

**Chapter - I****Preliminary****1. Short title and commencement -**

1. These rules may be called the Council of Architecture Rules 1973.
2. These rules shall come into force on the date of their publication in the official Gazette.

**2. Definitions - In these rule, unless the context otherwise requires -**

- a. "Act" means the Architects Act, 1972;
- b. "Form" means a form annexed to these rules;
- c. "President" means the President of the Council of Architecture;
- d. "Returning Officer" means any officer appointed as such by the Central Government for the purpose of these rules;
- e. "Section" means a section of the Act. Election to the Council under clause (a) of sub-section (3) of section 3.

**3. Representatives of the Indian Institute of Architect -**

1. The President shall, not later than sixty days before the date of occurrence of vacancy by the expiry of the term of office of a member, send intimation thereof to Central Government who shall, not later than forty five days before the date of occurrence of the vacancy, forward a notice by registered post to the Secretary of the Indian Institute of Architects requesting him to hold an election by a date not later than the date specified in the notice.
2. In the case of a vacancy under sub-section (2) or sub-section (3) of section 6 or any other vacancy, the President shall notify the Central Government as soon as possible the occurrence of such vacancy and the Central Government shall thereupon forward a notice by registered post to the Secretary of the Indian Institute of Architects requesting him to hold an election to fill that vacancy by a date not later than the date specified in the notice.
3. For the purpose of the first election under clause (a) of sub-section (3) of section 3, it shall be sufficient if the Central Government forward a notice by registered post to the Secretary of the Indian Institute of Architects requesting him to hold the election by a date not later than the date specified in the notice.

**4. Intimation of name of elected person to Central Government -** The name of the elected person shall be intimated by the Secretary of the Indian Institute of Architects to the Central Government who shall take steps to publish the name of the elected person in the Official Gazette. Election to the Council under clause (c) of sub-section (3) of section 3.**5. Persons entitled to vote and to stand for election -** All persons who are the heads of architectural institutions in India imparting full-time instruction for recognised qualifications shall be entitled to vote at and to stand for the election of a member under clause (c) of sub-section (3) of section 3.**6. Returning Officer -** The Returning Officer shall call upon all the head of architectural institutions in India to elect such number of members as are referred to in clause (c) of sub-section (3) of section 3 and in the case of first election, five members shall be elected.**7. Returning Officer to decide questions relating to right of persons to vote at or to stand for election -** If any question arises as to whether a person is or is not entitled to vote at or to stand for the election, the question shall be referred to the Returning Officer (for his decision)<sup>1</sup>.**8. Fixation of dates of various stages of election -** The Returning Officer shall appoint and notify in the Official Gazette and in such other manner as he thinks fit, the date, the time and place for -

- a. the receipt of nomination papers and their scrutiny;
- b. the despatch of voting papers to the elections;

c. the poll, the scrutiny and counting of votes.

\* Published in the Extra-ordinary Gazette of India Part-II Sec.3 Sub-Sec (i) on 20.2.1973.

1. Amended by Notification GSR No. 1104 dated 26.9.1973.

9. **Nomination of Candidates** - Any person qualified to stand for the election under this chapter may be nominated as a candidates for election and such nomination shall be made by means of a nomination paper in Form No. 1 which shall be supplied by the Returning Officer to any elector who may apply for the same.

10. **Nomination Paper -**

1. Each nomination paper shall be subscribed by two electors as proposer and seconder:  
Provided that no elector shall subscribe more nominations than there are seats to be filled up:  
Provided further that if more than prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid and if more than the prescribed number of nomination papers subscribed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held invalid.
2. On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereupon the date and hour of receipt.

11. **Rejection of nomination paper** - A nomination paper which is not received before the date and the time appointed in that behalf shall be rejected.

12. **Scrutiny of nomination paper -**

1. On the date and at the time appointed by the Returning Officer for the scrutiny of the nomination papers, the candidates and the proposer and the seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of the candidates which have been received by him as aforesaid.
2. The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination.<sup>1</sup>

13. **Withdrawal of candidate -**

1. Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than seventeen clear days before the date appointed for the poll.
2. A candidate who has withdrawn his candidates shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.
3. The Returning Officer shall, on receiving a notice of withdrawal, publish the fact of such withdrawal in the Official Gazette.

14. **Procedure of election -**

1. Where the number of candidates validity nominated is equal to or less than the number of members to be elected, the Returning Officer shall forthwith declare such candidates to be duly elected.
2. Where the number of such candidates is less than the number of members to be elected, the Returning Officer shall commence fresh proceedings for the election of the remaining members to be elected under clause (c) of sub-section (3) of section 3.
3. Where the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish their names and addresses in the Official Gazette and shall further cause their names to be entered in the voting paper in Form No. II.
4. If a poll is found necessary, the Returning Officer shall, fourteen days before the date appointed therefore, send by post to each elector a letter of intimation in Form No. IV together with a numbered declaration paper in Form No. III containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover also addressed to him. A certificate of posting shall be obtained in respect of each such letter of

intimation sent to an elector:

Provided that the voting paper and other connected papers may also be sent to any elector on his applying to the Returning Officer for the same before the date appointed for the poll, if the Returning Officer is satisfied that the papers have not been sent to him.

5. An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and request the Returning Officer to send him fresh papers and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt.
  6. In every case in which fresh papers are issued, a note shall be kept in a register maintained for the purpose to denote that fresh papers have been issued to certain members.
  7. No election shall be invalid by reason of the non-receipt by an elector of his voting paper.
15. **Votes to be sent by registered post** - Every elector desirous of recording his vote shall, after filing up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, seal up the cover, enclose the cover and declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost to the Returning Officer, so as to reach him not later than the date fixed for the poll and all envelopes after that day shall be rejected.
1. Amended by Notification GSR No. 1104 dated 26.9.1973.
16. **Endorsement by Returning Officer on registered cover** - On receipt by registered post of the envelopes containing the declaration paper and the closed cover containing voting paper, the Returning Officer shall endorse on the outer envelopes the date and hour of receipt.
17. **Candidates may be present when registered covers are opened** -
1. The Returning Officer shall open the outer envelopes immediately after the closing of the poll at the place to which the envelopes are addressed to him.
  2. Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time the outer envelopes are opened.
18. **Rejection of voting papers** -
1. A voting paper cover shall be rejected by the Returning Officer if:
    1. the outer envelope contains no declaration paper outside the voting paper cover; or
    2. the declaration paper is not the one sent by the Returning Officer; or
    3. the declaration paper is not signed by the elector, or
    4. the voting paper is placed outside the voting paper cover; or
    5. more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.
  2. In each case of rejection, the word "Rejected" shall be endorsed on the voting paper cover and the declaration paper.
  3. After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 20(1).
19. **Scrutiny and counting of votes** -
1. The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes at the date, time and place appointed by him in this behalf:  
Provided that the date so appointed shall not be later than three days from the date fixed for the poll.
  2. All the voting paper covers, other than those rejected under rule 18, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.

3. A voting paper shall be invalid if -
  - a. it does not bear the Returning Officer's initials, or facsimile signature; or
  - b. a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
  - c. no vote is recorded thereon; or
  - d. the number of votes recorded there on exceeds the number of seats to be filled; or
  - e. it is void for uncertainty of the vote exercised.
4. Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.
5. The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representatives at the time of scrutiny and counting of votes.
6. If any objection is made to any voting paper on the ground that it does not comply with the requirement or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer.<sup>1</sup>
7. The Returning Officer shall nominate such number of scrutinizers as he thinks fit in accordance with such directions as may be issued in this behalf by the Central Government.

**20. Declaration of result -**

1. When the counting of the votes has been completed, the Returning Officer shall draw up a list of candidates in the order of highest votes polled by each and shall declare the result of the successful candidates in that order according to the number of seats to be filled up.
2. When an equality of votes is found to exist among any candidates and there is difficulty in declaring the result, the determination of the person or persons who shall be deemed to have been elected shall be made by lot to be drawn by the Returning Officer or any other officer authorised by him and in such manner as he may determine.
3. The Returning Officer as soon as the result is declared shall inform the successful candidate by letter of his being elected to the Council.

**21. Voting papers to be retained for six months -** Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Central Government.

**22. Result of election -** The Returning Officer shall intimate the name of the elected candidates to the Central Government.

1. Amended by Notification GSR No. 1104 dated 26.9.1973.