| 9. Ar. A. R. Ramanathan | 29. Ar. George Lalzuia |
| 10. Ar. Rajiv Mishra | 30. Ar. V.N. Metha |
| 11. Ar. Kiran S. Mahajani | 31. Ar. R. Radhakrishnan |
| 12. Ar. Mala Mohan | 32. Ar. Sapna |
| 13. Shri B. K. Bhadri | 33. Ar. Arvind Bhargava |
| 14. Ar. R. Ramesh Kumar | 34. Ar. Kavita D. N. Rao |
| 15. Ar. Durlav Chandra Saikia | 35. Ar. Sanjiban Datta |
| 16. Ar. Shyam Kisore Singh | 36. Ar. Geeta Khulbe |
| 17. Ar. Kapil Setia | 37. Ar. Vandana Sehgal |
| 18. Ar. Arvind Kumar Ahirwar | 38. Ar. Subir K. Basu |
| 19. Ar. P. D. Dhanjibhai | 39. Shri H.K. Mittal |
| 20. Ar. Chandan K. Parab | 40. Shri D. S. Bodke |

IN ATTENDANCE:

Shri R. K. Oberoi : Registrar-Secretary
Shri C. B. Mishra : Sr. Consultant (A &F)
Shri Deepak Kumar : Administrative Officer

The following members were granted leave of absence:

- | | |
|-----------------------|-----------------------|
| 1. Ar. J. Manoharan | 5. Ar. P.S. Rajeev |
| 2. Ar. Bimal H. Patel | 6. Ar. Rajesh Pradhan |
| 3. Ar. Sujata Anand | 7. Ar. Usha Batra |
| 4. Ar. Dawa Tsering | |

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

1. Ar. Sunita Monga

2. Shri D. L.Vohra

The President extended a very warm welcome to the members attending the meeting with a special mention of those members who attended for the first time. He also briefed the members about the Agenda of the meeting, emphasizing the proposal on Comprehensive Amendments to the Architects Act, 1972.

Shri B. K. Bhadri, nominee of the Central Government, with the permission of the Chair proposed that detailed Budget Estimates of the Council (for the Financial Year 2018-2019) be placed before full Council for its approval. Similar views were expressed by few other members of the Council.

The President clarified the members that as per COA Regulations, 1982, the detailed estimates of receipts and expenditure for a financial year are to be sanctioned by the Executive Committee. He further, informed that the Executive Committee at its 184th Meeting held on 31.03.2018 and 185th Meeting held on 12.04.2018, has sanctioned the detailed estimates of receipts and expenditure for the financial year 2018-2019. The President, however, assured the members that the summary of the same will be placed before Council on 14.04.2018 for consideration and concurrence.

Further, the members suggested that a detailed Project Report comprising of financial implications on setting up Training and Research Centres at different places be tabled for consideration of the Council.

Thereafter the regular agenda of the meeting was taken up for consideration.

ITEM NO.1 CONFIRMATION OF THE MINUTES OF THE 68TH MEETING OF THE COUNCIL OF ARCHITECTURE.

The Minutes of the 68th Meeting of the Council of Architecture held on 13th October 2017 at Portblair, as enclosed with Agenda, were confirmed and signed by the President.

ITEM NO.2 ACTION TAKEN REPORT ON THE MINUTES OF THE LAST MEETING.

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

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 granted ex-post facto approval of the action taken by the Registrar for restoring names of 709 Defaulter-Architects' whose names were restored to the Register of Architects on payment of requisite fees during the period 16.09.2017 to 20.03.2018.

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

The Council noted with grief the passing away of some architects. 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 in terms of Section 29(1) (b) of the Architects Act. Accordingly, the Council passed the following Resolution:

Resolution No.:489

Resolved that:

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

Sl. No.	Name of the Architect	Place	Registration No.
1.	Mr. Dilip V. Nikam	Nashik	CA/96/20723
2.	Mr. Prabhakar R. Bhalerao	Mumbai	CA/84/8672
3.	Mr.Hasmukh C. Patel	Ahmedabad	CA/75/83
4.	Mr. Tapas Kumar Mallick	Delhi	CA/91/13853
5.	Mr. Pankaj Ashtt	Delhi	CA/92/14658
6.	Mr. Naresh Vij	Delhi	CA/90/13372
7.	Mr. Dilip M. Kajale	Nashik	CA/2001/27191

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

Resolution No.:490

Resolved that :

The names of the following architects be removed from the Register of Architect as per 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.	Mr. Prakash Dhondu Achrekar	Mumbai	CA/85/8924
2.	Mr. Arvind S. Naik	Mumbai	CA/84/8363
3.	Mr. Vibhakar S. Kulkarni	Pune	CA/84/8503
4.	Mr. Puroshottam P. Khare	Kolhapur	CA/75/977
5.	Mr. Parimal K. Das	Hooghly	CA/80/5601

6.	Mr. Sharad G. Chawan	Sangli	CA/76/3346
7.	Mr.Sudhir M. Lele	Pune	CA/84/8615
8.	Mr. Dhananjay M. Achalkar	Dharwad	CA/94/17538
9	Mr. Dattatray R. Raut	Navi Mumbai	CA/91/13899
10.	Mr. Suman Kanti Paul	Jaipur	CA/2004/33801
11.	Mr.Jayant P. Kale	Vadodara	CA/76/2821
12.	Mr. Ajay Kumar	Delhi	CA/99/24968
13.	Mr. Aditya Bhatt	Mumbai	CA/2012/57416
14.	Mr. Ved P. Verma	Dehradun	CA/75/390

ITEM NO.5 TO CONSIDER THE REPORT/ RECOMMENDATIONS OF THE DISCIPLINARY COMMITTEE IN RESPECT OF DISCIPLINARY CASES REFERRED TO IT.

1. CA/DC/274, Shri Baburao Hari Ramishte Vs. Shri Jayant C. Tipnis, Architect.

The Council perused the report of the Disciplinary Committee and deferred the matter to next day (i.e. 14.04.2018) and directed to table the entire record for taking a decision in the matter.

2. CA/DC/328, Shri Ravi Nagpal, STPI Vs. Shri Dinesh Kumar Sharma, Architect.

The Council perused the report of the Disciplinary Committee and deferred the matter to next day (i.e. 14.04.2018) for placing entire record before it for taking a decision in the matter.

ITEM NO.6 TO CONSIDER THE COMPLAINTS RECEIVED AGAINST ARCHITECTS FOR ALLEGED PROFESSIONAL MISCONDUCT FROM THE ARCHITECTS, GENERAL PUBLIC/ GOVT. AGENCIES.

The Council Members perused the various complaints received against architects, as detailed in the Agenda, together with the statement of defense, 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.:491

Resolved that:

1. CA/DC/453 – With regard to complaint filed by Shri Chakresh Jain, New Delhi against Shri Deepak Mehta, Architect, Delhi, the Council noted that complaint is about variation contained in Brochure Drawings, Approval drawings and Completion drawings. Further, the Council also noted that the authorities have accorded their approval on the drawings and issued completion Certificate.

The Council accordingly opined that there is no prima facie case of alleged professional misconduct against the Respondent Architect and dismissed the complaint. The Complainant and Respondent Architect be informed of the decision of the Council.

2. CA/DC/454 - With regard to complaint filed by Shri Mohd.Farooq Abdul Razzaq Kazi, Mumbai against Ms. Sheetal P. Nikhare, Architect, Thane, the Council noted that the matter relates to difference of opinion between the society and developer and services of developer still continues. The Architect was appointed by Developer.

The Council, therefore, opined that there is no prima facie case of alleged professional misconduct against the Respondent Architect and dismissed the complaint. The Complainant and Respondent Architect be informed of the decision of the Council.

3. CA/DC/438 - With regard to complaint filed by Shri Sanjay Kumar Surve, Navi Mumbai against Shri Rajesh R.C., Architect, Navi Mumbai, the Council noted that the Respondent Architect was appointed for Commercial cum Residential buildings to deal with authorities on behalf of the client till occupancy certificate is obtained.

The drawings prepared by the Respondent Architect are sanctioned by the Competent Authority i.e. Navi Mumbai Municipal Corporation and has issued commencement certificate, plinth certificate and occupancy certificate in favour of owner/ developer. The Council, therefore, opined that there is no prima facie case of alleged professional misconduct against the Respondent Architect and dismissed the complaint. The Complainant and Respondent Architect be informed of the decision of the Council.

4. CA/DC/451 - With regard to complaint filed by Shri Sandip Toraskar, Mumbai against Shri Shirish Sukhatme, Architect, Mumbai, the Council noted that matter relates to preparation of valuation report by the Respondent Architect. The Council also noted that the matter is sub-judice before Special Court under Prevention of Corruption Act, 1988. The Council, accordingly, decided to keep matter in abeyance till the case is decided by the competent court. The Complainant and Respondent Architect be informed of the decision of the Council.
5. CA/DC/452 - With regard to complaint filed by Shri Samresh Agarwal, New Delhi against Shri Upendra Tater, Architect, Udaipur, the Council deferred the matter to its next meeting as Preliminary Report from the Council member in the matter is still awaited.
6. CA/DC/458 - With regard to complaint filed by Shri Manish Pathak, Lucknow against Shri Pradeep Kumar Singh, Architect, Lucknow, the Council deferred the matter to its next meeting as Preliminary Report from the Council member in the matter is still awaited.

7. CA/DC/460 - With regard to complaint filed by Shri Archit Jain, New Delhi against Ms. Neelam Kumari Manjunath, Architect, Bengaluru, the Council noted that matter relates to dispute on payment of less salary to complainant and other issues whereas the Respondent Architect submitted that Complainant was vitiating the entire office environment. The Council, therefore, opined that there is no prima facie case of alleged professional misconduct against the Respondent Architect and dismissed the complaint. The Complainant and Respondent Architect be informed of the decision of the Council.
8. CA/DC/461 Shri S. R. Mahajan, AE, Municipal Corporation of Greater Mumbai, Mumbai, against Shri Suhas Samant, Architect, Mumbai, the Council deferred the matter to its next meeting as some additional information is sought from the Complainant in the matter.

The members pointed out that several complaints are filed against architects for out of vengeance or to harass the concerned architect. The members were of the unanimous view that there should be some mechanism to discourage frivolous complaints including prescribing fees. The members also observed that lot of expenditure had to be incurred for examining such complaints and taking decisions. The members, therefore, unanimously decided that a complaint fee be prescribed and accordingly resolved as under :

Resolution No.492

Resolved that :

1. The Central Government be requested to amend the Council of Architecture Rules, 1973 and prescribe Rs.5,000/- as Complaint fees for filing complaints against architects with Council.
2. The Rules be further amended to include the requirement that only a person (complainant) who has agreement/contract with Architect can file complaints within 3 years of execution of the contract or completion of the project.

ITEM NO.7 TO CONSIDER THE PROPOSAL FOR INSTALLATION OF BIO-METRIC ATTENDANCE MACHINES AND CCTV CAMERAS IN ALL ARCHITECTURAL INSTITUTIONS.

The President informed the members that the Council is, time and again, receiving complaints about non-availability of faculty in the institutions. It has also been reported that many institutions are not maintaining proper attendance of faculty members which is badly affecting studies of students.

With a view to bring improvement in the system so as to ensure better quality of architectural education, the President proposed in 183rd Executive Committee Meeting that all the Institutions should install Biometric attendance system in

their institutions for all the faculty, staff members and students and also cameras at prominent places in the institution which may be linked to the server of the Council. However, as the Executive Committee could not reach a unanimous decision in the matter. President, therefore, decided to place the matter before the full council for taking appropriate decision.

The Council deliberated in detail in the matter and decided that all architectural institutions must maintain Biometric attendance system and also install CCTV Cameras at prominent places in the Institution. In case of any complaint or during inspection such records should be made available to Council or its authorized representative. Accordingly, all institutions be informed of the decision of the Council.

ITEM NO.8 APPOINTMENT OF AUDITOR FOR AUDITING THE BOOKS OF ACCOUNTS OF THE COUNCIL FOR THE FINANCIAL YEAR 2017-2018.

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. M/s. Shailesh Aggarwal & Associates have been auditing the books of accounts of the Council for the last 10 years uninterruptedly.

The Council invited Expression of interests through newspapers advertisements for appointment of an Auditor to conduct audit of the accounts of the Council. In response 8 Chartered Accountant firms have submitted EOI to Council.

After detailed scrutiny of the same, three firms are recommended to be empanelled as auditor to conduct the audit of the Accounts of the Council for the financial year 2017-2018 on a fixed annual audit fee of Rs.30,000/- (Rupees Thirty thousand only). The Council perused the profile of the three Auditors/ firms and resolved as under:

Resolution No.493

Resolved that :

1. The Council authorized the President to appoint an auditor out of the following three auditors/ firms for a period of one year on a fixed annual audit fee of Rs.30,000/- (Rupees Thirty thousand only):
 - a. M/s. Anjali Jain & Associates, New Delhi.
 - b. M/s. A.K.G. & Associates, Delhi.
 - c. M/s. V.K. Verma & Co. New Delhi.

ITEM NO.9 TO CONSIDER THE DECISION OF EXECUTIVE COMMITTEE REGARDING WINDING UP OF INSTITUTIONS WHO COULD NOT ADMIT STUDENTS UPTO 30% OF THEIR SANCTIONED INTAKE IN THE LAST THREE ACADEMIC SESSIONS.

The President informed the members that the Executive Committee of Council at its 177th Meeting held on 14.08.2017, noted that some of the Architectural Institutions in the country are not able to fill up even 30% of their sanctioned intake. This seems to be the basic reason on the part of these institutions not being able to recruit proper faculty as well as improving their infrastructure facilities. Because of this these institutions are caused to impart deficient education to students.

The Executive Committee, keeping in view the above facts decided to close/wind up institutions which are not able fill up 30% of their sanctioned intake during each of the last three years and proposed to transfer existing students on roll from these institutions to other institutions. The said decision was sent to all Institutions for their information and has been kept on hold after receiving objections from a few Council members.

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

Resolution No.494

Resolved that :

1. The institutions which are not able to fill up 30% of their sanctioned intake consecutively for three years be advised to close down by following the prescribed procedure.
2. An affidavit be sought from all new institutions to this effect.
3. All Architectural Institutions be informed of this decision of the Council. The period for counting the sanctioned intake would begin from the academic session 2018-2019.

ITEM NO.10 MATTERS FOR KIND INFORMATION AND PERUSAL OF THE COUNCIL MEMBERS.

A. CONDUCT OF NATA 2018 EXAMINATION.

The President informed the members that the NATA 2018 Examination is scheduled to be held on Sunday, 29th April, 2018 as a single day online Test. The Council has engaged Tata Consultancy Services to provide the services for online registration of the applicants as well as the conduct of NATA online. Ar. Raneer Vadamuthu, Member, Executive Committee has been appointed as Convenor for NATA 2018 examination to ensure the successful conduct of examination.

With the permission of the Chair, Ar. Raneer Vadamuthu, member and Convenor NATA 2018, informed the members that the test would be conducted in 88 Cities. 49390 candidates have registered for the test out of which 3855 candidates belong to SC/ST category.

B. COUNCIL'S PROPOSAL FOR INTRODUCTION OF "ARCHITECTURE" AS AN ELECTIVE SUBJECT AT 10+2 LEVEL.

The President informed the members that the Council submitted a proposal for introduction of "Architecture" as an additional elective subject at 10+2 level to MHRD along a model syllabus on the same. The MHRD referred the matter to NCERT and the NCERT recommended the syllabus as suggested by the Council. The MHRD has also forwarded the Council's proposal to CBSE and the response from CBSE is still awaited.

In this connection the officials of the Council met the Director, NCERT who assured that the proposal of the Council will be examined on priority and a decision will be taken before the next academic session. The officials have also visited CBSE and requested them to expedite the decision in the interest of students so that "Architecture" subject is introduced at 10+2 level as an elective subject from the next academic session.

The members appreciated the efforts made in the matter by the office of the Council.

C. AWARD OF "PRITZKER ARCHITECTURE PRIZE 2018" TO PROF. B.V.DOSHI, ARCHITECT.

The President informed the members that it is a matter of great pride that Prof. B. V. Doshi, Architect, has been conferred with "Pritzker Architecture Prize 2018, commonly referred to as Nobel Prize of Architecture. The Council members congratulated Prof. Doshi of this great achievement making our country proud of him.

D. PURCHASE OF LAND TO SET UP THE TRAINING & RESEARCH CENTRES OF COA.

The members noted the information as detailed in the Agenda. Some of the members suggested that a detailed project report along with financial implications for the proposed Training & Research Centres be placed before Council.

E. ESTABLISHMENT OF 20 NEW SCHOOLS OF PLANNING & ARCHITECTURE IN THE COUNTRY BY THE GOVERNMENT OF INDIA, AS ANNOUNCED BY HON'BLE FINANCE MINISTER IN HIS BUDGET 2018 SPEECH.

The members noted the information as detailed in the Agenda in the matter.

F. STATUS OF COUNCIL OF ARCHITECTURE (MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION) REGULATIONS, 2017 AS SUBMITTED TO MINISTRY OF H.R.D., GOVT. OF INDIA, FOR APPROVAL.

The Members noted that the Ministry of HRD is yet to approve of the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2017. Shri B.K. Bhadri, nominee of Central Government informed that the Council will soon receive positive information in the matter.

G. CONDUCT OF ELECTIONS BY THE CENTRAL GOVERNMENT FOR THE TWO VACANCIES OF MEMBERS OF COUNCIL UNDER SECTION 3(3)(c) OF THE ARCHITECTS ACT, 1972 FROM HEADS OF ARCHITECTURAL INSTITUTIONS.

The President informed the members that the Ministry of HRD, Govt. of India, was requested to appoint a Returning Officer for conduct of elections for the two casual vacancies occurred due to cessation of membership of two members from Heads of Architectural Institutions under Section 3(3) (c) of the Architects Act, 1972.

The Election Tribunal had initially stayed the election process for 15 days and later on the stay was vacated. The progress regarding appointment of Returning Officer for conduct of elections is yet to be informed to the Council.

The members deliberated in the matter and noted that the term of other three members elected from Head of Architectural Institutions shall end in the month of April, 2019 and with a view to avoid duplication of election work and to save cost, desired that the Ministry may be requested to examine the matter and initiate action at its end for conducting the elections at appropriate time for all the members under this constituency. Registrar-Secretary is directed to send a communication to this effect to Ministry of HRD.

H. LETTER NO. 4-45/2017-TS.VI DATED 23.11.2017 OF MHRD, REGARDING REPRESENTATION OF SHRI KAPIL DEV, LUDHIANA.

The members perused the representation of one Shri Kapil Dev from Ludhiana to the Parliamentary Standing Committee on Petitions of Lok Sabha alleging misuse of powers by the Council of Architecture. The Council perused the correspondence/ clarifications furnished by the Council to MHRD in the matter.

I. COUNCIL'S PROPOSAL FOR CONDUCT OF PROFESSIONAL EXAMINATION BEFORE GRANTING REGISTRATION AS AN ARCHITECT.

The Council in the year 2010 proposed to introduce professional examination to be conducted by the Council before granting registration to those who possess the recognised qualifications. Keeping this in view, it prepared a Draft Professional Examination Regulations, 2010 which was submitted to the Ministry of HRD, Govt. of India, seeking its approval in terms of Section 45 of the Architects Act, 1972.

The information sought by the Ministry from time to time on the matter has been furnished. The approval of the Central Government in the matter is awaited.

J. CONDUCT OF TRAINING PROGRAMME FOR ARCHITECTS ON ECBC BY THE COUNCIL.

The Council has entered into a Memorandum of Understanding (MOU) with Bureau of Energy Efficiency (BEE) for conducting training programme for practicing Architects/ Govt. Architects/ faculty members/ students of architecture on Energy Conservation and Building Code. The Council's Training & Research Centres have conducted 3 programme at Bhubaneswar and 2 programme at Pune till the end of March, 2018. While appreciating this initiative of the Council the members requested that a copy of the MOU be circulated to all the Council Members for their perusal.

K. MEETING WITH CHAIRMAN, AICTE REGARDING NORMS AND STANDARDS IN ARCHITECTURAL EDUCATION.

The members noted the details of meeting of President, COA with Chairman, AICTE for avoiding overlapping of norms & standards of Architectural Education. The Council unanimously decided that it may enter into an Memorandum of Understanding (MOU) with AICTE without compromising the authority and mandate given to the Council under the Architects Act, 1972.

Further, the Council constituted a Committee comprising of Ar. Vijay Garg, Ar. Abhay Purohit and Ar. Pushkar Kanvinde to prepare a draft MOU which may be got vetted from the Council's advocate and thereafter the final version be placed before Council for approval.

L. PROCEEDINGS BEFORE THE ELECTION TRIBUNAL CONSTITUTED UNDER SECTION 5(2) OF THE ARCHITECTS ACT, 1972, BY THE CENTRAL GOVERNMENT.

The members noted the information as detailed in the agenda.

M. THE DELHI HIGH COURT ORDER DATED 05.01.2018 IN W.P. (C) NO.3319/ 2017, SUDHIR VOHRA V/S. UNION OF INDIA & ORS. REGARDING NOMINATION OF SHRI BALBIR VERMA AS REPRESENTATIVE OF THE COUNCIL OF ARCHITECTURE ON THE GOVERNING BODY OF SCHOOL OF PLANNING AND ARCHITECTURE, NEW DELHI.

The members noted the information as detailed in the agenda and desired that the Orders of Hon'ble Court be complied with.

N. RE-CONSTITUTION OF SCRUTINY COMMITTEE.

The Council noted the constitution of Scrutiny Committee for scrutinising the inspection reports of institutions for introduction of B.Arch. Course, Extension of Approval, Additional Intake, etc. with following members:

1. Dr. Vandana Sehgal, Convenor
2. Smt. Usha Batra, Member
3. Shri Kapil Setia, Member
4. Shri Arvind Kumar Ahirwar, Member and
5. Shri Gajanand Ram, Member
6. Mr. Kishore Behera, Chartered Accountant (Special Invitee)

ITEM NO.11 TO CONSIDER CONSTITUTION OF AN ADVISORY BOARD CONSISTING OF SENIOR RETIRED GOVT. OFFICERS FOR ADVISING THE COUNCIL ON DIFFERENT ISSUES.

The President, informed the members that he proposed to have an Advisory Board consisting of Senior Retired Govt. Officers particularly from Indian Administrative Services (IAS) from different states/ organizations so that the Council can avail their services & benefit from their experience, wisdom and knowledge in dealing with different issues of the Council from time to time.

It was also proposed that the Board would have about 5 members - 3 Senior Retired IAS officers and 2 Senior Architects, initially for a period of one year. They would be paid an honorarium of Rs.5,000/- for attending meeting in addition to reimbursement of their travel and accommodation expenses as are being paid to Hon'ble Members of the Council.

The Council noted that the matter was placed in 183rd meeting of EC and as the members could not reach to a unanimous decision, it was decided to place the matter before Full Council for final decision.

The Council deliberated in detail in the matter and expressed its apprehension in achieving the objective of constituting the Advisory Board by taking retired Senior Govt. Officials. Alternatively, it authorized the President to avail the services of any suitable person by engaging him in the Council as Advisor with an appropriate honorarium.

The meeting of the first day was over at 7.00 p.m. with a vote of thanks to the Chair.

SECOND DAY (SATURDAY, 14TH APRIL, 2018)

PRESENT

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

MEMBERS:

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|-------------------------------|--------------------------|
| 1. Ar. Raneer Vedamuthu | 21. Ar. N. K. Negi |
| 2. Ar. Alok Ranjan | 22. Ar. V. K. Pant |
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| 7. Ar. Jatinder Kumar Saigal | 27. Ar. B.K. Sharma |
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| 11. Ar. Mala Mohan | 31. Ar. R. Radhakrishnan |
| 12. Ar. Usha Batra | 32. Ar. Sapna |
| 13. Shri B. K. Bhadri | 33. Ar. Arvind Bhargava |
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| 17. Ar. Kapil Setia | 37. Ar. Vandana Sehgal |
| 18. Ar. Arvind Kumar Ahirwar | 38. Ar. Subir Kumar Basu |
| 19. Ar. P. D. Dhanjibhai | 39. Shri H.K. Mittal |
| 20. Ar. Chandan K. Parab | 40. Shri D. S. Bodke |

IN ATTENDANCE:

Shri R. K. Oberoi : Registrar-Secretary
Shri C. B. Mishra : Sr. Consultant (A &F)
Shri Deepak Kumar : Administrative Officer

The following members were granted leave of absence:

- | | |
|-----------------------|-----------------------|
| 1. Ar. J Manoharan | 4. Ar. Dawa Tsering |
| 2. Ar. Bimal H. Patel | 5. Ar. P.S. Rajeev |
| 3. Ar. Sujata Anand | 6. Ar. Rajesh Pradhan |

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

1. Ar. A. R. Ramanathan
2. Ar. Sunita Monga
3. Shri D. L. Vohra

ITEM NO.5 TO CONSIDER THE REPORT/ RECOMMENDATIONS OF THE DISCIPLINARY COMMITTEE IN RESPECT OF DISCIPLINARY CASES REFERRED TO IT.

The Council perused the entire records of these two cases and considered them as under:

1. CA/DC/274, Shri Baburao Hari Ramishte Vs. Shri Jayant C. Tipnis, Architect.

The Council noted that a complaint for alleged professional misconduct from Shri Baburao Hari Ramishte against Shri Jayant C. Tipnis, Architect in October, 2006 with following allegations :

1. The Complaint is filed on behalf of Co-operative Society.
2. Complainant alleged that the Respondent Architect conspired to cheat public falsely by promising that some part of land allotted to complainant is available for constructing buildings. They formed six societies and collected amount in lakhs enrolling several persons as members of the said societies.
3. The respondent architect knew it well that no person can be admitted as members who are not Mathadi kamgars or who are not approved by the Government. The eligibility of the membership is fixed by the Government. A complaint has been filed against him and others with the police and police has arrested some persons.
4. Respondent on false promise took money from contractor Mr. Gupta of S.G.Enterprises. When the contractor filed suit against complainant society and the respondent architect, the respondent architect paid back part money of Rs. 4 lakh to the said contractor stating that he has only received four lakhs from society.

The response of the Respondent Architect :

1. The respondent architect in his response submitted that the complaint is frivolous and malafide and with intention to extract money as he has not succumbed to the pressures of the complainant.
2. The respondent architect was granted anticipatory bail from High Court on the same issue which observed as under:

“xxx It is apparent that applicant’s role is not directly that of either distributing forms or collecting moneys as alleged. The office bearers of the 3 proposed societies who have been named are also shown as accused in subject FIR. The applicant has been involved in the project as the consultant-cum-architect xxx”

The Council also perused the report of the Disciplinary Committee dated 29.09.2008 and entire sequence of events in the matter and noted that allegations made against the Architect were already being a matter of investigation and trial by the concerned courts and as of now no document has been submitted to Council finding the respondent Architect guilty in the matter. The Council also noted that the Complainant had expired.

The Council after deliberations did not agree with the report of the Disciplinary Committee dated 29.09.2008 and accordingly decided that there is no professional misconduct on the part of the Respondent Architect, as alleged, and accordingly dismissed the complaint.

2. CA/DC/328, Shri Ravi Nagpal, STPI Vs. Shri Dinesh Kumar Sharma, Architect.

The Council noted that a complaint dated 18.10.2010 was received for alleged professional misconduct from Shri Ravi Nagpal, STPI against Shri Dinesh Kumar Sharma, Architect with following allegations:

- The scope of work includes Architecture, allied field and project management services. The work was not completed within the stipulated time of 24 months.
- Ignoring the delay in work as good gesture from the department and additional time of 12 months was allotted for which even an additional payment of Rs. One lakh per month was agreed to and paid despite a specific provision in para 8.8 of the agreement that penalty of 1% per month subject to a maximum of 10 % of consultancy fees shall be imposed on the consultant for non completion of work in time.
- However STPI restrained itself from invoking clause 8.8 of agreement till now and didn't invoke the penalty so far as stipulated in the said clause. STPI however still reserves its right to invoke the clause 8.8. Due to inefficient management of the part of the Architect, the progress of the work is still around 60 % and no work is being done from the last one year.
- The Consultant miserably failed to comply with the provisions under part III of the agreement wherein the action regarding early warning report to the contractor on the potential delays, fortnightly reviews and recasting of schedule were never taken to make up time lost in execution of the work.
- That there are serious failures on part of D.K. & Associates such as delay in issue of drawings, wrong estimation, and frequent changes in drawings / design and providing decisions / details. D.K. & Associates have miserably failed in getting the work completed. The above

lapses were intimated to D.K. & Associates from time to time through various letters hoping that they may improve there working and would carry out the work according to the term of agreement.

- While going through the observation of CTE (Chief Technical Examiner's) it can be judged that the observations raised pertaining to the work are related to work preparation of estimate resulting into large scale deviations, not carrying out the work as per the approved drawings, designs and relevant specification for which release of payment to the contractor have been recommended by D.K. & Associates from time to time. The work has not been taken up as per condition & specifications of the contractor's agreement and also as per CVC guidelines, which has resulted to serious irregularities in execution of the above work, as pointed by CTE. STPI had observed serious lapses in running bills. D.K. & Associates was requested to give details of persons deployed by him at the work site but same has not been furnished till date. The reply to CTE's observation was to be submitted through STPI which was not furnished by the consultant.
- The other complaints on non performance on part of the Architect related to Architectural and project Management Services are briefed as under:
 - Wrong framing of Estimate.
 - Improper supervision of the Work.
 - Non Replying to CTE's Observation.

The Respondent Architect submitted following defence :

- We have executed all our assignment at right earnest & supplied STPI copies of approved drawings & BOQ & Tenders documents and also submitted to NOIDA authority on 31.01.2006 for approval.
- All drawings architectural and structural were issue to STPI in time. Work was never held up because of drawings.
- Delay in work was due to delayed payment & also holding payment of contractor by STPI.
- STPI engaged one site engineer – Consultant right from start of the project and consultant was checking all activities of work side by side.
- We submitted Bill of Rs.5,98,399/- but remain unpaid till date.
- The deviation in steel items is due to change in structural design to make it earth quake proof.
- We have replied to all observations of CTE.

The Council also perused the previous report dated 23.07.2014 of the Disciplinary Committee and noted that the only fault found by the Committee on the part of the Respondent Architect was that he could not produce any documentary evidence regarding submission of all drawings in time to the contractor before the Committee.

The Council noted the recent report dated 28.11.2017 of Disciplinary Committee stating that the matter was referred to Disciplinary Committee without giving an opportunity to the Complainant to put forth his views/ arguments.

The Council, therefore, upon detailed deliberations and application of its mind decided that Complainant and Respondent Architect be summoned to appear before the Council to provide them opportunity to put forth their views and deciding the matter finally and the Respondent Architect be informed to produce the document, if any, regarding submission of drawings in time before the full Council in its next meeting.

ITEM NO.12 CONDUCT OF SIX MONTHS' TRAINING PROGRAMME FOR NEW FACULTY MEMBERS OF ARCHITECTURAL INSTITUTIONS.

The President informed the members that it has been brought to the notice of the Council time and again that architectural institutions are appointing fresh graduate Architects or architects with very less experience of teaching to impart architectural education. This affects the quality of teaching and thus standards of architectural education. Therefore, it is proposed to conduct Six Months' Training Programme for those young Architects before they take up teaching as their profession.

The members deliberated the matter in detail and it was observed that the proposal for having Six Months' Training by the Council is not feasible. The members, therefore, proposed that the Council may conduct a Faculty Eligibility Test for fresh Graduates/ Postgraduates in Architecture to address the problem of having qualified/ competent faculty and accordingly resolved as under :

Resolution No.495

Resolved that :

1. A Faculty Eligibility Test be conducted from the academic session 2019-2020 for fresh Graduates/ Post Graduates in Architecture who wish to join architectural institutions as faculty.
2. The detailed modalities of the Test, fees, frequency of test, Centres, eligibility criteria, etc. be worked out and placed before Council.
3. Fresh graduates after a period of one year shall undergo a training programme 3 months duration conducted in any of the TRC's on payment basis before appearing in the Faculty Eligibility Test.

ITEM NO.13 TO CONSIDER THE PROPOSAL ON COMPREHENSIVE AMENDMENTS TO ARCHITECTS ACT, 1972.

The President informed the members that the Architects Act was enacted by the Parliament in the year 1972. However, with the passage of time and due to change in the education and training of Architects, legal requirements, professional practices and professional liabilities of Architects in the built environment nationally and internationally, a need is felt to provide proper regulatory framework. This will not only protect the interest of general public but also act for the betterment of architectural profession in the country. In addition it will also address the challenges posed by globalisation and General Agreement on Trade in Services (GATS) of WTO to which India is one of the signatory.

The Members noted that the MHRD had earlier proposed few amendments in the Act in the year 2010 and the Parliamentary Standing Committee on HRD recommended that a proposal for comprehensive amendments should be submitted.

Accordingly, the Council after holding extensive discussions and consultations with architects, academician and other concerned stakeholders submitted a proposal for comprehensive amendments in the Architects Act, 1972 in the November 2013 seeking amendment in the Act to Ministry of HRD and the Ministry constituted a Committee the under Chairmanship of Ar. J.R. Bhalla to make its recommendations.

The members perused the Statement of Reasons for Amendment of the Act and a Tabular Statement containing Council's proposal vis-a-vis with Bhalla Committee recommendations and the Revised Proposal of the Council. After day long deliberations and going through the amendments clause by clause the Council resolved as under :

Resolution No.496

Resolved that :

- i) Proposal for Comprehensive Amendments be finalized by the President after legal vetting and submitted to the Central Government for initiating necessary action ; and
- ii) A copy of the proposal be circulated to all members of the Council.

ITEM NO.14 ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.

1. TO CONSIDER THE EMAIL/ LETTER DATED 11.10.2017, RECEIVED FROM SHRI P. N. GAYAWAL, ARCHITECT, PUNE.

The President informed the members that Shri P. N. Gayawal, Architect, vide his letter dated 27.09.2016 requested the Council among others to withdraw the Order of the Council holding him guilty of professional misconduct.

The Council in its 67th Meeting considered the above request of Shri P.N. Gayawal and decided that the concerned architect be asked to withdraw the case filed before Hon'ble Bombay High Court challenging the decision of the Council holding him guilty of professional misconduct so as to reconsider the decision of the Council.

Pursuant to this suggestion, Shri P.N. Gayawal had withdrawn his Writ Petition No.1314 of 2011 filed before Hon'ble Bombay High Court on 10.10.2017 and submitted the copy of the withdrawal order to the Council.

The Council at its last (68th) meeting decided that a legal opinion be taken before taking further action and till further Order of the Council the last Order of Council holding Shri P.N. Gayawal guilty of professional misconduct be kept in abeyance.

The Council perused the legal opinion in the matter as placed in the agenda and resolved as under :

Resolution No.497

Resolved that :

- i) The Order dated 16.08.2010 passed by the Council in its 55th Meeting holding Shri P.N. Gayawal, Architect, guilty of professional misconduct and suspending him from practice for a period of one year is hereby withdrawn.
 - ii) The concerned Architect be informed of the decision of the Council.
- 2. TO CONSIDER THE REQUEST RECEIVED FROM SHRI MILIND CHITALE FOR RECONSIDERATION OF THE DECISION OF THE COUNCIL HOLDING HIM GUILTY OF PROFESSIONAL MISCONDUCT.**

The Council perused the communications as annexed with the agenda and noted that Shri Milind Chitale, Architect, has neither withdrawn the case nor expressed any regret in the matter. The Council, therefore, did not consider the request of Shri Milind Chitale for withdrawing its order holding him guilty of professional misconduct.

- 3. GAZETTE NOTIFICATION OF AMENDMENT IN THE ELIGIBILITY FOR ADMISSION TO B.ARCH. COURSE AS PRESCRIBED IN THE COUNCIL OF ARCHITECTURE (MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION) REGULATIONS, 1983.**

The Council noted that the amendments in the Eligibility for admission to B.Arch. Course as prescribed in the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983 and as approved by

the Ministry of HRD, Govt. of India, has been notified in the Gazette of India on 06.06.2017 vide Notification no.CA/1/2017/Regulations dated 29.05.2017. Further, requisite copies have been sent to MHRD for laying the same before both Houses of Parliament as per Section 45 of the Act.

4. APPROVAL OF CENTRAL GOVERNMENT ON COUNCIL'S PROPOSAL FOR ENHANCEMENT OF FEES BEING CHARGED BY COUNCIL OF ARCHITECTURE FROM ARCHITECTS.

The Council noted the information as detailed in the agenda and decided that the MHRD be requested to consider the proposal of the Council favourably.

5. TO CONSIDER THE LIST OF PERSONS (INDIVIDUALS/ FIRMS/ COMPANIES) ISSUED SHOW CAUSE NOTICES BY THE COUNCIL FOR MISUSE OF TITLE AND STYLE OF ARCHITECTS W.E.F. 01.11.2017 TO TILL DATE.

The Council perused the list of Companies/ firms/ individuals issued show cause notices for violations of the Act.

6. TO CONSIDER AND ACCORD CONCURRENCE ON THE APPROVAL OF THE EXECUTIVE COMMITTEE FOR THE BUDGET ESTIMATE OF THE COUNCIL FOR THE FINANCIAL YEAR 2018-19.

The President informed the members that the Executive Committee at its 185th meeting held on 12.04.2018, has approved the detailed estimates of receipts and expenditure for the financial year 2018-2019.

The Council perused and ratified the decision of the Executive Committee in approving the estimates of receipts and expenditure for the financial year 2018-2019 as circulated during meeting i.e. estimated income Rs.36.54 Crores and estimated expenditure Rs.36.54 Crores.

7. TO CONSIDER AND RATIFY THE ACTION TAKEN REGARDING PURCHASE OF GOVERNMENT LAND AT BANGALORE FOR THE PROPOSED TRAINING AND RESEARCH CENTRE OF THE COUNCIL OF ARCHITECTURE.

The President informed the members that the Council at its 66th Meeting held on 25.08.2016 at Dharmshala, Himachal Pradesh decided to set up its Training & Research Centres (COA TRC) at five different places, viz; Pune, Bangalore, Bhopal, Bhubaneswar and Delhi. Keeping this in view, the Council decided to avail government land from concerned state governments at Government preferred price.

Based on the above decision, Council in response to the advertisement No. BDA/Commissioner/DS-1/CA sites/192/2017-18 dated 18.07.2017 published by the Bangalore Development Authority (BDA), Council submitted its application along with Rs.10,000/- towards registration fee and Rs.1,35,54,315/- towards initial deposit against the plot at Banasankari,

6th Stage, 6th Block at Bangalore, admeasuring 14193 Sq. Mtrs.. This matter was placed before Council in its 68th meeting held 13.10.2017 at Portblair, A&N for kind perusal of the Hon'ble members.

The Council was informed about the allotment of the plot vide allotment letter no.0565 dated 02.01.2018 (copy enclosed) for a total value of Rs.15,99,40,917/- and was advised to deposit Rs. 2,89,97,288/- (Rupees two crore eighty nine lakhs ninety seven thousand two hundred eighty eight only) towards the first installment in case it opts for payment on installment basis enabling BDA to sign the lease agreement.

Subsequently, the matter was reviewed by the Executive Committee and it was decided that payment of balance amount Rs.14,63,86,602/-on lump sum basis would work out much cheaper than payment on instalment basis within the due date i.e. 01.04.2018 in order to save interest @18% per annum.

It may be pointed out that a budget estimate of Rs.800 lakhs was made for purchase of land for the F.Y.2017-18. The President in exercise of his power conferred on him under Section26 (9)(a) of Council of Architecture Regulation 1982 appropriated the balance amount of Rs.800 lakhs from the unspent amount available on various head of accounts.

The Council perused the information detailed above and ratified the action taken by the Executive Committee for purchase of land for TRC Bangalore.

8. PREPARATION OF PERSPECTIVE PLAN FOR ARCHITECTS IN COUNTRY.

The Council deliberated in detail in the matter and with a view to streamline the number of architectural institutions in the country and to assess the demands for architects all over India, it was decided to prepare a Perspective Plan . The Council constituted a committee with the following members to prepare the Perspective Plan :

1. Ar. Kavita D. Rao, Convenor
2. Ar. Pushkar Kanvinde, Member
3. Ar. Syam Kishore Singh, Member ; and
4. Ar. B.S. Thangkhiew, Member

The terms of reference of the Committee are as under :

- i) To study the district-wise, state-wise availability of Architects all over India;
- ii) To study and examine the need of Architectural Institutions state-wise all over India;
- iii) To study number of students presently undergoing architectural education and different trends;
- iv) To study the demand for architectural faculty in the country and the present availability status ; and
- v) Any other matter (s) which the committee feels relevant in the matter.

The Committee shall submit its report / recommendations within 90 days to the Council.

9. RANKING OF ARCHITECTURAL INSTITUTIONS:

The President informed the members that in order to encourage healthy competition among institutions to achieve excellence and for the awareness of the general public and students on the status of institutions, it is proposed to introduce ranking of institutions. Ranking of Institution will also help in entering into reciprocal arrangements / Mutual Recognition Agreements with foreign authorities for according recognition of architectural qualifications in each others' country.

The Council welcomed the proposal of the President and constituted a committee with following members to prepare the modalities and procedure for ranking :

- i) Ar. Pushkar Kanvinde, Convenor
- ii) Ar. Rajiv Mishra, Member and
- iii) Ar. Habeeb Khan, Member.

The terms of reference of the Committee would be to prepare the modalities and procedure for ranking of Architectural Institutions in the country. The Committee will submit its report within 45 days to the Council.

10. TO CONSIDER PRESCRIPTION OF MINIMUM SECURITY DEPOSIT FOR PRIVATE INSTITUTIONS IMPARTING ARCHITECTURAL EDUCATION.

The President informed the members that it has come to the notice of the Council that some private institutions without following the due procedure are stopping imparting architectural education and even have closed the premises thus putting studies, career and future of the students at risk. Some of the institutions even do not respond to the communications sent by the Council.

He further proposed that an amount of Rs.25,00,000/-(Twenty Five Lakhs Only) be charged from all new private institutions as security deposit to be kept with the Council of Architecture to safeguard the future of students and to act as a deterrent for non-professional entrepreneurs.

The Council deliberated in detail the proposal and decided that it is in the interest of students that the Council must insist for some security deposit. After detailed deliberations the Council resolved as under:

Resolution No.498

Resolved that :

- i) A sum of Rs. 25,00,000/-(Twenty Five Lakhs Only) be charged from new private institutions applying to Council for its approval from the academic session 2018-19 as interest free security deposit, out of which the amount of Rs.20,00,000/- shall be returned to institution after a period of 10 years without interest, subject to satisfactory compliance with the norms of the Council.
- ii) All the existing Institutions except Govt. Institutions shall be required to deposit Rs.5,00,000/- (Five Lakh only) as interest free Security Deposit.

11. ENHANCEMENT OF SITTING FEES OF MEMBERS :

With the permission of the Chair, some members invited the attention of the President that the Council is presently paying a sitting fee of Rs.2,000/-, as approved by the Central Government, for attending the meetings of the Council. This amount is less looking at the efforts and contribution made by members. The Council deliberated in matter and resolved as under :

Resolution No.499

Resolved that :

- i) The existing sitting fees of Rs.2,000 for attending the meetings in the Council be enhanced to Rs. 5,000/- per meeting with the approval of the Central Government in terms of Section 11 of the Architects Act, 1972.
- ii) The Registrar-Secretary may send a request to Central Government seeking its approval of enhancement of sitting fees to Council members for attending meetings in the Council.

12. ATTENDING OF PROGRAMME/ FUNCTIONS IN ARCHITECTURAL INSTITUTIONS BY THE MEMBERS OF THE EXECUTIVE COMMITTEE OF THE COUNCIL.

The President proposed before the Council that all the elected office bearers of the Executive Committee should restrain themselves from accepting any invitation for attending any functions, programme or events organized by any of the architectural institutions imparting 5-year B.Arch. degree course in the country scheduled for inspection/sanction of approval as regards to fulfillment of the norms, as prescribed by Council of Architecture. This period of restraint will be there till the inspection of the institutions by the inspectors, evaluation of the inspection reports and the final decision in sanction of approval of Executive Committee in respect of all the institutions proposed to undergo the scheduled inspection this academic year is over.

The Council deliberated in the matter and agreed with the proposal of the President and observed that this decision would not only avoid the alleged conflict of interest of the office bearers of the Executive Committee and that of the educational institutions awaiting sanction of their intake capacity and for continuance in imparting the Architectural education but also create a strong impression of absolute unbiasedness of the Executive Committee in arriving at a rational decision. The Council accordingly resolved as under:

Resolution No.:500

Resolved that:

1. All the elected office bearers of the Executive Committee viz., President, Vice-President and the five other members be requested to restrain themselves from accepting any invitation to attend any functions, programme or events organized by any of the architectural institutions scheduled for inspection/sanction of approval as regards to fulfillment of the norms, as prescribed by Council of Architecture.
2. The period of restraint will be there till the inspection of the institutions by the inspectors, evaluation of the inspection reports and the final decision on sanction of approval of Executive Committee in respect of all the institutions proposed to undergo the scheduled inspection for current academic calendar is over.

The Second day meeting ended at 6.30 p.m. with a vote of thanks to the Chair.

Sd/-
R. K. Oberoi
Registrar – Secretary

Sd/-
Biswaranjan Nayak
President

Dated : 22.05.2018