

**Chapter - VII****35. Complaints and enquiries relating to professional misconduct of an architect -**

1.
  - a. All complaints against architects shall be investigated and all enquiries relating to misconduct of architects shall be held by a committee of the Council consisting of three members, of whom one shall be elected by the Council from among its members; one member from among the members nominated under clause (b) and one member among referred to in clause (d) of sub-section 3 of section 3.
  - b. The Chairman of the Disciplinary Committee shall be elected by the members of that Committee from among themselves.<sup>2</sup>
2. Each complaint shall be made to the Council in Form No. XIV.
3. Each complaint shall contain the following particulars, namely:-
  - a. the acts and omissions which, if approved, would render the architect complained against guilty of any professional or other misconduct;
  - b. the oral or documentary evidence relied upon in support of the allegations made in the complaint.
4. The Secretary shall return the complaint which is not in the proper form or which does not contain the aforesaid particulars for representation after the compliance with such objection and within such time as the Secretary may satisfy.
5. Within sixty days ordinarily of the receipt of complaint, the Secretary shall -
  - a. if the complaint is against an individual architect, send a copy thereof to such architect at his address as entered in the Administrative Register;
  - b. if the complaint is against a firm, send a copy of the complaint to the firm concerned at the address of the head office of the firm with a notice calling upon the firm to disclose the name of the architect concerned and to send a copy of the complaint to such architect.
6. An architect against whom a complaint is made, may, within fourteen days of the receipt of a copy of the complaint, under sub-rule (5) or within such further time as the Secretary may allot, forward to him a written statement in his defence verified in the same manner as a pleading in Civil Court.
7. If on perusal of a complaint, and the written statement if any, of the architect concerned and other relevant documents and papers, the Council is of the opinion that there is a prima facie case against such architect, the Council shall cause an enquiry to be made in the matter by the Disciplinary Committee. If the Council is of the opinion that there is no prima facie case against such architect, the complaint shall be dismissed and the complainant and the architect concerned shall be informed accordingly. Provided that the Council may before dismissing the complaint, call for any additional particulars or documents connected with the case, either from the complainant or from the respondent, or from both, if in its opinion it is necessary to do so.
8. Every notice issued by the Secretary or the Disciplinary Committee under this rule shall be sent to the architect or the firm concerned by registered post with acknowledgement due and if the notice is returned with an endorsement indicating that the addresses cannot be found at the address given, the Secretary shall ask the complainant to supply to him the correct address of the architect or firm concerned and send a fresh notice to the architect or firm at the address so supplied.

**36. Procedure in any inquiry before the Disciplinary Committee -**

1. It shall be the duty of the Secretary to place before the Disciplinary Committee all facts brought to his knowledge which are relevant for the purpose of an inquiry by the Disciplinary Committee.
2. An architect against whom a complaint is made shall have a right to defend himself before the Disciplinary Committee either in person or through a legal practitioner or any other architect of the Institute.
3. Deleted.<sup>1</sup>
4. Where during the progress of an inquiry the Disciplinary Committee undergoes a change of personnel for

any reason whatsoever, the respondent shall have option to have his case heard de novo and the enquiry conducted accordingly.

**37. Report of the Disciplinary Committee -**

1. The Disciplinary Committee shall submit its report to the Council.
2. The Council shall consider the report of the Disciplinary Committee and if in its opinion a further inquiry is necessary, may cause such further inquiry to be made and a further report to be submitted by the Disciplinary Committee as it may consider necessary, and after considering such further report of the Disciplinary Committee, the Council shall proceed accordingly.

**38. Restoration of membership -** The fee for restoration of membership under section 32 shall be Rs. 1000\*.

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

\*Amended by Notification GSR No. 14 dated 3.1.2002.