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**COMMITTEE TO EXAMINE
THE COMPREHENSIVE AMENDMENTS
IN THE ARCHITECTS ACT, 1972**

**AS SUGGESTED BY THE COUNCIL OF ARCHITECTURE,
AND OTHER RELATED ISSUES**

FINAL REPORT

5th January 2015

CHAIRMAN OF THE COMMITTEE: Dr. J. R. BHALLA

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PREFACE

In June 1989 I had the honour of finalizing a preface on behalf of the Council of Architecture (COA) on Professional Conduct Regulations for Architects. It is once again an honour to write the Preface of a fresh initiative by the Government of India, to update and reinforce the tenets of the Architects Act of 1972, of which I was the principal author.

Soon after Independence, architectural professionals approached the Government of India to enact the registration of architects. The Government was lukewarm to the suggestion as the country had only a few qualified Indian architects. It took almost twenty years for the Architect's Act to be enacted in 1972. 'Shri Pilo Mody who was Member of Parliament in-charge of Works was of great help in processing the Act. After enactment of the Act, the Government constituted an Architects Registration Tribunal. The first Register of Architects was published in May 1974. The COA has also published Minimum Standard of Architecture Education, Professional Conduct Regulations, Guidelines for Architectural Competition and Goals of Architecture Education.

The COA regulates architectural courses and the architectural profession in India. At present, nearly 50,000 architects are registered with COA and there are 387 COA-recognized colleges of architecture in the country.

For over four decades, the Architect's Act has been serving its purpose quite well. However, there are certain overlapping provisions in the Architects Act vis-à-vis other Acts, such as the India Council of Technical Education (AICTE) Act, Limited Liability Partnership (LLP) Act, and the Companies Act. Taking cognizance of this situation, the COA approached the Ministry of Human Resource Development (MHRD), Government of India, to consider the introduction of comprehensive amendments in the Architects Act 1972.

The MHRD approached me to Chair a Committee to review the amendments proposed by COA and related issues. The committee comprised Sh. Hafeez Contractor, Eminent Architect, Prof. I. J. S. Bakshi, nominee of COA, Prof. N. Sridhar, Director, SPA Vijayawada, Ar. Prakash Deshmukh, President, Indian Institute of Architects (IIA), Dr. Avinash S. Pant, Vice-Chairman, AICTE, Dr. Shakeel Ahmad (nominee of University Grants Commission, UGC) and Mr. Rajesh Singh, Director (Technical Education), MIIRD.

Mr. Rajesh Singh acted as Convener of the Committee, and Prof. Chetan Vaidya, Director, SPA New Delhi, Prof. Jagan Shah, Director, National Institute of Urban Affairs (NIUA) and Prof. Uday Gadkary, President, COA, were invited as Special Invitees. In addition, Ar. Natubhai Badekha, Prof. Neelkanth Chhaya, Prof. V. P. Raori, Ar. Dikshu Kukreja, Ar. C. R. Raju, Prof. Bimal Patel, and Prof. Akhtar Chauhan formed the two Sub-Committees on

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Education and Professional Issues. The Committee also received a large number of suggestions from individuals and organizations.

It gives me great pleasure to present, herein, the report of the Committee. The Committee has made recommendations on education, professional and working of COA, and all its recommendations have far reaching implications for the development of the architect's profession in India.

Architects today are called upon to practice their profession in a kind of world that has no parallel in history. It is a world composed of revolutionary advances in technology, of exploding population, of a degree of complexity never dreamed of before now; a world of speed, of great leaps ahead in knowledge and know how; a world of expanding social problems and lagging social answers; a world where a Scientist is accepted and esteemed but the Artist has become estranged from his fellowmen. A world in need of order, but seemingly doomed to fragmentation.

In all the seeming confusion of the world today, there are signs of hope and light. One of the brightest signs is the growing demand of society for someone who can bring order into the human environment, who can fill it with beauty, who can cause it to function better, who can create an environment that will contribute to the well being and advancement of the human race.

The primary function of the architectural profession has been the design of buildings. This traditional role has to be broadened and the professional practice redefined to encompass those professional services necessary for the creation of environmentally sustainable forms and spaces. The architectural profession must assume greater leadership and responsibility for the creation of these environmental elements, for there is no other profession which has the prime responsibility or has dedicated itself so exclusively to major interests in this field.

The Architect now has the responsibility to ensure that all design professionals provide comprehensive services to the industry of building design and construction. Heretofore, architects, engineers and others have performed these functions somewhat separately. A single group of professionals must be educated and qualified to assume responsibility for the increasing present and future needs of the expanded urban planning concept. Architects must take strong leadership in the realm of planning and design of environmental structures and related spaces. Architects needs to be fully prepared today to fulfill these responsibilities. They must embark now on a re-examination and re-organization so urgently needed in education and the profession. It is essential to improve architectural education and to develop team members who are oriented towards these increasing responsibilities and whose education will encompass urban

planning for the building of a human environment required in the communities of the future.

Architectural education must equip and prepare an architect for his new role. Architect as a professional has to possess a complete understanding of his field. This does not mean that he has to know all the facts furnished by historical and actual research. Today this knowledge has become so vast that it is hardly possible for an individual to master the whole field. But he has to possess the methodical insight that makes this theoretically possible for him. In other words, he has to have a full comprehension of the organization of his field.

The society's image of the architect is very different from his own. What has caused the profession so much concern is that the image is often unflattering; of an impractical profession; of designers who use their client's money to erect monuments to themselves; of an undue emphasis attached to form and appearance at the expense of function.

Society has presented the challenge to the professionals. Some one is needed to take the responsibility for the design of human spaces. Clients are demanding broader and more complete services for their environment and expect that demand to be fulfilled. This is the great role which architects are called upon to perform at the present time.

I am thankful to MHRD, to all the members of the Committee and the Sub-Committees, to COA and IIA and all the individuals and organizations who submitted their valuable suggestions. I extend my special thanks to SPA, New Delhi, for providing technical and logistical support.



Dr. J. R. Bhalla
Chairman

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EXECUTIVE SUMMARY

The Architects Act was enacted in 1972 and has been serving its purpose quite well. However, the architecture profession in India has changed substantially since the Act was introduced. The Council of Architecture (COA) had submitted a proposal to the Ministry of Human Resource Development (MHRD) for comprehensive amendments of the Act. The Government set up a Committee Chaired by Dr. J. R. Bhalla to review the proposed amendments, which fall under three intersecting categories: Education, Profession and Working of COA.

The Committee met five times. It also set up two Sub-Committees: on Architectural Education and Professional Issues. Several individuals and organizations made suggestions to the Committee. Based on extensive discussions, the Committee has made the following major recommendations:

PROFESSIONAL ISSUES

1. Definition of architectural services should be included in the Act. Architectural services means **design, development and documentation of buildings, built environment and related services.**
2. No person other than a registered architect or a firm of architects shall use the title and style of architect "and practice the profession including certification of drawings and documents required by statutory approval for construction of buildings and its infrastructure."
3. Certificate of Practice for Practicing Architect should not be introduced. Instead, the minimum requirements for registration of Architects by the COA should be a Bachelor's degree in Architecture, 12 months of post-Degree experience of working with an Architect, and successful completion of a Professional Examination conducted by the COA. The COA should introduce a Professional Examination as prescribed in the Rules.
4. Architecture graduates from Courses not approved or accredited have to appear for an additional examination to gain equivalence.
5. There should be an enabling provision in the Act for defining the Scope, Responsibility, Liability, Stages and Scale of Fees for providing Architectural Services.
6. The COA should register Firms of Architects as well as LLPs (Limited Liability Partnerships) between Architects only.
7. The COA should proactively negotiate with counterparts in other countries to create systems to establish parity and/or compatibility and thereby enable the movement of architects between India and other countries.
8. For foreign architects to practice in India, partnership with Indian architects should be mandatory.
9. Foreign architects should be bound by the same rules and obligations, responsibility, liability and code of conduct as Indian Architects.

10. There should be provisions for COA to ensure the continuous professional development of architects as a requirement for renewal of Registration, through promotion of research and innovative techniques in architecture.
11. There should be enabling provision for the COA to provide Guidelines for the exercise of duties and functions for architects appointed by Government of India, State Governments and other authorities.

EDUCATION

1. The present system of conducting Entrance Tests like the National Aptitude Test for Architecture (NATA) or the Joint Entrance Examination (JEE) should be continued and should conform to guidelines of the COA.
2. The COA should prescribe Minimum Standards for Architectural Education. The University/Institute offering the degree should maintain the minimum standards.
3. The COA should have power to grant approval for establishment of new courses.
4. The COA should not carry out regular inspection of courses.
5. Only the students who have successfully completed the Bachelor's degree in Architecture would be eligible to appear in the Professional Examination.
6. The Professional Examination should be conducted by an independent Board set up by the COA.
7. The COA should set up a Committee or Independent Board to carry out Accreditation and Assessment of architecture courses. The Committee/Board should be able to charge fees for Accreditation of courses.
8. There should be a time limit for action under Section 20.

WORKING OF THE COA

1. The representation of IIA members should be increased from five to ten. As far as possible, the additional five members should be practicing architects.
2. Existing provision has two persons nominated by the All India Council for Technical Education (AICTE). This should be continued.
3. Number of heads of architectural institutions in India should be increased from five to ten.
4. There should not be any change in basis of nomination of Architect by State Governments. Fifteen members of the Council shall form a quorum as total members are to be increased.
5. Immediate Past President should be a member of the Council for one term.
6. The process of election of President and Vice-President should be initiated by the Council six months before the expiry of their term.
7. The COA should promote Research, Capacity Building and Innovative Techniques in architecture.
8. There should be an enabling provision in the Act for the Government to provide plan funds to COA for specific activities like Research, Capacity Building, Innovations, etc.
9. There should be an enabling provision for COA to receive non-plan grants from the Government.

10. Accounts and Audit of Government funds should be as per the Regulations.
11. The expenses of the election process and the settling of disputes, if any, shall be borne by the Government of India.
12. Appointment of the Staff of the COA and fixing their pay and allowance should be with approval of the COA only and there should be no role for the Government of India in this regard.
13. The penalty for misuse of title and style of architect should be enhanced.
14. The COA should be able to charge fees for addressing complaints filed against Architects in its register.
15. The income of the COA should be exempted from wealth tax, income tax, service tax, and other such taxes.
16. The Annual Report of the COA should be placed before the Parliament of India.

The Committee has also discussed the need for a comprehensive approach to the Act and the Rules & Regulations. Some proposed amendments could be Rules and Regulations. These are:

- (a) Appeal to the High Court against the decision of the COA in professional misconduct matters.
- (b) Enhancement of penalty for failure to surrender the Certificate of Registration.
- (c) Registration with the COA should be only for a person residing and practicing in India.
- (d) Guidelines of the Central Vigilance Commission (CVC) for appointment of consultants should be in consonance with the guidelines prescribed by the COA for fair and transparent appointment of consultants.
- (e) All Central/State Government Institutions, Public Sector and Semi-Government Organizations should follow COA guidelines for scope and scale of fees and architectural competition, if required.

The Committee also identified other initiatives by the COA to meet the objectives of the Architects Act, such as creating awareness about the architecture profession, structuring of an internship programme, the issue of reciprocity between architects from different countries, assessment of the requirement for architects, mentoring programmes and outreach activities.

1.0 INTRODUCTION

1.1 BACKGROUND

The Architects Act was enacted in 1972 to provide for registration of Architects and the matters connected therewith. For over four decades, the Act has been serving the purpose quite well. However, in the last decade, during its operation, numerous representations were received from various quarters indicating certain shortcomings and highlighting the need for amendments in certain provisions of the Act to bring it in tune with the present requirements nationally and globally. There are also certain overlapping provisions in the Architects Act, 1972 vis-à-vis other Acts, such as the All India Council of Technical Education (AICTE) Act, Limited Liability Partnership (LLP) Act, Companies Act, etc. In view of all these developments the Central Government had desired to revisit certain provisions of the Architects Act, 1972, to incorporate some enabling provisions to make this Act more objective and strengthen it further to deal with all the matters relating to Architectural Profession and Architectural Education.

The Council of Architecture (COA) had submitted a proposal to the Ministry of Human Resource Development (MHRD) for the comprehensive amendments of the Architects Act, 1972¹. With a view to examine the proposed amendments to the Act the Government of India set up a Committee to review the proposed amendments through an order F.No.4-52/2013-TS.VI dated 6th March, 2014 (Annex A1.1). The Committee was chaired by Sh. J. R. Bhalla, Eminent Architect and Author of the original Architects Act 1972. Other members of the Committee were:

1. Sh. Hafeez Contractor, Eminent Architect— Member
2. A nominee from the COA— Member
3. The Secretary, UGC— Member
4. The Director, SPA Vijayawada— Member
5. Sh. Rajesh Singh, Director (T), MHRD— Convener

1.2 TERMS OF REFERENCE

The Terms of Reference (TOR) of the Committee were to:

- i. Examine the proposal submitted by the COA for the comprehensive review of the various clauses/sections of the existing Architects Act, 1972 vis-à-vis the proposed amendments suggested by the COA;
- ii. Suggest enabling provisions in the existing Architects Act to make it more comprehensive so that Architectural Education and Architectural profession

¹ Available on www.coa.gov.in

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- are defined in a more clearer way to bring transparency in the working of COA;
- iii. Review jurisdictional area of functioning of the COA in so far Architectural Education and Profession are concerned;
 - iv. Examine the areas of conflict of the Architects Act, 1972 vis-à-vis other Statutes or Orders;
 - v. Identify the present challenges for updating both Architectural Education and Profession.

1.3 PROCESS

The Committee held six meetings.

The first meeting was held on 3rd April 2014 (Annex A2.1). It was decided that IIA representative be taken as regular member on the Committee and representative of Ministry of Urban Development could be co-opted members on the Committee.

The MHRD issued another order F.No.4-52/2013-TS.VI dated 7th April 2014 through which two members were added to the Committee: a nominee from AICTE and Prof. Prakash Deshmukh, President, IIA (Annex A1.2). The Chairman of the Committee made Prof. Chetan Vaidya, Director, SPA New Delhi, and Prof. Uday Gadkary, President, COA, as special invitees to the meetings.

The Second meeting of the Committee was held on 30th April 2014 (Annex A2.2) with the group of members comprising Ar. Prakash Deshmukh, President, IIA, Prof. Uday Gadkari, President, COA, and Ar. Hafeez Contractor. The meeting was set up to provide suggestions on the composition of members, more representation of practicing Architects on the Council and other related issues. UGC and AICTE were requested to provide specific notes concerning the Architects Act, especially with regards to education.

The third meeting was held on 13th June 2014 (Annex A2.3). It was decided to set up two Sub-Committees, to address 'Education' and 'Professional Issues'. The Sub-committee on Education comprised Prof. Neelkanth Chhaya, Prof. I. J. S. Bakshi, Prof. V. P. Raori, Prof. Akhtar Chauhan and Prof. Jagan Shah. The Sub-Committee on Professional Issues comprised Ar. Prakash Deshmukh, Ar. Natubhai Badheka, Ar. Dikshu Kukreja, Ar. C. R. Raju, and Ar. Bimal Patel. Prof. Chetan Vaidya was Co-ordinator for both the Sub-Committees.

A meeting of the Sub-Committee on Education was held on 2nd July 2014 (Annex A2.6). It reviewed various proposed amendments in the Act dealing with education and made its recommendations. Another meeting of the Sub-Committee on Professional Issues was held on 20th August 2014 (Annex A2.7).

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The fourth meeting of the Committee was held on 26th September 2014 (Annex A2.4). The Committee reviewed recommendations of the Sub-Committee on Education and Professional Issues. There were extensive discussions on subjects including the definition of architectural services, the proposed Certificate of Practice, and introduction of a professional examination. The views of UGC and AICTE were also discussed.

The fifth meeting of the Committee was held on 15th November 2014 (Annex A2.5). It discussed issues related with regulation of education, aptitude test for admission to architectural courses, accreditation of courses, minimum standards for education, definition of architectural services, etc.

The sixth meeting was held on 29th December 2014 and discussed various pending issues. Vice Chairman, AICTE, said that the recommendations pertaining to education should be suitably modified/deleted as AICTE is the regulatory body for technical education as per statutory powers accorded by the AICTE Act. Other members of the Committee did not accept this suggestion as they held the view that in the field of architecture, education and profession cannot be separated. Ar. Natubhai Badeka was invited by the Chairman to attend the third and fourth meetings as Special Invitee. Prof. Jagan Shah, Director, NIUA, was invited by the Chairman to attend the last three meetings as a Special Invitee.

In addition to the meetings of the Committee, the Chairman received a large number of representations from architects, experts, Indian Institute of Architects, Indian Association of Structural Engineers, Institute of Town Planners (India), CEPT University, Ahmedabad, etc. These representations were discussed in various Committee meetings.

1.4 STRUCTURE OF THE REPORT

The first chapter has dealt with the background, terms of reference of the Committee and the Process of deliberations. The next chapter describes the Amendments suggested by COA and identifies the key issues. The third Chapter provides a brief on each of the issues and contains recommendations of the Committee.

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2.0 PROPOSED AMENDMENTS AND KEY ISSUES

2.1 STRUCTURE OF THE ACT

The Architects Act, 1972 captures the intent of the legislation. It defines the architect, provides for establishment of the Council of Architecture and provides for regulating the practice of the profession and the education of the professional. The Rules are to be followed by the Council in the conduct of its business as the regulatory body for the profession. The Council formulates regulations for the professionals and institutions to follow. The distinction between Rules and Regulations is not that clear. The Act has 45 Sections organized under four Chapters as follows:

Chapter I – ‘Preliminary’ has two sections, the first dealing with name of the Act, jurisdiction, etc. and the second describing the definitions of all the important terms used in the Act.

Chapter II – ‘Council of Architecture’ has 21 sections dealing with the constitution of the Council of Architecture and its functioning. More specifically, it deals with Members of the Council, Election of President and Vice President, Members of the Council, Constitution of Executive Committee, Appointment of Registrar, Recognized qualifications, enforcement of standards for architectural education, Provision for prescribing minimum standards for architectural education, Provision for prescribing standards of professional conduct and etiquette and for defining misconduct, etc.

Chapter III – ‘Registration of Architects’ has 13 sections dealing with the registration of architects. More specifically, it deals with: Preparation of the register of architects, Eligibility for inclusion in register, Registration of foreign architects, only in cases of reciprocity with their country, Payment of fees, Entry of additional recognized qualifications, Removal of name from register, Action on reporting of misconduct, etc.

Chapter IV – ‘Miscellaneous’ has 10 sections dealing with the following: Person misrepresenting as ‘architect’, using the title and style of architect, Surrender of certificate, Courts not to take action under this law unless requested by the Council, Council to furnish reports to the Central Government, Protection to Council, Members of the Council, officers and other employees deemed to be public servants, Central Government’s powers, Council to frame Regulations, etc.

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2.2 AMENDMENTS PROPOSED BY COA

The Architects' Act addresses a set of issues that fall under three intersecting categories: Education, Profession and Working of COA. The amendments proposed by COA have been divided into the above three categories.

2.2.1 Education

- 2(cf): "professional examination" means an examination conducted by the Council for granting Certificate of Practice
- 21: (1) The Council may prescribe the minimum standards of architectural education required for granting recognized qualifications by colleges or institutions or other authorities in India.
- (2) The Council may prescribe standards for ranking or accrediting the institutions imparting recognized qualifications
- 45: (1) The Council may... make regulations... to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for –
- (e) establishment of an institution, syllabus, courses and periods of study and of practical training, if any, to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any college or institution for grant of recognized qualifications, and penalty for non-adherence to minimum standards or malpractices of any nature by any institution.
 - (g) Minimum Qualification and experience for faculty members, the standards of staff, equipment, accommodation, training and other facilities for architectural education including grant of intake, period of approval etc.
 - (h) The conduct of Aptitude Test, professional examinations, qualifications of examiners, manner and mode and place of examination and the conditions of admission to such examinations.
 - (j) Prescribe the minimum standards for postgraduate and other higher-level courses in architecture.
 - (k) For ranking or accreditation of architectural courses offered by institutions.
 - (l) Compulsory minimum hours to be spent for teaching (by practicing architects) in recognized architectural institutions.

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2.2.2 Professional Issues

- 2(aa): "architectural services" include providing any architectural plan, drawings, tracing or the like for use in the construction, extension, addition or alteration of any building or part thereof, OR, being in responsible control of professional services which require the planning of sites or the design, in whole or in part, of buildings or groups of buildings.
- 2(ac): "Certificate of Practice" in relation to a Practicing Architect, means a certificate of practice issued under section 26A of this Act authorizing an Architect to engage in the practice of architecture in India.
- 2(ba): "Firm of Architects" means a Firm as defined in the Indian Partnership Act 1932; such that all partners are Practicing Architects as defined in section 2(ce) of this Act.
- 2(ca): "Limited Liability Partnership of Architects" means a Limited Liability Partnership (LLP) formed and registered under the provisos of the Limited Liability Partnership Act of 2008 (No 6 of 2009) in which all such partners are Practicing Architects as defined in section 2(ce) of this Act.
- 2(cd): "practice of architecture" within the meaning and intent of this Act, includes offering, providing, rendering or supplying architectural services as defined in section 2(aa) of this Act.
- 2(ce): "Practicing Architect" within the meaning and intent of this Act means an Architect holding a valid Certificate of Practice.
- 2(cf): "professional examination" means an examination conducted by the Council for granting Certificate of Practice
- 22: (1) The Council may by regulations prescribe standards of professional conduct and etiquette and a code of ethics for architects, architectural firms and limited liability partnerships. (Sections 45 (2)(n) provides for framing of regulations for Duties and functions of Architects in practice and their liabilities)
- (2) The Council may make regulations prescribing Scale of Charges for various Architectural Services.
- (3) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct of an Architect, architectural firm, limited liability partnership of Architects and such provision shall have effect notwithstanding anything contained in any law for the time being in force.

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23A: (1) The Council shall prepare a register of "Firm of Architects" as well as "LLP's of Architects" for India with relevant details, on receipt of fee, as may be prescribed by Rules.

25A: A person who holds a valid Certificate of Registration issued by the Council shall:

- a. Be entitled to use the title of architect, and
- b. Seek employment as an Architect in both public and private sector, including the state and central government.

Provided that a person who holds a valid Certificate of Registration shall be permitted to practice architecture only after he receives a Certificate of Practice from the Council as per Section 26A of this Act.

25B: Notwithstanding anything contained in any law, bye-law, regulation of any development authority, municipal authority, local body, etc. an architect registered under this Act shall be entitled to practice architecture throughout the country and shall not require any further registration with any local body, development authority or any institution of local self-government.

26A: Certificate of Practice (COP)

The Council shall within six months from the date of notification of this amendment in the Official Gazette by the Central Government; cause to be prepared in a manner prescribed by Regulations, a system of issuing Certificates of Practice to Architects.

(1) Only an Architect who holds a valid Certificate of Practice (COP) shall be entitled:

- a. To represent himself and sign as a Practicing Architect on drawings, plans or the like, documents including certificates and applications made to Municipalities, Planning/ Development Authorities and other statutory bodies in India.
- b. To be partner in Firm of Architects or an LLP of Architects.
- c. To represent himself as a Practicing Architect in Courts, Municipalities, Planning/ Development Authorities and any other statutory authorities in India.

(2) The Council shall issue a Certificate of Practice to an Architect only after the Architect has

- a. Been employed for a minimum of 24 months, by any other architect(s) who hold(s) a valid Certificate of Practice issued by the Council, provided that the employer architect(s) has held a valid Certificate of Practice for a minimum of 5 years, or
- b. Received a recognized post graduate degree in architecture with course duration of minimum of 24 months; and
- c. Supplied all professional information as may be required by the Council or as prescribed by Regulations.

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- (3) Certificate of Practice shall be valid till the 31st day of December of each calendar year and the holder of a Certificate of Practice shall apply for a renewal within 30 days of its expiry every year.
- (4) The Council may prescribe regulations to enable the Council to:
 - a. Seek information, including information related to educational qualifications, location for professional address or any other relevant information for issuing Certificate of Practice.
 - b. Prescribe fee for the purpose of issuance of Certificates of Practice to Architects.
- (5) The Council may, by order, refuse to issue a certificate of practice if:
 - a. The Council is not satisfied that the applicant(s) has supplied truthful data in his application or has suppressed a material fact, or
 - b. The applicant(s) is an un-discharged insolvent, or
 - c. That he has been convicted of any offence which, in the opinion of the Council, involves moral turpitude, or
 - d. That he has been adjudged by a competent court to be of unsound mind.
- (6) Subject to the provisions of this section, the Council may order that the name of any architect shall be removed from the listing of the certificate of practice where it is satisfied, after giving him a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make, -
 - a. That his name has been entered in the listing by error or on account of misrepresentation or suppression of a material fact; or
 - b. That he has been convicted of any offence which, in the opinion of the Council, involves moral turpitude, or
 - c. That the applicant(s) is an un-discharged insolvent, or
 - d. That he has been adjudged by a competent court to be of unsound mind.
- (7) An architect who holds a valid Certificate of Practice may return his Certificate of Practice at will along with stated reasons of such a return, provided that in the event of him requesting another Certificate of Practice, the Council shall issue a second certificate/renewed Certificate of Practice only after the architect has met the requirements prescribed in the section 26A (2) above.

26A: (1) Only an Architect who holds a valid Certificate of Practice (COP) shall be entitled:
b. To be partner in Firm of Architects or an LLP of Architects.

30: (3) Appeal to the High Court. — Any person aggrieved by an order made by the Council under Section 30 may prefer an appeal to the Division Bench of a High Court and the Court may pass such order

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including an order varying the punishment awarded by the Council thereon as it deems fit:

Provided that no order of the Council shall be varied by the High Court so as to prejudicially affect the person aggrieved without giving him a reasonable opportunity of being heard.

- 34: As and when required, the Registrar shall cause to print or publicise electronic copies of the register as it stood on the date and such copies shall be made available to persons applying therefor on payment of charges prescribed by the Council.
- 35: (3) Every architect appointed in the services of Central/ State Government/ Union Territories and other authorities established by law may exercise such duties and functions as prescribed by the Council from time to time.
- 35: (4) The Council shall by regulations prescribe methods for holding of competitions for architects and for rendering architectural services by architects, Firm of architects and LLP of architects.

(5) Notwithstanding anything contained in any other law but subject to the provisions of this Act, Regulations prescribed by the Council under section 35(4) shall effect over any other law in force.
- 36: If any person whose name is not for the time being entered in the register falsely represents that it is so entered, or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable with fine which may extend to Five lakh rupees.
- 37(1): Except as otherwise provided in this Act, no person shall, after a period of three months from the date of notification of this amendment be entitled to render architectural services or practice architecture unless he is issued a Certificate of Practice under section 26(A) of this Act.

2.2.3 Working of COA

- 3(3): The Council shall consist of the following members, namely:
 - (a) Ten architects possessing recognized qualifications elected by all the members of Indian Institute of Architects from among themselves.
 - (b) One person nominated by the All India Council for Technical Education established the All India Council for Technical Education Act, 1987 (No. 52 of 1987);
 - (c) Ten Architects elected form among themselves by heads of architectural institutions in India imparting full-time instruction for recognized qualifications;

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Provided that wherever institutions imparting full-time instruction for recognized qualifications in architecture functioning as a Department of Architecture, only the Heads of Department of Architecture shall be eligible for the purpose of elections under this Act.

(f) An Architect heading Architecture Department, from each State Government / Union Territory in India, ex-officio;

4(4): The process of election of President and Vice-President shall be initiated by the Council six months before the expiry of their term.

Provided that in an extraordinary situation if the election cannot be held prior to the expiry of the term of the President and Vice-President, they may continue, upto a maximum period of six months, within which the election for the office of President and Vice-President must be completed;"

6(5): Members of the Council shall be eligible for re-election or re-nomination, but not exceeding two consecutive terms.

9(2): Unless otherwise prescribed by regulations, fifteen members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

10(6): The process of election of Executive Committee members shall be initiated six months before the expiry of their term.

Provided that in an extraordinary situation if the election cannot be held prior to the expiry of the term of the President and Vice-President, they may continue, upto a maximum period of six months, within which the election for the office of President and Vice-President must be completed;"

42A: Notwithstanding anything contained in the Wealth-tax Act, 1957 (27 of 1957), the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Council shall not be liable to pay wealth tax, income tax or any other tax in respect of its wealth, income, profits or gains derived.

43A: In the discharge of its functions under this Act, the Council shall be guided by such directions on questions of policy relating to national purposes as may be given to it by the Central Government.

Provided that the Council shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

43B: (1) Whenever it appears to the Central Government that the Council is not complying with any of the provisions of this Act, Rules and Regulations framed thereunder, or the directions issued by the

Central Government under Section 43A, the Central Government may, if it thinks so after having afforded an opportunity to the Council to make its views, appoint a Commission of Enquiry consisting of three persons, two of whom shall be appointed by the Central Government one being the Judge of a High Court, and one by the Council; and refer to it the matters on which the enquiry is to be made.

(2) The Commission shall proceed to enquire in such manner as it may deem fit and report to the Central Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.

(3) After the report is finally accepted, the Central Government may forward the same to the Council to adopt the remedies so recommended within such time as may be specified in the direction.

2.3 KEY ISSUES

Based on extensive discussions, the Committee identified the following Key Issues:

2.3.1 Professional

- Definition of Architect and Architectural Services
- Registration of Architects and Certificate of Practice
- Professional Examination
- Scale of Fees
- Registration of Firms of Architects and Limited Liability Partnerships
- Practice by Foreign Architects and Firms

2.3.2 Education

- Entrance to the Course
- Regulation of Education

2.3.3 Working of COA

- Composition of Executive Committee

Each of the key issues has been discussed in the next Chapter.

3.0 RECOMMENDATIONS

3.1 PROFESSIONAL ISSUES

3.1.1 Definition of Architect and Architectural Services²

The work of an architect is specialized work and such a service should be offered only by competent professionals. The Architects Act 1972 defines the title of architect and protects its use. Only those whose names are entered in the register maintained by the COA may use the title of architect. The Act further defines the eligibility to have one's name entered in the register.

There are a total of 12 professional Acts in India, the Architects Act being one of them. Other acts include the Indian Nursing Council Act, Indian Medical Council Act, Chartered Accountants Act and Advocates Act. Each of these Acts defines professional services. They protect the profession, not just the title. The Architects Act defines and protects the title of "architect". However, as it stands, the practice of architecture is not defined and therefore not protected. The profession of Civil Engineering does not have an Act.

In his book 'The Making of an Architect: Memoirs of Prof. J R Bhalla', the author describes the framing of the Architects Act, 1972³. He says that the decision to protect the title of architect, and not protect the practice of the profession (provision of architectural services) was a compromise made in the context of a nascent nation with a very limited supply of qualified architects. The makers of the Act had proposed that when the number of trained architects in India reaches 50,000, the Act should be amended to protect the practice of the profession also.

Architecture as a profession in India has changed substantially since the Architects Act 1972 was created. Moreover, it is estimated⁴ that India needs 6,66,000 graduates in Architecture by 2032 (average of 33,333 per year including ongoing courses).

The Committee recommended that Architectural Services should be defined in the Act. COA suggested that architectural services include providing any architectural plan, drawings, tracing or the like for use in the construction, extension, addition or alteration of any building or part thereof, or, being in responsible control of professional services which require the planning of sites or the design, in whole or in part, of buildings or groups of buildings.

The Committee recommended that definition of architectural services should be included in the Act. Definition of architectural services should be included in the Act. Architectural services means design, development and documentation of buildings,

² B.R. Balachandran, "The Architects Act: Existing Structure, Proposed Amendments and Unaddressed Issues" Professional Regulations Mission, CEPT University, 19 August 2014 provided important inputs for this section.

³ J. R. Bhalla, "The Making of an Architect" 2013.

⁴ Report of Committee of Experts in Town Planning and Architecture for Policy Guidelines to Energise Architecture and Town Planning in the Country, Chaired by Prof. E. F. N. Ribeiro, 2011.

built environment and related services. Moreover, Section 37 (1) of the Act should be amended such that no person other than registered architect or a firm of architects shall use the title and style of architect "and practice the profession including certification of drawings and documents required by statutory approval for construction of buildings and its infrastructure".

3.1.2 Registration of Architects and Certificate of Practice

COA proposed introduction of a Certificate of Practice (COP) for Practicing Architect. It will be issued to graduates of Architecture, minimum experience of 24 months and successfully completed professional examination conducted by COA. It would mean that architects will have to register twice.

There is considerable concern that COP will be time consuming and cumbersome. The annual renewal clause will require data to be collected for each architect, collated, verified and authenticated. This task is enormous and can become a huge logistics nightmare. There are others who feel that this is a ruse to ensure the availability of low-paid employees to large firms. It is unclear how a postgraduate degree in architecture can be considered equivalent to two years' apprenticeship. It is important that there is continuous professional development of registered architects.

Therefore, the Committee recommended that there should not be two registrations of Architects. Thus, Certificate of Practice for Practicing Architect should not be introduced. It recommended that Minimum requirements for registration of Architects by COA should be bachelor's degree in Architecture, 12 months post degree experience of working with an Architect and successful completion of Professional Examination conducted by COA. There should be provisions for continuous professional development for renewal of registration.

3.1.3 Professional Examination

Despite its best efforts, the COA has limitations in ensuring the readiness of architects for entering professional practice. Therefore, it is proposed to create a Professional Examination to test registered architects who have one year of practical work experience. Introduction of the examination will create new opportunities to ensure that despite variations in educational process and quality across institutions, practicing architects have a minimum competence level and will allow greater liberty to educational institutions in designing their programs. Focus of the examination would be basic competence testing. COA also can use the exam to reduce its involvement in regulating quality of education in the increasing number of institutions offering architecture degree courses.

COA should introduce a Professional Examination as prescribed in the Rules. Moreover, Architecture Graduates from Courses not approved or accredited have to appear for an additional examination for equivalence.

3.1.4 Scope and Scale of Fees

There should be an enabling provision for Scope, Responsibility, Liability, Stages and Scale of Fees for Architectural Services.

3.1.5 Registration of Firms of Architects and Limited Liability Partnerships

At present only Architects are registered by COA; organizational entities are not. This has allowed many foreign/ multi-national companies to offer architectural services within India even while there is no reciprocity with their countries. It has also allowed organizations which are not controlled by architects to offer architectural services.

COA has proposed to register Firm of Architects and Limited Liability Partnership (LLP) of Architects. Defining Firm of Architects and LLP of Architects will explicitly define organizational forms that are acceptable for the practice of architecture. This is to enforce professional liability and to ensure that architects are exclusively in control of architectural services to ensure quality of the built environment. The presence of many non-architects in controlling positions have resulted in a general degradation of the quality of architectural design and consequently the built environment and therefore it is essential to protect the profession and to ensure that architects are in control of the design process.

It is suggested that Firms of Architects, and LLPs with only Architects as partners, should be registered by COA.

3.1.6 Foreign Architects and Firms

The World Trade Organisation (WTO) lists all these services and negotiates reciprocity in their practice across countries. Till recently India has been dealing with this process quite liberally with respect to architectural services. We have permitted foreign firms and companies to practice architectural design in India without a rigorous licensing procedure whereas the same privilege was not available to Indian firms in the respective countries. This anomaly is now being challenged by Indian architects.

There is clearly an emerging demand for procuring the services of foreign architects for projects in India. Indian architects too, practice in other countries. There are entry barriers. It is in larger interest to enable movement in both directions with adequate checks and balances. COA has not made any proposals to amend section dealing with Foreign Architects. It is important to examine whether the existing system for registering foreign architects in India is adequate and efficient. There is a need to explore if there are specific types of architectural practice in which there is a case for encouraging or discouraging foreign architects to practice in India. Such a selective intervention would be more desirable.

COA should proactively negotiate with counterparts in other countries to create systems to enable movement of architects in both directions. Moreover, there should be mandatory partnership with Indian Architects for practice by foreign

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architects in India. Foreign architects should be bound by the same set of rules and obligations responsibility, liability and code of conduct as Indian Architects:

3.1.7 Duties and Functions of Government Architects

Duties and functions for architects appointed in services of Central/State Government and other authorities are often not described. Professional services of these architects are often not fully utilized. Therefore, the Act should be an enabling provision for COA to provide guidelines exercise duties and functions of these architects.

3.2 EDUCATION

COA has prescribed Minimum Standards of Architectural Education, 2008 under Section 21 of the Act. It is mandatory that admission to Architectural courses is based on an Aptitude Test. COA has prescribed minimum standards for infrastructure, accommodation, qualification and number of staff, and other facilities for Architectural Education. It also provides guidelines for courses, periods of study and subjects to be offered. COA also carries out inspection of institutions on regular intervals. COA has proposed to introduce a Professional Examination before issuing COP. Thus, COA will regulate education through Aptitude Test before Entrance, Minimum Standards of the Education, Regular Inspection of Courses and Examination at end of the Course.

It is suggested that present system of Entrance Test like the National Aptitude Test for Entrance Examination in Architecture (NATA) or Joint Entrance Examination (JEE) should be continued and should be in conformity with guidelines prepared by COA.

Moreover, COA should prescribe Minimum Standards for Architectural Education. The University/Institute offering the degree should maintain the minimum standards. COA should have power to grant approval for establishment of new courses. However, COA should not carry out regular inspection of courses.

The students who have successfully completed Bachelor's degree in Architecture could appear in the Professional Examination. The Examination should be conducted by an independent Board set up by COA. Moreover, COA should set up a Committee or Independent Board to carry out Accreditation and Assessment for Architecture courses. The Committee/Board should be able to charge fees for Accreditation of courses.

Under Section 20, the COA forwards its recommendation for withdrawal of recognition of a course to the Central Government. However, a decision on the recommendation is often not taken within a reasonable time. The Committee recommends that there should be time limit for action under Section 20.

3.3 WORKING OF COA

At present, the Council has five architects elected by all the members of Indian Institute of Architects (IIA) from among themselves. The representation of IIA members should be increased from five to ten. As far as possible, the additional five members should be practicing architects.

Existing provision has two persons nominated by the All India Council for Technical Education (AICTE) should be continued. Number of heads of architectural institutions in India should be increased from five to ten. There should not any change in basis of nomination of Architect by State Governments. Fifteen members of the Council shall form a quorum as total members are to be increased. Past President can provide continuity and guide the Council. Therefore, it is suggested that Immediate Past President should be a member of the Council for one term.

Fifteen members of the Council shall form a quorum as total members are to be increased. The process of election of President and Vice-President should be initiated by the Council six months before the expiry of their term. COA should be able to charge fees for dealing with complaints filed against Architects. The expenses of the election process, including the settling of the differences and disputes, if any, shall be borne by the Government of India. Appointment of the Staff of the COA and fixing their pay and allowance should be with approval of Council only and there should be no role for Central Government.

At present there is need for an organization to promote Research, Capacity Building and Innovative Techniques in architecture. This role can be played by COA. There should be enabling provision for the Government to provide plan funds to COA for specific activities like Research, Capacity Building, Innovations, etc. Moreover, there should be an enabling provision for COA to receive non-plan grants from the Government. Accounts and Audit of Government funds should be as per the Regulations.

All statutory bodies of Government of India are exempted from taxes and their annual report is placed in the Parliament. It is recommended that COA's income should be exempted from wealth tax, income tax, service tax, etc. and Annual Report of COA should be placed in the Parliament.

3.4 RULES AND REGULATIONS

All proposed amendments are not covered here. Some proposed amendments could be Rules and Regulations. These are:

- Appeal to High Court against the Decision of Council in professional misconduct matters;
- Enhancement of fine for non-surrendering Certificate of Registration;

- Registration with Council only a person residing and practicing in India;
- Set up a Committee or an Independent Board for Professional Examination with three eminent Architects;
- Central Vigilance Commission (CVC) guidelines should not be in conflict and should follow the guidelines prescribed by COA for fair and transparent appointment of Consultants.
- All Central/State Government Institutions, Public Sector and Semi-Government Organizations should follow COA guidelines for scope and scale of fees and architectural competition, if required.

There is a need for defining a comprehensive approach to Act, Rules and Regulations. All documents related to the Act, Rules and Regulations, need to be revamped to ensure consistency in spirit and letter.

3.5 NEED FOR OTHER PARALLEL INITIATIVES

Broad objectives of the Architects Act will not be achieved by amendments in the Act and revamping of Rules and Regulations alone. COA should take up other parallel initiatives. These include:

- **Creating awareness:**
COA should create awareness and disseminate information about the architectural profession and its rightful role in the design of the built environment.
- **Structuring the Internship Program:**
COA should prepare and introduce an Internship Program at national level.
- **Issue of reciprocity:**
COA should engage more aggressively with international trade agreement processes under the WTO.
- **Assessment of requirement:**
COA should carry out a study of a realistic assessment of the human resource requirement in this sector. It should also be based on the study situation for architectural education and recommend an appropriate strategy to deal with it.
- **Mentoring Program:**
It will be useful for COA to create a system for established institutions to mentor new ones for a period of three to five years.
- **Outreach activities:**
The COA needs to engage in outreach activities for individual architects to rectify this situation. It may require setting up regional offices in India.

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LIST OF ANNEXURES

Annex A1.1:

Order Regarding Constitution of the Committee

Annex A1.2:

Modification of Order Regarding Constitution of the Committee

Annex A2.1:

Record of Discussion of first meeting of the Committee held on 3rd April 2014

Annex A2.2:

Record of Discussion of second meeting of the Committee held on 30th April 2014

Annex A2.3:

Record of Discussion of third meeting of the Committee held on 13th June 2014

Annex A2.4:

Record of Discussion of fourth meeting of the Committee held on 26th September 2014

Annex A2.5:

Record of Discussion of fifth meeting of the Committee held on 15th November 2014

Annex A2.6:

Record of Discussion of meeting of the Sub-Committee on Education held on 2nd July 2014

Annex A2.7:

Record of Discussion of meeting of the Sub-Committee on Professional Issues held on 20th August 2014

Annex A2.8:

Record of Discussion of sixth meeting of the Committee held on 29th December 2014

Annex A2.9:

Letter from AICTE

Annex B:

List of Organizations and Individuals from Whom Suggestions were Received by the Committee

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Annex A1.1

F.No.4-52/2013-TS.VI
Government of India
Ministry of Human Resource Development
Department of Higher Education
Technical Section-VI

New Delhi, dated 6th March, 2014

ORDER

Sub: Constitution of a Committee to examine the comprehensive amendments in the Architects Act, 1972 as suggested by the Council of Architecture and other related issues-reg.

1. The Architects Act was enacted in 1972 to provide for registration of Architects and the matters connected therewith. For over four decades, the Act has been serving the purpose quite well. However, in the last decade, during its operation, numerous representations were received from various quarters indicating certain shortcomings and highlighting the need for amendments in certain provisions of Act to bring it in tune with the present requirements nationally and globally. Also due to certain overlapping provisions in the Architects Act, 1972 vis-à-vis other Acts Like AICTE Act, Limited Liability Partnership Act, Companies Act etc., leading to various court cases. In view of all these development and also with a view to maintain healthy atmosphere of coordination between the architectural education and profession, the Central Govt. has desired to revisit certain provisions of the Architects Act, 1972 to incorporate some enabling provisions to make this Act more objective and strengthen it further to deal with all the matters relating to Architectural Profession and Architectural Education.

2. In the meanwhile, a proposal for the comprehensive amendments of the Architects Act, 1972 from COA has been received in the Ministry. With a view to examine the proposed amendments to the Architects Act, 1972, the Government of India, with the approval of Competent Authority, has decided to constitute a Committee comprising of the following:

- | | | |
|-------|--|-----------------|
| (i) | Sh. J. R. Bhalla, Eminent Architect & Author of the Act- | Chairman |
| (ii) | Sh. Hafeez Contractor, Eminent Architect- | Member |
| (iii) | A nominee from the COA- | Member |
| (iv) | The Secretary, UGC- | Member |
| (v) | The Director, SPA, Vijayawada- | Member |
| (vi) | Sh. Rajesh Singh, Director (T), MHRD- | Convener |

3. Apart from above, whenever felt necessary, a Nominee each from the Ministry of Urban Development, Ministry of Corporate Affairs and Ministry of Finance could be co-opted onto the Committee to address over-lapping provisions of Architects Act with provisions under Statutes or Orders of respective Ministries.

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4. The Terms of Reference (TOR) of the Committee are as under:-
- (i) To examine the proposal submitted by the COA for the comprehensive review of the various clauses/sections of the existing Architects Act, 1972 vis-à-vis the proposed amendments suggested by the COA;
 - (ii) To suggest enabling provisions in the existing Architects Act to make it more comprehensive so that Architectural Education and Architectural profession are defined in a more clearer way to bring transparency in the working of COA;
 - (iii) To review jurisdictional area of functioning of the COA in so far Architectural Education and Profession are concerned;
 - (iv) To examine the areas of conflict of the Architects Act, 1972 vis-à-vis other Statutes or Orders;
 - (v) To identify the present challenges for updating the Architectural Education and Profession both.
 - (vi) The Committee shall submit its report within a period of three months.
 - (vii) The Committee may co-opt more members & adopt measures as deem fit to take the views of all the stakeholders.

5. The expenditure towards TA/DA and Honoraria etc., if any, to the members of the Committee shall be borne by SPA, New Delhi. The Secretarial and Logistics support, service and other necessary arrangements for the working of the Committee will be provided by the SPA, New Delhi.

(Rajesh Singh Solanki)
Under Secretary to the Govt. of India
Tele: 23385935

To,

1. Sh. J. R. Bhalla, D-29, Defence Colony, New Delhi.
2. Sh. Hafeez Contractor, 29, Bank Street, Mumbai-400023.
3. The President, COA, India Habitat centre, Core 6A, 1st Floor, Lodhi Road, New Delhi-110003.
4. The Secretary, UGC, Bahadur Dhah Zafar Marg, New Delhi-110002.
5. The Director, SPA, Vijayawada, S. No. 71/1, NH-5, Nidamanuru, Vijayawada-521104.
6. The Director, SPA, Delhi with a request to depute one suitable person for secretarial assistance and arrange for the logistics etc.

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Annex A1.2

F.No.4-52/2013-TS.VI
Government of India
Ministry of Human Resource Development
Department of Higher Education
Technical Section-VI

New Delhi, dated 7th April, 2014

ORDER

Sub: Constitution of a Committee to examine the comprehensive amendments in the Architects Act, 1972 as suggested by the Council of Architecture and other related issues-reg.

1. In partial modification of Order of even no. dated 6th March, 2014, it has been decided with the approval of Competent Authority to add the following as members of the Committee:
 - i) A nominee from AICTE - Member
 - ii) Ar. Prakash Deshmukh - member
President, IIA, Mumbai

Other members would be co-opted or invited by the Committee as and when needed.

2. Other terms and conditions of order dated 6th March, 2014 remain unchanged.

(Anil Kumar Singh)

Under Secretary to the Govt. of India

Tele: 23384897

To,

1. Chairman, AICTE, Janpath, New Delhi.
2. Sh. J. R. Bhalla, D-29, Defence Colony, New Delhi.
3. Sh. Hafeez Contractor, 29, bank Street, Mumbai – 400023.
4. The President, COA, India Habitat centre, Core 6A, 1st Floor, Lodhi Road, New Delhi-110003.
5. The Secretary, UGC, Bahadur Shah Zafar Marg, New Delhi-110002.
6. The Director, SPA, Vijaywada; S.No. 71/1, NH-5, Nidamanuru, Vijayawada-521104.
7. The Director, SPA, Delhi with a request to depute one suitable person for secretarial assistance and arrange for the logistics etc.
8. Ar. Prakash Deshmukh, President, IIA, Mumbai.

Annex A2.1

RECORD OF DISCUSSION OF THE COMMITTEE CONSTITUTED BY THE MHRD TO EXAMINE THE COMPREHENSIVE AMENDMENTS IN THE ARCHITECTS ACT, 1972 AS SUGGESTED BY THE C.O.A HELD ON THURSDAY, 3RD APRIL, 2014 AT 10.30 A.M.

IN THE CHAMBER OF THE CHAIR.

Members Present:

1. Shri J. R. Bhalla, Chairman
2. Shri Hafeez Contractor, Member
3. Shri K. P. Singh, Nominee of the Secretary, UGC
4. Prof. Dr. N. Sridharan, Member
5. Shri Rajesh Singh, Convenor

Prof. I. J. S. Bakshi, nominee of Council of Architecture could not attend the meeting due to other commitment.

The Chairman welcomed all the members of the committee and briefed that the MHRD vide their order dt. 6th March, 2014 has constituted a committee to examine the comprehensive amendments in the Architects Act, 1972

- (1) It was unanimously decided that Council of Architecture be requested to attend the meetings henceforth. It was decided that entire provisions of Act could be deliberated in four broad categories.
 - i) Constitution of Council
 - ii) Education
 - iii) Practice of Architects and Disciplinary matters
 - iv) Regulations & Reforms
- (2) The next meeting will have detailed deliberation of item (i) above, i.e. constitution of Council for which members may convey their points of view through email exchange between them, as a preparatory to the next meeting.
- (3) It was also suggested that other stakeholders whenever required would be invited to attend the meeting. It was decided that IIA representative be taken as regular member on the Committee and representative of Min. of Urban Development and Director, SPA, New Delhi could be co-opted members on the Committee.

The next meeting would be scheduled between 15-17 April, 2014.

Meeting ended with a vote of thanks to the Chair.

Annex A2.2

RECORD OF DISCUSSION OF SECOND MEETING OF THE COMMITTEE CONSTITUTED BY THE MHRD TO EXAMINE THE COMPREHENSIVE AMENDMENTS IN THE ARCHITECTS ACT, 1972 AS SUGGESTED BY THE C.O.A, HELD ON WEDNESDAY, 30TH APRIL, 2014 AT 10.30 A.M.

IN THE CHAMBER OF THE CHAIR.

Members Present

1. Shri J. R. Bhalla, Chairman
2. Shri Hafeez Contractor, Member
3. Prof. I. J. S. Bakshi, Nominee of CoA
4. Prof. Dr. N. Sridharan, Director, SPA V, Member
5. Dr. Avinash S. Pant, nominee of AICTE
6. Dr. Shakeel Ahmad, nominee of UGC
7. Shri Prakash Deshmukh, President IIA
8. Dr. Pawan Kumar, nominee of Chief Planner, TCPO
9. Prof. Uday Gadkari, President, CoA (Invitee)
10. Prof. Chetan Vaidya, Director, SPA D (Invitee)
11. Shri Rajesh Singh, Director, MHRD, Convenor

The Chairman welcomed the members including President, COA and other members of the Committee.

1. The previous records will get modified to the extent that Prof. Bakshi, nominee of the council could not attend.
2. There was unanimous view that Architect Act has served the purpose and withstood the test of time and there are certain new challenges arising out of the globalization and professional practice that needs to be addressed. Chairman also observed that Act has a good definition of the Architect and has served the purpose except that its implementation has been weak due to lack of appropriate supporting regulations and rules.
3. With regards to composition members, it was decided to have more representation of practicing Architects on the Council for which guidelines for nominating agency could be framed. A group consisting of Sh. Prakash

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Deshmukh; President IIA, Prof. Uday Gadkari; President COA, Shri Hafeez Contractor; Member, would provide details regarding guidelines including other areas of composition of the Council.

4. UGC and AICTE will provide specific notes on is concerned of Architects Act especially with regards to educational records, based on key pints provided by Prof. Chetan Vaidya.
5. The Group created will also make suggestions on architectural education.

The Group will also look into the foreign architectural Act of South Africa, RIBA etc. to define architectural service etc. if required for the next meeting.

The next meeting will be convened in the last week of May, 2014

The meeting ended with a vote of thanks to the Chair.

Annex A2.3

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RECORD OF DISCUSSION OF THE THIRD MEETING OF COMMITTEE CONSTITUTED BY THE MHRD TO EXAMINE THE COMPREHENSIVE AMENDMENTS IN THE ARCHITECTS ACT, 1972 AS SUGGESTED BY THE C.O.A HELD ON FRIDAY, 13TH JUNE 2014 AT 10.30 A.M.

IN THE CHAMBER OF THE CHAIRMAN.

Members Present:-

1. Shri J. R. Bhalla, Chairman
2. Prof. I. J. S. Bakshi, Nominee of CoA
3. Prof. Dr. N. Sridharan, Director, SPA V, Member
4. Dr. Avinash S. Pant, nominee of AICTE
5. Shri Prakash Deshmukh, President IIA
6. Dr. Pawan Kumar, nominee of Chief Planner, TCPO
7. Prof. Uday Gadkari, President, CoA (Invitee)
8. Prof. Chetan Vaidya, Director, SPA D (Invitee)
9. Shri Rajesh Singh, Director, MHRD, Convenor

Sh. Hafeez Contractor regretted his inability to attend the meeting. The representative of UGC did not attend the meeting.

The Chairman welcomed the members including President, CoA and other members of the Committee and agreed to CoA's request to allow Mr. Deepak Kumar to assist the CoA Member. Chairman will write to MHRD to grant extension of 4 months for completing the submission of report.

1. As regards the composition it was felt that membership of practicing architects has to be enhanced. There were views that AICTE representation should not be reduced from 2 to 1 and that there should be a nominee from the Design Council.
2. A Sub-committee has been formed comprising of i) Prof. Neelkanth Chhaya, ii) Prof. I.J.S.Bakshi, iii) Prof. V.P.Raori, iv) Prof. Akhtar Chauhan and v) Prof. Jagan Shah, who will look into the portions of the Act pertaining to education and "Recognized Qualifications" and make a suitable recommendation to this committee pertaining to architectural education within a period of 3 weeks. This will be preceded by a preliminary meeting with the Chairman Prof. J. R. Bhalla. Prof. Chetan Vaidya will co-ordinate the meeting of this sub-committee.
3. Another sub-committee for looking into the professional matter is also constituted to look into the professional matters pertaining to architects in this Act and submit its recommendations to this committee in 3 week after a preliminary meeting with

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Chairman Prof. J. R. Bhalla. The name for this committee will be notified by the Chairman.

The next meeting will be convened in the last week of July, 2014. The final date will be confirmed later on.

The meeting ended with a vote of thanks to the Chair.

Annex A2.4

RECORD OF DISCUSSION OF THE FOURTH MEETING OF COMMITTEE CONSTITUTED BY THE MHRD TO EXAMINE THE COMPREHENSIVE AMENDMENTS IN THE ARCHITECTS ACT, 1972 AS SUGGESTED BY THE COA HELD ON SEPTEMBER 26, 2014 AT 10.30 A.M. IN THE CHAMBER OF THE CHAIRMAN.

The Fourth Meeting of the Committee was held in New Delhi on September 26, 2014.

It was attended by:

- | | |
|---------------------------------------|----------|
| 1. Prof. J. R. Bhalla: | Chairman |
| 2. Prof. Dr. N. Sridharan: | Member |
| 3. Prof. I. J. S. Bakshi: | Member |
| 4. Prof. Prakash Deshmukh: | Member |
| 5. Dr. Shakeel Ahmad, Nominee of UGC: | Member |
| 6. Prof. Jagan Shah: | Invitee |
| 7. Prof. Uday Gadkary: | Invitee |
| 8. Ar. N. Badheka: | Invitee |
| 9. Prof. Chetan Vaidya: | Invitee |

Ar. Hafeez Contractor, Member and Mr. Rajesh Singh, Convener informed their inability to attend due to pre- occupations. Dr. Avinash S. Pant, nominee of AICTE and Nominee of Chief Planner, TCPO were not able to attend.

1. Committee reviewed the record of discussion of third meeting held on 13th June, 2014 and confirmed it.
2. The Committee was informed that Sub Committee on Education met on 2nd July 2014 and Sub Committee on Professional Issues met on August 20, 2014.
3. The Committee reviewed recommendations of Sub-Committee on Education and took the following decisions:
 - a. COA should continue to supervise architecture courses and not hand over regulation to another organization. The Education and Practice cannot be subdivided. MHRD may give clear directions to AICTE that architectural education will be supervised by COA. There should be a common entrance for all architecture courses.
 - b. The Council should be authorized to rank or accredit the institutions/courses as per the standards prescribed by it and should not be carried out by another agency. The council has to work out the ranking system at par with the National Board of Accreditation (NBA) system.
 - c. The EC of COA should be authorized to "suspend" an architecture course from admitting new students for one year after following necessary procedures as per rules. Necessary grievances authority for appeal should be set up within CoA for hearing the views of the suspended courses.

- d. COA should introduce a professional examination for Certificate of Practice.
- e. COA should introduce a professional examination.
- 4. Dr. Shakeel Ahmad, Nominee of UGC suggested definitions under the amended act should include UGC and degree should mean any such degree that is specified by UGC.
- 5. The Committee took note of discussions held in the Sub-Committee on Professional Issues. Major points for discussion on professional issues:
 - a. Should the act define architectural services? If No, should it be in rules. Any suggestions for proposed definition by COA?
 - b. Should there be a Certificate of Practice (COP)? If No, should the rules of registration changed to include a professional examination and minimum work experience?

There were extensive discussions on including definition of architectural services in the amended act. It was, generally, agreed that definition of services should be in rules and not in the act. Two options were suggested for this. Option One could be to include enabling provision in the act to include definition of services in the rules. Second option is to provide the definition in rules under Section 44 (2) (j) "any other matter which is to be provided by rules under this act".

As far as COP is concerned, two options were extensively discussed. Option one could be to continue to have registration of architects and then a COP after being employed for a minimum two years by any other architect who holds a COP. Option Two is to give registration after being employed for a minimum one year training by any other architect who holds a COP prior to registration.

There was general agreement that COA should introduce a professional examination.

These options will be discussed further. The Chairman desired that members/invitee should send their views within two weeks (11th October 2014).

The members were informed that Chairman has requested the Ministry for three months extension for the Committee.

The meeting ended with thanks to the Chairman.

Annex A2.5

RECORD OF DISCUSSIONS OF THE FIFTH MEETING OF THE COMMITTEE CONSTITUTED BY MHRD TO EXAMINE THE COMPREHENSIVE AMENDMENTS IN THE ARCHITECTS ACT, 1972 AS SUGGESTED BY COA, HELD ON SATURDAY, 15TH NOVEMBER, 2014

IN THE CHAMBER OF THE CHAIRMAN

Present:

- | | | |
|---------------------------|---|----------|
| 1. Shri J. R. Bhalla | : | Chairman |
| 2. Prof. I. J. S. Bakshi | : | Member |
| 3. Prof. Dr. N. Sridharan | : | Member |
| 4. Sh. Prakash Deshmukh | : | Member |
| 5. Ar. N. A. Badeka | : | Member |
| 6. Prof. Chetan Vaidya | : | Invitee |
| 7. Sh. Rajesh Singh | : | Convener |
| 8. Sh. A. K. Singh | : | Invitee |

Chairman welcomed the members of the committee and expressed that they have not resolved the issue of education and definition of architectural services. So let this be taken up during this meeting. The following was discussed:

- A. It was agreed that the regulation of Architectural education would comprise of the following:
- I. There would be entry level aptitude test for admission to architectural courses.
 - II. There would be exit level examination for the purposes of certificate of practice for registration as an architect.
 - III. The Act could provide for accreditation of architectural institutes based on the prescribed standards and its grading through independent accreditation body set up under the purview of the regulation.
 - IV. The COA can continue to provide minimum standards for architectural education to be followed country-wide.
- B. Regarding the inspection to de-recognize the qualifications for the purpose of de-recognition of the degree from the schedule to the Act be dispensed with as it won't be required for the purposes of registration.
- C. The definition of architectural services will be worked out to keep it brief and concise to the profession of the Act. The details can be provided for in the regulation on the wider contour as provided for in consonance with international Acts and practices so that architectural services could be traded internationally in future.

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Chairman requested that we must complete the report and submit to the Ministry within a month.

Chairman thanked all members for attending the meeting.

Annex A2.6

RECORD OF DISCUSSIONS OF THE MEETING OF THE SUB-COMMITTEE ON EDUCATION HELD IN NEW DELHI ON JULY 2, 2014

The Committee constituted by MHRD to examine the comprehensive amendments in the Architect Act, 1972 as suggested by C.O.A. a sub-committee was formed look into the portions of the Act pertaining to education and "Recognized Qualifications" and make a suitable recommendation to the committee pertaining to architectural education. A meeting of the Sub-Committee was held on July 2, 2014 in New Delhi. It was attended by:

- 1. Prof. Neelkanth Chhaya
- 2. Prof. I. J. S. Bakshi
- 3. Prof. V. P. Raori
- 4. Prof. Chetan Vaidya, Co-ordinator, Sub-Committee

Prof. Akhtar Chauhan and Prof. Jagan Shah were not able to attend this meeting due to pre- occupations. The Sub-Committee could not meet Prof. J. R. Bhalla as he was not well.

The Sub-Committee first discussed four major issues identified by one of the members. It made the following recommendations:

- 1. COA should continue to supervise architecture education institutions and not hand over regulation to another organization. The Education and Practice cannot be subdivided.
- 2. The Council should be authorized to rank or accredit the institutions as per the standards prescribed by it and should not be carried out by another agency.
- 3. The EC of COA should be authorized to "suspend" an institute from admitting new students for one year.
- 4. COA should introduce a professional examination before giving certificate of practice.

The members reviewed various proposed amendments in the Act dealing with education. It focused on proposed amendments in Sections 18, 19, 20, 25 and 45 (2). The members generally, agreed with the proposed amendments with the following suggestions:

- 1. Section 20 (1) (b): the term "representation" may be replaced by "recommendations".
- 2. Section 20 (2) and (3): Time period for appropriate Government may be increased from 30 to 60 days.
- 3. 45 (2) (e) : reference to "establishment of an institution" may be deleted. Proposed "penalty" should limited to "financial penalty."

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The Sub-Committee considered all other proposed amendments in regard to education and concluded them as valid and desirable amendments.

The Sub-Committee meeting ended with a vote of thanks to the Chairman.

Annex A2.7

RECORD OF DISCUSSIONS OF THE MEETING OF SUB-COMMITTEE ON PROFESSIONAL ISSUES HELD IN NEW DELHI ON AUGUST 20, 2014

The meeting of the Sub-Committee was held on August 20, 2014 in New Delhi. It was attended by the following:

1. Prof. J. R. Bhalla (Chairman)
2. Ar. Prakash Deshmukh,
3. Ar. N. Badheka,
4. Ar. Jagan Shah,
5. Ar. Dikshu Kukreja
6. Ar. C. R. Raju, and
7. Ar. Chetan Vaidya (Coordinator).

Mr. Bimal Patel, Ar. A. R. Ramanathan and Ar. Raj Rewal were not able to attend.

The members discussed the following:

- 1) Definition of Architectural Services;
- 2) Registration of Firms of Architects and LLPs of Architects;
- 3) Certificate of Practice (COP);
- 4) Scale of Fees;
- 5) Letters received from Consulting Engineers Association of India, and
- 6) Other Related issues.

The Sub-Committee/Committee has received comments/suggestions from: Ar. C. R. Raju, IIA Chapter Tamil Nadu, Ar. Bimal Patel, Ar. Sudhir Vohra, New Delhi, Ar. Indraneel Dutta, Bangalore Karnataka, Ar. Jit Kumar Gupta, Chandigarh, Ar. Ravi Kakar Former Chief Architect, CPWD, Ar. Vijay Garg, New Delhi, Ar. Sarat C. Bhatia Formerly Add. DG (Architecture), CPWD, Ar. Sunil C. Kabadi, Bangalore, Ar. Ranjit Singh New Delhi, Ar. D. Krishnarajan, Coonoor, Nilgiris, Tamil Nadu, Ar. Premendra Raj Mehta, New Delhi, Ar. Saleel Deshpande and Ar. N. K. Sharma, Ar. Ved Mittal of Ghaziabad Architects' Association, Ar. Abhishek Bij, New Delhi, Prof. Krishna Rao Jaisim Bangalore, Ar. P. T. Krishnan, Bangalore, Ar. Y. Narasimha Rao, Visakhapatnam, and Ar. Jayati Mukherjee, Kolkata were placed in the meeting.

It was decided that various members will exchange their suggestions. It would focus on definition of architectural services, Professional Examination, Certificate of Practice, Architectural Firms and Practice of Foreign Architects in India.

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Annex A2.8

RECORD OF DISCUSSIONS OF THE SIXTH MEETING OF THE COMMITTEE CONSTITUTED BY MHRD TO EXAMINE THE COMPREHENSIVE AMENDMENTS IN THE ARCHITECTS ACT, 1972 AS SUGGESTED BY COA, HELD ON MONDAY, 29TH DECEMBER, 2014

IN THE CHAMBER OF THE CHAIRMAN

Present:

- | | |
|-----------------------------|----------|
| 1. Sh. J. R. Bhalla : | Chairman |
| 2. Dr. N. Sridharan : | Member |
| 3. Sh. Prakash Deshmukh: | Member |
| 4. Prof. Avinash S. Pant: : | Member |
| 5. Prof. Uday Gadkary : | Invitee |
| 6. Prof. Chetan Vaidya : | Invitee |
| 7. Prof. Jagan Shah : | Invitee |
| 8. Sh. A. K. Singh : | Invitee |

Chairman welcomed the members of the committee. He said that the Architects Act has to be amended to meet changing trends of practice and better serve the society. The Committee discussed fourth draft of the report and following specific issues were discussed:

1. The definition of architectural services was finalized.
2. Setting up of independent board of accreditation for architectural services.
3. Role of COA and AICTE in regulation of architecture education.
4. Role of COA in provision for continuous professional development for renewal of registration.
5. Amendments needed in the main act versus in rules and regulations.

Prof. Avinash S. Pant Vice Chairman AICTE said recommendations pertaining to education should be suitably modified/deleted as AICTE is regulatory body for technical education as per statutory powers provided by the AICTE Act. He also submitted a letter to Chairman of the Committee (Annex A. 2.9). This letter was discussed in the meeting. Other members of the Committee did not accept this as education and profession cannot be separated.

Chairman requested that we must complete the report and submit to the Ministry early January 2015.

The Committee meeting ended with thanks of the Chairman.

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Annex A2.9

LETTER FROM AICTE

No. 1-AICTE/VCM/2014 dated 24th December 2014

Shri J.R.Bhalla,
Chairman,
Committee for Amendments to Architects Act 1972
D-29, Defence Colony,
New Delhi

Subject: Amendments in Architect Act, 1972.
Ref: 3rd Draft report received through e mail

Sir,

I am in receipt of third draft of the Committee Report with a request to offer my comments / suggestions in the matter. In this connection,

Out of the four meetings of the Committee (I was not a part of the Committee when its first meeting was held on 3rd April, 2014) conducted to deliberate on the issue, I was present in two meetings held on 30th April, 2014 and 13th June, 2014. As regards the meeting held on 26th Sept., 2014, I could not attend the same due to my preoccupation. However, I was not intimated of the meeting held on 15th November, 2014. I have the following observations to your kind notice on some of the recommendations as proposed in the third draft report.

- a) In the Executive Summary, major recommendations of the Committee are highlighted. The recommendation at 10th bullet (on page no.3 of the Executive Summary), states that.

. . . "COA should continue to have an entrance test for admission to the Architecture course. COA should prescribe minimum standards for Architecture education. The University / Institute offering the degree should maintain minimum standards. COA should have power to grant approval of courses."

In this context it is informed that All India Council for Technical Education Act, 1987 (Act no.52 of 1987) was enacted by the Parliament to provide for establishment of the Council with a view to achieve the objects of planned and coordinated development of technical education system throughout the country, promotion of qualitative improvement of such education in relation to planned

qualitative growth, regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith.

Under Section 2 (g) of the AICTE Act, "Architectural" is included under the "Technical Education" and the subject is squarely covered by the AICTE Act. Chapter III of the Act enumerates the powers and functions of the Council. Section 10 of the said chapter enjoins upon the Council to take all such steps as it may think fit for ensuring coordinated and integrated development of technical education and maintenance of standards.

I am of the opinion that a part of the above mentioned recommendation infringes upon the mandate given to AICTE to function as a regulatory authority for Technical Education through the statutory powers of its Act. Hence I request that this recommendation may be suitably modified.

- b) The recommendation at 3rd bullet (on page no. 3 of the Executive Summary), states that.....

"....Set up a committee or Independent Board for Accreditation and Assessment for Architecture course"

I am of the opinion that the proposed "Independent Board for Accreditation and Assessment" shall be an independent of the regulatory body / COA.

- c) Similarly, some of the issues associated with the recommendations at bullet No. 16 (on page no. 4 of the Executive Summary) appear to overlap with similar activities being carried out by AICTE through the statutory powers given by AICTE Act, 1987

- d) In view of the reasons cited at (a) above,

- i. The proposed amendments pertaining to clause "2.2.1-Education" category – stated at clause 21 (1) 21 (2), Clause 45 (1, 2 and e, g, h, j, k and l) as mentioned on page no 09 may also be deleted.
- ii. The contents of clause 3.2 on page number 17 and 18 need to be suitably modified by deleting the proposals related to 'Education'.

- e) Typographical error on page no 13 under clause 3.3(b) wherein it is stated that "One person" will be nominated by AICTE. It needs to be corrected to TWO persons, as can be seen on page no. 18 under clause 3.3- "Working of COA" under first bullet.

- f) The sub-Committee for education has also made certain recommendations as shown in the minutes of the 5th committee meeting (Annexure A 2.5 on page no. 30 of the draft report) of the Committee. It is seen that in the minutes of the 5th meeting of the Committee, it is stated that "the regulation of Architectural Education would be done by COA". I am not in agreement with the above mentioned recommendation.

g) The same has also been recorded in the discussions of the sub-Committee meeting held on 2nd July, 2014 (refer page no. 31 of the draft report) wherein it is stated that

“COA should continue to supervise Architectural institutions and not handover regulation to another organization. The education and practices cannot be sub-divided”.....

It is also to be noted that the sub-Committee on education did not have any representation from AICTE, which has the statutory powers for regulating technical education in the country as per the AICTE Act, 1987.

In view of the observations as detailed above, I once again request that all the recommendations pertaining to the “Education” part may be suitably modified /deleted, as AICTE is the regulatory body for technical education as per statutory powers provided by the AICTE Act.

In this connection I have already written to you vide my letter of even number dated 30th May, 2014 (copy enclosed) highlighting the AICTE point of view in respect of amendments to be carried out in COA Act. The same is once again reiterated.

Yours Sincerely

Avinash S. Pant
Vice Chairman, AICTE

Encl: As Above

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Annex B:

LIST OF ORGANIZATIONS AND INDIVIDUALS FROM WHOM SUGGESTIONS WERE RECEIVED BY THE COMMITTEE

ORGANIZATIONS

1. Indian Institute of Architects
2. Ghaziabad Architects' Association
3. Indian Association of Structural Engineers
4. Institute of Town Planners (India)

INDIVIDUALS

1. Ar. C.N.Raghavendran, Architect, Chennai
2. Mr. Peter Oborn, UK
3. Ar. N.A. Badheka, Mumbai
4. Ar. P.T. Krishnan
5. Ar. Indraneel Dutta, Bangalore Karnataka
6. Ar. Jit Kumar Gupta, Chandigarh
7. Ar. Ravi Kakar Former Chief Architect, CPWD
8. Ar. Vijay Garg, New Delhi
9. Ar. Sarat C Bhatia Formerly Add. DG (Architecture), CPWD, New Delhi.
10. Ar. Sunil .C.Kabadi., Bangalore
11. Ar. Ranjit Singh New Delhi
12. Ar. D. Krishnarajan, Coonoor, Nilgiris, Tamil Nadu
13. Ar. Premendra Raj Mehta, New Delhi
14. Ar. Saleel Deshpande
15. Ar. N. K. Sharma
16. Ar. Ved Mittal
17. Ar. B.R. Balachandran, CEPT University, Ahmedabad
18. Ar. R. K. Dwivedi, UP Architects Association, Lucknow